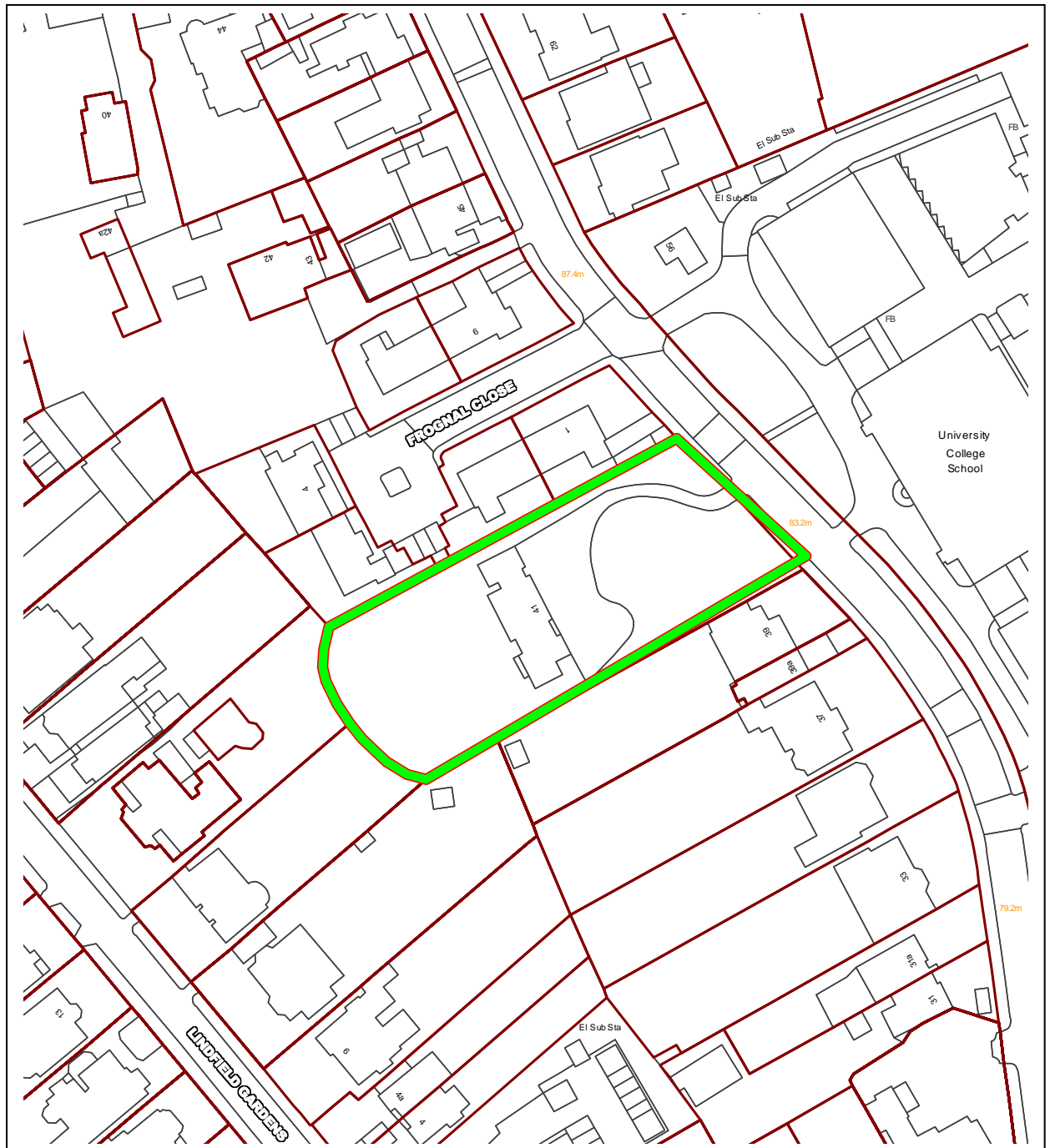
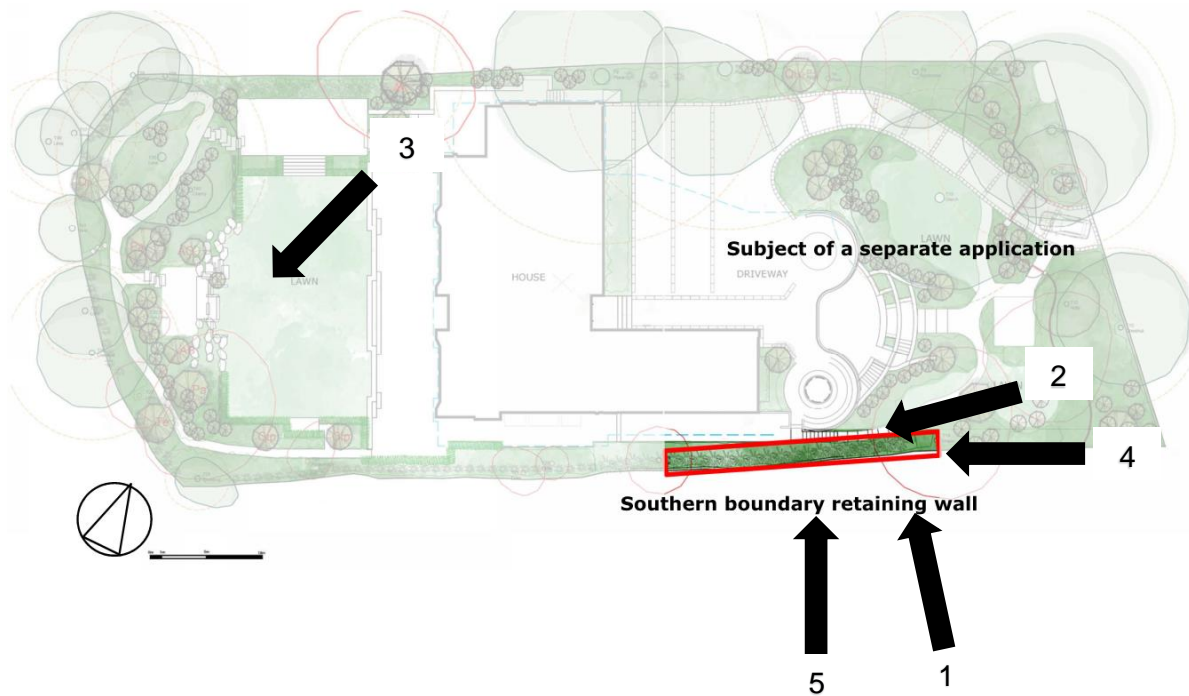


