



JANUARY 2021

Planning Statement

18 Frognal Way, London, NW3 6XE

Iceni Projects Limited on behalf of
Fitzpatrick Construction Ltd

January 2021

ICENI PROJECTS LIMITED
ON BEHALF OF
FITZPATRICK
CONSTRUCTION LTD

Iceni Projects

London: Da Vinci House, 44 Saffron Hill, London, EC1N 8FH
Glasgow: 177 West George Street, Glasgow, G2 2LB
Manchester: 68 Quay Street, Manchester, M3 3EJ

t: 020 3640 8508 | w: iceniprojects.com | e: mail@iceniprojects.com
linkedin: [linkedin.com/company/iceni-projects](https://www.linkedin.com/company/iceni-projects) | twitter: @iceniprojects

Planning Statement
18 FROGNAL WAY, LONDON, NW3 6XE

CONTENTS

1.	INTRODUCTION	1
2.	SITE AND SURROUNDING AREA.....	2
3.	PROPOSED DEVELOPMENT.....	5
4.	PLANNING CONSIDERATIONS	6
5.	CONCLUSION	12

1. INTRODUCTION

1.1 This Planning Statement has been prepared on behalf of Fitzpatrick Construction Ltd ('the Applicant') in support of a householder planning application for a side extension at 18 Frogna Way, London, NW3 6XE ('the Site').

1.2 Specifically, this application seeks planning permission for the following development:

"Erection of a ground floor side extension"

1.3 This Planning Statement has been prepared by Icen Projects Ltd and provides the planning case in support of this application. It assesses the proposal in the context of the relevant adopted and emerging planning policy and guidance at national, regional and local levels.

The Submission

1.4 This Planning Statement should be read in conjunction with the other drawings, plans and documents submitted in support of this Application. The submission comprises:

- Application Forms and Certificate of Ownership;
- CIL Form 1;
- Site Location Plan;
- Existing and proposed drawings, including plans, sections and elevations.

2. SITE AND SURROUNDING AREA

- 2.1 The site is located at 18 Frognal Way, Hampstead and within the administrative boundary of the London Borough of Camden. It comprises a single storey (3 storeys at rear) detached residential dwelling. It is currently in use as a 5-bedroom family-sized residential property (Use Class C3).
- 2.2 The house is a large residential dwelling with living spaces on the ground floor, and bedrooms, gymnasium and swimming pool on the lower floors. The dwelling also has access to a large private rear garden, with associated terraces to the side and rear and a large driveway to the front of the property. When the property is viewed from the main entrance and the access from Frognal Way, it appears to be a modest dwelling of single storey. However, due to a number of previous extensions, the property benefits from substantial scale from the rear as it increases to three storeys due to a change in levels.
- 2.3 The core of the current ground floor (third floor from rear) consists of an open plan kitchen area which adjoins to a living and dining area. To one side of the living area is a garage and storeroom. To the other side of the core, is the entrance hall and stairs to the lower floors, and a side room which leads onto one of the three terraces. The main terrace is situated to the rear of the dwelling and stretches across the width of the property. The lower floors contain bedrooms and amenity facilities which include a swimming pool and gymnasium.
- 2.4 The Site sits on the southern side of Frognal Way, a residential street which hosts a number of other large detached residential properties. 18 Frognal Way has two neighbouring properties to the east and west. 4 Ellerdale Close lies to the east and is separated by a diagonal flank wall. 14 Frognal Way sits approximately 20m to the west, separated by a wall and mature trees.
- 2.5 Frognal Way sits to the southwest of Hampstead and is located in a largely residential area, with a Secondary school located to the south. The centre of Hampstead is accessed best on foot through a pathway to the north east of the property and facilities including a supermarket and pharmacy are within approximately 250m. Transport services are accessed through a number of bus services on the B511 and A502 or Hampstead Underground station, all to the east the Site and within walking distance.
- 2.6 The property is not listed but is within the boundaries of and on the southernmost edge of the Hampstead Conservation Area, where the property is identified as making a positive contribution to the area. The Site sits within Flood Zone 1.

Planning History

2.7 The Site has a number of recent previous planning applications that are relevant to this application, the significance of which is explored further in the background section below.