2020/1391/P - 41 Frognal, NW3 6YD



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2020/1391/P - 41 Frognal, NW3 6YD



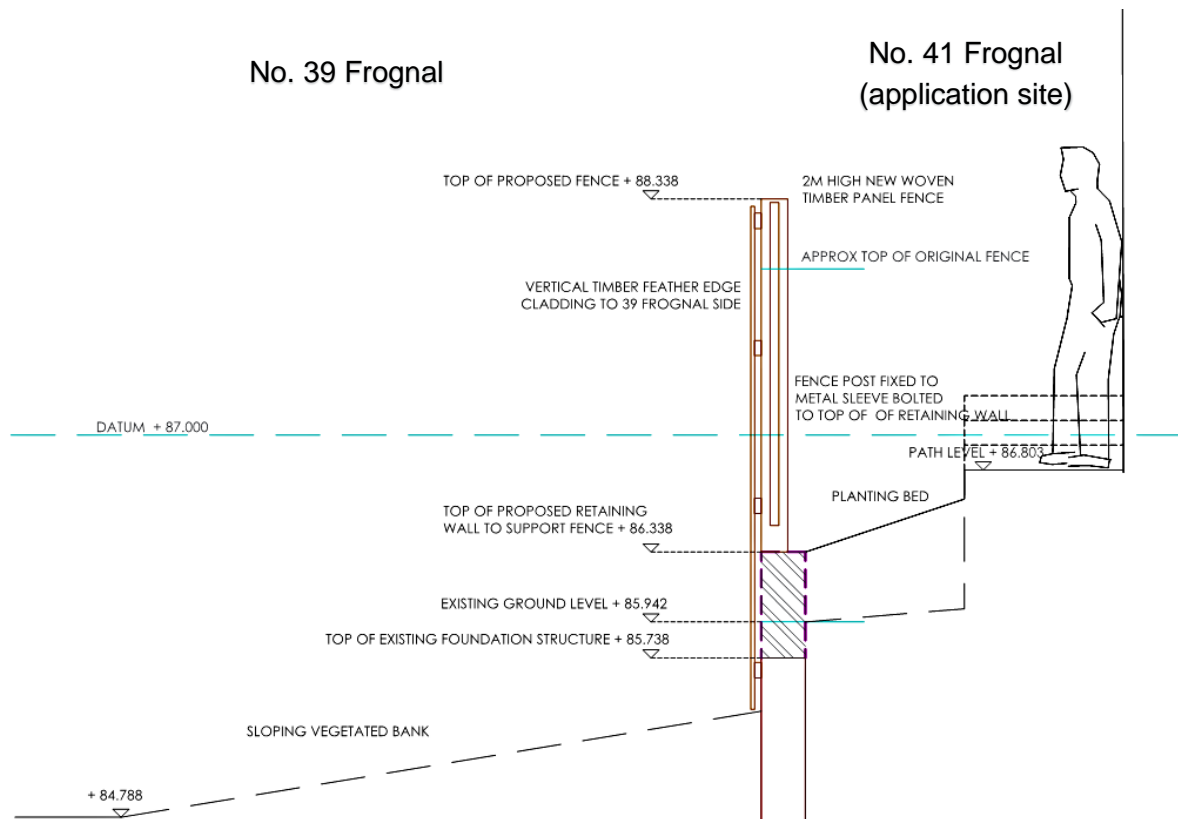
1) View of no.41 Frognal's southern boundary wall showing the footing of the proposed boundary wall. Photo taken from the rear garden of no.39 Frognal.



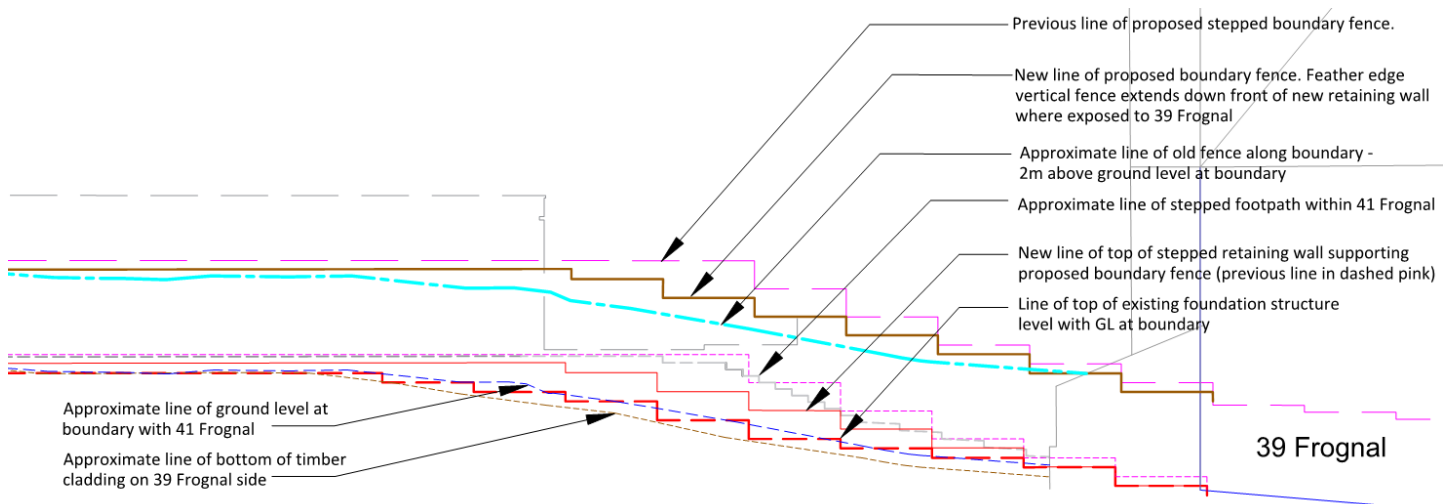
2) Photo taken along the southern boundary wall of no.41 looking alongside the retaining wall with no.39 Frognaal.



3) Photo of recently consented north-western boundary treatment (ref: 2020/1740/P dated 02/10/2020).



4) Example section of proposed fence and retaining wall. Note that the fence height varies along the boundary (due to the topography of the site), and ranges from approximately 2m high to 3.6m high taken from no.39.



5) Taken from no.39. The brown line shows the height of the proposed retaining wall and fence, with the turquoise showing the former fence height. The height of the proposed retaining wall and fence varies; in parts it is 200mm higher than previously on site, with a maximum increase of 1.8m (ranging from a 2m-3.6m height from no.39).