Reference	Registered	Description	Decision
2020/2892/P	29/07/20	Erection of two rear ground floor (third floor to the rear elevation) extensions	Withdrawn
2020/0986/P	09/04/20	Erection of two rear ground floor (third floor to the rear elevation) extensions	Dismissed at appeal
2014/1743/P	21/07/14	Amendments to planning permission 2009/0603/P dated 06/10/2009 for the excavation of basement level below existing dwellinghouse and approved extension to enlarge the basement for additional ancillary residential accommodation. Amendments include enlargement of basement floor at front; addition of plant rooms; installation of swimming pool; provision of decked garden terrace & alterations to rear garden levels; insertion of doors and windows at basement level; alterations to fenestration; railings & ironworks; and installation of services enclosure. (part-retrospective).	Granted
2009/0603/P	03/04/09	Excavation of basement level below existing dwellinghouse and approved extension to enlarge the basement for additional ancillary residential accommodation.	Granted

Background

2.8 18 Froggnal Way is a large, detached property within the area of Hampstead and the London Borough of Camden. When viewed from the front on Froggnal Way, the property appears to be a modest dwelling, but from the rear expands significantly to form a large and impressive detached residential property. Due to the properties unique design, it has undergone a number of extensions and alterations when compared to the original dwelling, the most significant of which is an application from 2009 (Ref: 2009/0603/P) and associated amendments (Ref: 2014/1743/P). This application added a significant amount of floorspace to the dwelling through a basement excavation and detailed landscaping designs.

-
- 2.9 Most recently an application (Ref: 2020/0986/P) was submitted to the Council in April 2020 for the:
- “Erection of two rear ground floor (third floor to the rear elevation) extensions.”*
- 2.10 The proposed extensions were symmetrical in design and largely made of glass that extended from the rear ground floor (third floor at rear) onto the existing large terrace, which would then be enclosed by the proposed alterations. This extension was designed to increase the ground floorspace and living area of the dwelling, creating a larger open plan kitchen with views over the terrace and rear landscaped garden.
- 2.11 This application was refused by officers on the 18th May 2020 on the basis of design and impact on the Hampstead Conservation Area. It was thought that the proposals would harm and disrupt the proportions of the building, and therefore would be detrimental to the character of the property and in turn the Conservation areas. This was therefore seen as contrary to policies D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017 and policies DH1 (Design) and DH2 (Conservation areas and listed buildings) of the Hampstead Neighbourhood Plan 2018. No objection was raised by officers in terms of loss of privacy, daylight/sunlight and sense of enclosure.
- 2.12 This decision was appealed by the Applicant as there were concerns regarding the manner in which the application was determined, including failures to make relevant representations available and the Council not communicating in an appropriate manner with the Applicant. Of more relevance to this application, the decision was also appealed on the basis of reasons for refusal and the impacts upon the Conservation Area. It was argued that the character of the Conservation Area is sought through a varied mix of architectural styles but each dwelling is seen as consistent to its own particular style. The point was also raised that due to the previous significant alterations and extensions to the relevant property, that the precedent had been set for a particular style and design of extension for the property and Conservation Area.
- 2.13 The appeal was dismissed on the 28th September 2020. The inspector commented and appreciated that the property makes a positive contribution to the character of the Hampstead Conservation Area and that previous alterations had successfully considered the appearance of the building and area reflected in its symmetry. However, the proposed two rear extensions were thought to be seen as ‘top heavy’ and protrude out of the original dwelling. The inspector also noted that due to the flat roofs of the proposed additions, these would sit under eaves and this would detract from the unique look of the dwelling. It was therefore deemed that the proposals would result in harm to the Conservation Area.

During the time between the refusal of Ref: 2020/0986/P and the following appeal, the Applicant submitted a further application (Ref: 2020/2892/P) which attempted to address the concerns of the Council. This was later withdrawn by the Applicant.

3. PROPOSED DEVELOPMENT

- 3.1 This planning application seeks a side extension of the property at 18 Frognal Way to provide a more functional and optimised ground floor layout.
- 3.2 The design of the proposals follows previously larger proposals to the rear of the property which also attempted to optimise the layout and living area of the ground floor of the property.
- 3.3 The current proposals are of significantly reduced scale and no longer alter or extend the rear of the property and look to introduce a small extension to the eastern side.
- 3.4 The key features of the proposals consist of:
- Side extension to the east into existing side terrace and associated landscaping.
 - Reconfigured internal layout accordingly to maximise floorplate and provide a more functional living space.
- 3.5 The proposals have been carefully designed to create additional floorspace at ground floor level while not harming the character and positive contribution of the property towards the Hampstead planning considerations

4. PLANNING CONSIDERATIONS

4.1 This section of the Planning Statement defines the Development Plan and assesses the proposed development against the relevant adopted and emerging planning policy and guidance at national, regional and local level.