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:	13/05/2020
		N/A		Consultation Expiry Date:	24/05/2020
Officer				Application Number(s)	
Joshua Ogunleye				2020/1391/P	
Application Address				Drawing Numbers	
41 Frognal London NW3 6YD				See decision notice	
PO 3/4	Area Team Signature	PO 3/4	Area Team Signature		
Proposal(s)					
Construction of a retaining wall and timber fence along a section of the southern boundary					
Recommendation(s):		Grant planning permission			
Application Type:		Householder			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				
Consultations				
Adjoining Occupiers:	No. of responses	01	No. of objections	01
Summary of consultation responses:	<p>Four site notices were displayed on Frognal and Frognal Close</p> <p>Site notice displayed 29/04/2020 to 23/05/2020 Press advert published 30/04/2020 to 24/05/2020</p> <p>1 letter of objection was received from the owner/occupier of no. 39 Frognal. The response can be summarised as follows:</p> <ol style="list-style-type: none">1. The proposed reinforced concrete retaining wall was built last summer.2. The original fence was 1.8 metres high, and followed the line of the slope at our boundary line. At around a third of the way along the boundary from the house. Adding the 2m fence would give a 3m fence.3. This makes us feel mentally pressured and claustrophobic in our own homes and gardens – this is unfair and unnecessary. The extra height and bulk of the house and very large garages already block the sunlight into our garden and indoor living areas in late afternoon. This is an intrusion, and the proposed higher fence would only make this worse.4. We ask for the wooden fence to be limited to 1.8m as before, and for the bamboo to be replaced with native trees and bushes which fit with the rest of the gardens all around. <p><u>Officer response:</u></p> <ol style="list-style-type: none">1. Officers note the construction of the boundary wall footing to be in support of the ongoing works on the site. However the proposed fence panels are yet to be installed. The part retrospective nature of the works has no impact on its assessment, and it is assessed in the same way as a prospective application.2. Revised drawings have been submitted since these comments reducing the height of the fence. The fence now ranges in height (due to the topography of the land) from being the same height as the previous fence, to a maximum increase of 1.8m from the previous situation. Further details are included in section 4 of this report.3. The relevant comments on the proposed boundary treatment's design and form has been addressed in section 4 of this report. The impact on neighbouring amenity is addressed in section 5 of this report.4. The planting of bamboo on the boundary does not form a part of this application, though is assessed under a pending application for hard and soft landscaping details on this site (ref: 2020/0988/P). This application relates solely to the construction of a retaining wall and			

	<i>timber fence on the southern boundary of the site.</i>
Hampstead Conservation Area Advisory Committee (CAAC)	<p>The Hampstead Conservation Area Advisory Committee (CAAC) objected to the application. Their objection is summarised as follows:</p> <ol style="list-style-type: none"> 1. Reading from no.39's objection, the application appears to be partially retrospective in that the concrete base for the wall has been built. It seems the difference in ground level between the properties 41 and 39 is to justify a wall and fence proposal we consider after review to be unnecessary. 2. We note that at least partial but apparently substantial planting screen that existed at some recent time at 41's south boundary prior to their works. We are therefore concerned that such planting was removed specifically and solely to allow for 41's works of apparent preparation for this proposal. There appears no application for this among the 6 previous applications consented. Were they no. 41's trees etc.? They appear aligned on 39's side. No.39 appear to have had no notice of the trees removal and/or felt they had no control over the matter. They say they plant new stock on their side. 3. We ask if there were any proposals or requirements for replacement planting as compensation for this considerable loss to the original bio-diversity contribution. <p><u>Officer Response:</u></p> <ol style="list-style-type: none"> 1. <i>Officers note the construction of the boundary wall footing to be in support of the ongoing works on the site. However the proposed fence panels are yet to be installed.</i> 2. <i>Officers note that the current application has not proposed any tree works. Reports of unauthorised tree works have been forwarded to enforcement officers who shall investigating matters in detail.</i> 3. <i>An application to introduce soft landscaping and planting within the curtilage of no.41 Frognal is currently under consideration (application reference 2020/0988/P).</i>

Site Description

The property is a single family dwellinghouse set within a large plot with long front and rear gardens.

The building is not listed, though it is noted as making a positive contribution to the Redington/Frognal Conservation Area.