Planning Policy Framework

4.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning decisions must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

4.3 The updated National Planning Policy Framework (NPPF) was published in February 2019 and sets out the Government's economic, environmental and social planning policies. The NPPF outlines a presumption in favour of sustainable development as being at the heart of the planning system.

4.4 The relevant Development Plan for the site consists of:

- The London Plan (2016);
- The Camden Local Plan (2017).

4.5 Material considerations include the National Planning Policy Framework (2019) as well as a number of supplementary planning documents, Camden Planning Guidance (CPGs). In the context of this application CPG 'Altering and extending your home' (March 2019) is of particular relevance.

4.6 The location of the Site and property results in the Hampstead Neighbourhood Plan (2018) and the Hampstead Conservation Area Statement (2001) also being of relevance.

4.7 The Greater London Authority (GLA) is in the final stage of publishing the New London Plan. On 21 December 2020, the Mayor approved the 'Publication London Plan' which addresses previous directions from the Secretary of State. The SoS has 6 weeks from this date to respond with either approval of the Plan or to request a further extension of time.

Planning considerations

4.8 The relevant planning considerations associated with this application include:

- Principle of side extension;

-
- Heritage and Design; and
 - Neighbouring amenity;

4.9 Each consideration is assessed in turn below

Principle of side extension

- 4.10 The principle of providing residential extensions at the site has already been established due to the significant number of alterations and extensions that have been initiated to the property over many years, most notably the consolidated application Ref: 2014/1743/P. Policy at national and local levels encourages the optimisation of existing housing stock where possible, and proposals to improve under-utilised buildings that can help meet identified needs for housing. It is considered that the current proposals contribute towards these aims.
- 4.11 The NPPF (2019) seeks to promote the effective use of land to help significantly boost the supply of housing. Paragraph 118c and paragraph 118d states that substantial weight should be given to the use and development of brownfield land and under-utilised land and buildings, particularly where it would help to meet identified needs for housing.
- 4.12 London Plan Policy 3A.5 Housing choice requires local authorities to ensure that new development offers a range of housing choices.
- 4.13 The Publication London Plan (2020) policy D3 notes that all development must make the best use of land by following a design- led approach that optimises the capacity of sites, whilst also responding to the existing character of a place. Policy H9 also notes that boroughs should promote efficient use of existing housing stock to reduce the number of vacant and under-occupied dwellings. Due to the advanced and final stages of the Publication London Plan, these policies although not adopted can be attributed significant weight accordingly.
- 4.14 At a local level, Camden's Local Plan Policy H7 'Large and small homes' notes the shortfall and need to protect larger homes within the borough that are suitable for families, due to a higher need and lower provision.
- 4.15 The proposals are considered to optimise the existing ground floor living space to create a larger and more functional kitchen and dining area that is beneficial for the current and future occupiers of the property.
- 4.16 The provision of additional living space allows the property to host a more functional and practical shared ground floor that supports the substantial lower floors in terms of bedroom capacity and amenity space.

Design and Heritage

- 4.17 The previous proposals of two symmetrical extensions to the rear were judged to be harmful to the Conservation Area due to the negative effects of the design upon the property and its proportions.
- 4.18 Camden's Local Plan Policy D1 'Design' notes that the Council will seek high quality design in development, with several criteria, notably including requiring development to respect local context and character, comprises details and materials that are of high quality and complement the local character, preserves strategic and local views; and for housing, provides a high standard of accommodation. It further notes that the Council will resist development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 4.19 Policy DH1 of the Hampstead Neighbourhood Plan (2018) requires development to contribute in a positive manner towards the history and character of the area. Development proposals should be sympathetic to established building lines and to positively to existing rhythm and proportion.
- 4.20 Further specific design guidance in relation to household extensions is provided within the Council's CPG 'Altering and extending your home' (March 2019). This notes good practice principles for extensions including:
- "The addition or alteration must compliment the property without eroding or harming its character and the surrounding area or having a negative impact on neighbouring amenity."* (Para 2.2)
- 4.21 Specifically, in relation to extensions, it notes several criteria in order to achieve these above aims. An extension should:
- a) *be secondary to the building being extended, in relation to its location, form, scale, proportions, dimensions and detailing;*
 - b) *be built from materials that are sympathetic to the existing building wherever possible*
 - c) *respect and preserve the original design and proportions of the building, including its architectural period and style;*
 - d) *respect and preserve existing architectural features, such as projecting bays, decorative balconies or chimney stacks;*
 - e) *respect and preserve the historic pattern and established townscape of the surrounding area, including the ratio of built to unbuilt space;*

f) *not cause a loss of amenity to adjacent properties with regard to daylight, sunlight, outlook, light pollution/spillage, privacy. Please ensure the extension complies with the 45 degree test and 25 degree test as set out in the CPG for Amenity – or demonstrate BRE compliance via a daylight test.*

g) *allow for the retention of a reasonably sized garden;*

h) *retain the open character of existing natural landscaping and garden amenity, including that of neighbouring properties, proportionate to that of the surrounding area.*

i) *allow for the retention of wildlife corridors, in particular at the end of streets*

(para 3.1)

4.22 Furthermore, additional guidance states that side extensions should be:

- Located adjacent to the side and rear elevations of the building;
- Subordinate to the original building in height and scale;
- No taller than the porch; and
- Set back from the main building.