Relevant History

2020/0988/P - Approval of Condition 5 (Hard and soft landscaping) granted under reference 2019/1979/P dated 14/01/2020 for erection of timber-clad outbuilding and bin store in front garden and 4 brick gate piers along front boundary enclosure – Application pending consideration

10/08/2020 - planning permission ref 2020/0419/P granted for Erection of single storey garden pergola (retrospective).

14/01/2020 - planning permission ref 2019/1979/P granted for Erection of timber-clad outbuilding and bin store in front garden and 4 brick gate piers along front boundary enclosure

10/04/2019 - Certificate of Lawfulness for Proposed Development ref 2018/4115/P granted for- Erection of 2m high entrance gates, piers and timber fences in the front garden set back from front boundary.

07/08/2018 - planning permission ref 2017/5234/P granted for- Variation of condition 3 (approved plans) of planning permission dated 17.5.17 ref 2016/4558/P (for Partial demolition and new build behind retained façade comprising a lower ground floor extension; ground, first and second floor extensions to the front, side and rear; first and second floor rear terraces to provide a 7-bedroom single dwellinghouse).

Relevant policies

National Planning Policy Framework (2019)

London Plan (2016)

Intend to publish London Plan (2019)

Camden Local Plan (2017)

A1 Managing the impact of development

A3 Protection, enhancement and management of biodiversity

D1 Design

D2 Heritage

CC3 Water and flooding

Draft Redington Froggnal Neighbourhood Plan (2019) - revised draft submitted in 2020.

SD4 Sustainable Design and Redington Froggnal Character

SD 5 Dwellings: Extensions and Garden Development

BGI 2 Front and Side Gardens / Front Boundary Treatments

Camden Planning Guidance

CPG Design (2019)

CPG Amenity (2018)

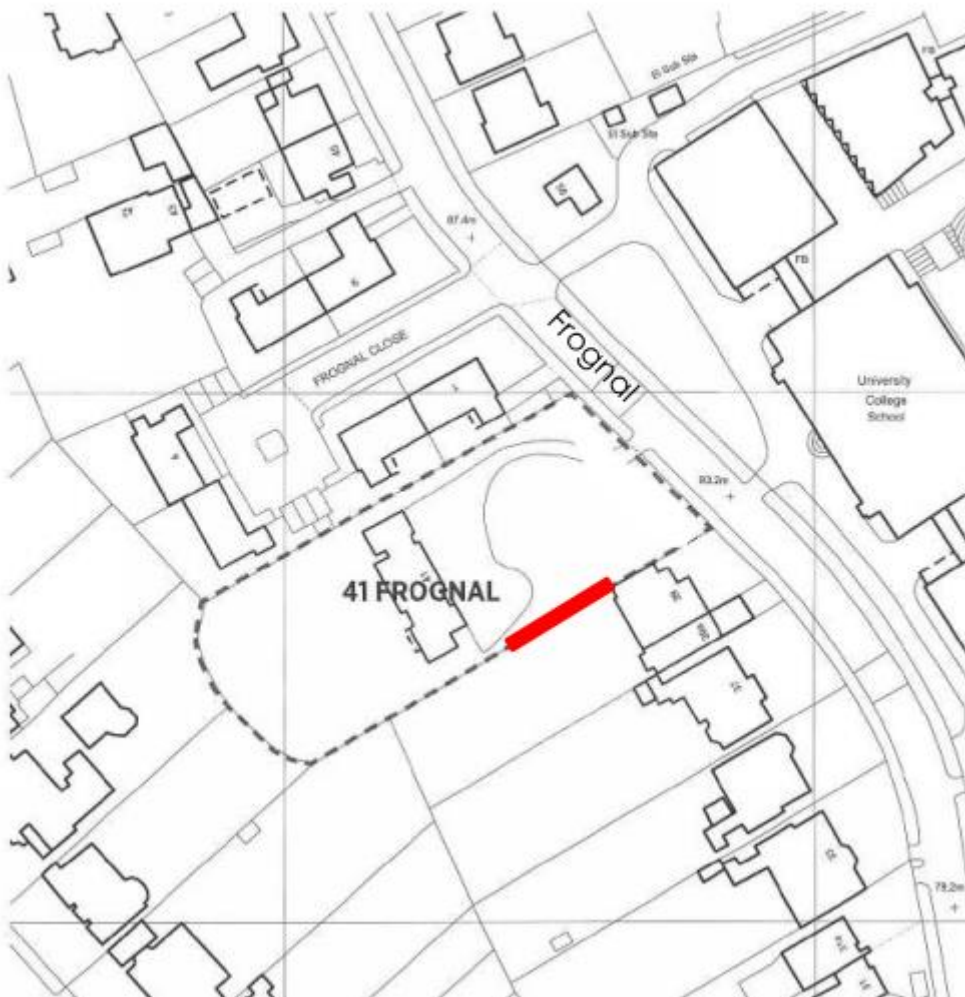
Redington Froggnal Conservation Area Statement (2000)

Assessment

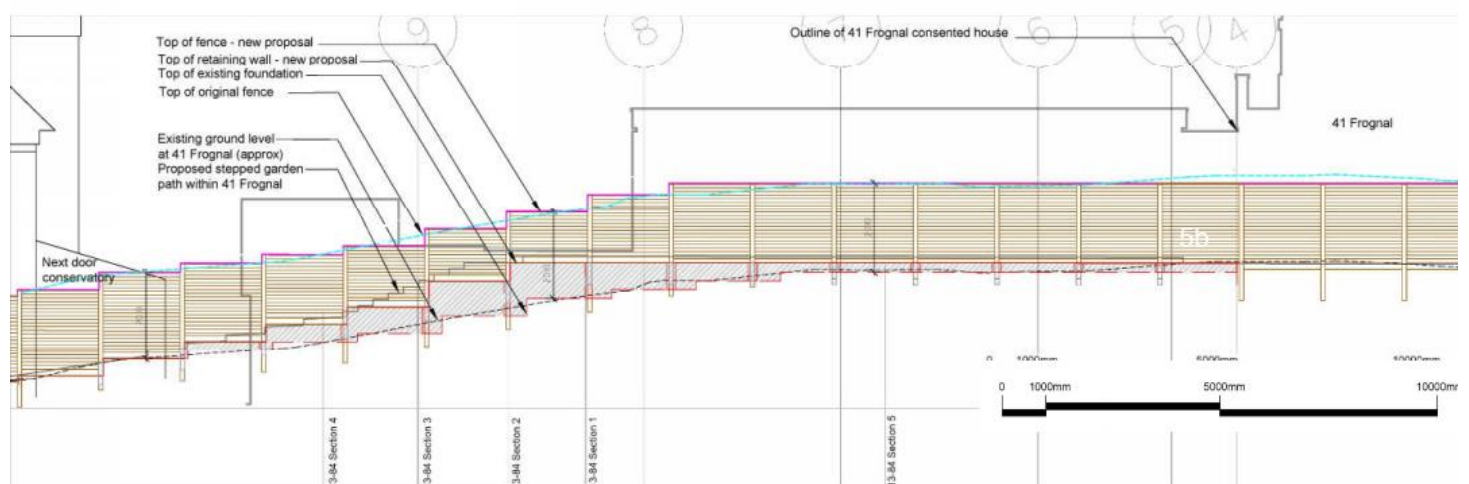
1.0 Proposal

1.1. The application seeks consent to construct a retaining wall and timber fence along a section of the southern boundary of the site. The proposed boundary treatment comprises a concrete footing and timber panel fencing. The proposed fencing would have a height of 2m (taken from

the ground level of the application site) along its length. The wall would vary in height taken from the ground level of no. 39 Frognal (given the drop in ground level) though would generally be between 2m and 3.6m in height.



Location of proposed wall



Elevation of proposed wall (revised)

2.0 Revisions

- 2.1 Revised drawings were submitted showing the proposed boundary fences with reduced height. When originally submitted the boundary fence measured 2.4m high taken from no.41, which has

now been reduced to 2m.

- 2.2 The amendments were uploaded to the Council's website on 23rd of September for public viewing, though no formal consultation on the amendments was required.