4.23 The CPG also states that the infilling of gaps will not be acceptable where:

- Significant views or gaps are compromised or blocked;
- The established front building line is compromised;
- The architectural symmetry or integrity of a composition is impaired;
- The original architectural features on a side wall are obscured; or
- Access to the rear of a property is lost.

4.24 The proposed side extension has been specifically designed to keep in character with the context of the dwelling and the local area. The addition of a side extension would enable the property to maintain a high level of design throughout and extend the suitable living accommodation that provides collective space for residents and large number of bedrooms that are provided within the lower floors.

-
- 4.25 The design of the side extension is considerate to the current design of the property and is considered subordinate. As identified by officers in the most recent previous application (Ref: 2020/0986/P) a the keeping of the symmetrical design throughout the property is important. Symmetrical design is maintained to the front as the modest height and restriction to one storey does not protrude over the existing privacy screen. While it could be argued that a symmetrical design has not been adhered to at the rear, the extension is set back from the rear façade and the design has kept to the existing roofline, and the low increase in one storey from the terrace does not detract or damage the overall design. The addition of landscaped trees to the east of the extension and within the terraced boundary carries on this line towards the natural drop of the rear terrace steps.
- 4.26 The proposed side extension is sat back from the main building from the front and the rear and does not extend further to the side than the lower floors of the house and is therefore proportionate. The side extension keeps to the same roofline as the porch and frontage of the building and is therefore in keeping with the guidance set out in the CPG.

Heritage

- 4.27 18 Frognal Way is identified in the Hampstead Conservation Area as making a positive contribution towards the area, and although the dwelling is not identified as a listed building, it is part of a group of residential properties that are identified as important in their own right.
- 4.28 The Hampstead Conservation Area Statement (2001) requires that side extensions that are seen to infill are resisted and that important gaps between buildings should not be compromised. Side extensions are required to be single storey and set back from the front building line.
- 4.29 Policy DH2 of the Hampstead Neighbourhood Plan requires development to take advantage of opportunities to enhance the Conservation Area by restoring and adding appropriate architectural features.
- 4.30 As already identified the proposed extension does not detract from the buildings natural design and is modest in its addition. The design of the extension has been carefully thought out to be in keeping with the positive enhancement towards the Conservation Area.
- 4.31 The extension does not infill an important gap as it extends out on an already existing side terrace. The side terrace however remains to the north and frontage of the building with access down to the rear terrace. In keeping with the HCAS and CPG, the extension is of one storey and as already established is set back from the front building line.

Neighbouring amenity

- 4.32 Camden's CPG 'Altering and extending your home' notes at paragraph 3.1 points f and h, that extensions must not cause a loss of amenity to adjacent properties with regard to daylight, sunlight, outlook, light pollution/spillage, privacy and must retain the open character of existing natural landscaping and garden amenity, including that of neighbouring properties, proportionate to that of the surrounding area.
- 4.33 Policy DH1 of the Hampstead Neighbourhood Plan requires that development protects the amenity and privacy of neighbouring properties.
- 4.34 Previous applications for this property, most notably the Ref: 2020/0986/P, officers commented that there were no concerns over daylight, outlook, and privacy for extensions at the rear. Although the extension for this proposal is at the side, it is of a lot smaller proportion than previous proposals. As the proposal extends into an existing side terrace, it does not protrude onto open space between the neighbouring property of 4 Ellerdale Close which is the closest property to the proposed extension.
- 4.35 Effects of the proposed extension on neighbouring amenity are reduced even further due to the existing privacy screen that borders 18 Frogal Way and 4 Ellerdale Close.

5. CONCLUSION

- 5.1 This Planning Statement has been prepared in support of a planning application that seeks an external side extension to create a more useable and functional ground floor of a residential dwelling 18 Frognal Way, London, NW3 6XE. Planning permission would allow for the current dwelling to be optimised to create a functional kitchen and living area, with access to the side terrace.