3.0 Assessment

- 3.1 The main issues to be considered as part of the assessment of the proposal include:
- Design
 - Amenity

4.0 Design

- 4.1 Policy D1 (Design) of the Camden Local Plan states that the Council will seek to secure high quality design in all cases. This policy states that in order to demonstrate high quality, developments should meet several criteria including: respecting local context and character; be sustainable and durable and comprise details and materials that are of high quality and complement the local character. It continues to state 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.
- 4.2 Policy D2 (Heritage) states that within conservation areas the Council will require that development preserves or, where possible, enhances the character or appearance of the area.
- 4.3 The proposed timber fencing would run along the boundary of no.39 and no.41 Froggnal to a length of 33 metres into the rear garden area. It would comprise a concrete retaining wall as its footing which also acts as a retaining wall along the boundary. The proposed timber fence panels would run the length of the proposed retaining wall. The proposed fencing with its height of 2m would be 200mm higher than the pre-existing boundary fence, which it would replace. This would be about 3.6m when measured from the neighbouring property, due to level changes.
- 4.4 It is acknowledged there is a ground level difference between the application site (no.41) and no.39 which the boundary fence would face. This can be seen on image 4 of the attached photo sheet. As such, whilst the fence height would generally be 2m tall from no.41, the fence would vary in height from the perspective of no.39 from between approximately 2m, and 3.6m. It is acknowledged that the fence and retaining wall would replace a pre-existing fence in a similar location. The height increase would vary along the boundary (see image 5 of the attached photo sheet), but would range from being 200mm higher than the previous fence, and up to a 1.8m increase (approximately 2m-3.6m in height). Whilst the height of the wall and fence would be an increase on the previous boundary treatment, it is considered to be of an acceptable design and would not result in harm to the character and appearance of the property or surrounding area.
- 4.5 The proposed panels would not be immediately visible from the public realm. Officers consider its timber frame and form would have an acceptable impact on its setting when viewed from the rear gardens of neighbouring properties. It is considered that the proposed fencing's form would not appear out of character within a rear garden setting. Officers note that its visual bulk and massing would follow the form of the site's sloping rear garden area as such the proposed fencing would not appear overbearing within its context.
- 4.6 Considerable importance and weight has been attached to the harm and special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under and s.72 of The Planning (Listed Buildings and Conservation Areas)

Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

- 4.7 The proposed development is in general accordance with policies D1 and D2 of the Camden Local Plan 2017, the Draft Redington Frognal Neighbourhood Plan and the proposed development also accords with the London Plan 2016; and the provisions of the National Planning Policy Framework 2019.

5.0 Amenity

- 5.1 Policy A1 (Managing the impact of development) confirms that the Council will not grant permission for development that would result in harm to the quality of life for surrounding occupiers and neighbours. For a development of this kind, the main considerations outlined by this policy would be impacts in terms of daylight/sunlight and outlook.

Daylight/ Sunlight

- 5.2 Officers have given consideration to the proposed boundary wall's impact on the property at no.39 Frognal and note that the proposed boundary wall's fluctuating height follows the form of the rear garden's sloping topography. Ground level immediately to the rear of no.39 is lower than land at the furthest end of the rear garden area. Areas close to rear elevation of No.39's have a steeper slope, in this context the proposed boundary wall's height would range between 2.1-2.4m.
- 5.3 Officers consider the height of fencing close to the rear elevation of no.39 would be similar to existing and be sufficiently set down, as such would not give rise to a harmful sense of enclose. The proposal is also considered not to result in undue harm to the daylight/sunlight of occupiers of no.39.
- 5.4 The sections of the fencing with the highest increase would generally be contained to the rear garden of no.39, where the section of the garden is predominately open and unobstructed. It should be noted that these are generously proportioned garden spaces. In this instance, the proposal is considered not to compromise the quality of amenity space within the rear, nor to unduly harm the daylight/sunlight levels reaching no.39.

Privacy

- 5.5 It is noted that section of the boundary close to the rear elevation of no.39 would be impacted by incidental overlooking from users of the nearby staircase. Officers consider any overlooking impact would not be significant enough to warrant the refusal of this application, given that the proposed boundary wall height along this section would be similar to existing.

Outlook

- 5.6 Given the separation distance of the neighbouring property to the proposed retaining wall and fence, coupled with the height of the fence would not result in undue harm to neighbouring outlook.

6.0 RECOMMENDATION

- 6.1 Grant conditional planning permission

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday

18th January 2020, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

Application ref: 2020/1391/P
Contact: Joshua Ogunleye
Tel: 020 7974 1843
Email: Joshua.Ogunleye@camden.gov.uk
Date: 11 January 2021

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

Phone: 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk

DP9
100
Pall Mall
London
SW1Y 5NQ

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Householder Application Granted

Address:
41 Frognal
London
NW3 6YD

DECISION

Proposal:

Construction of a retaining wall and timber fence along a section of the sites southern boundary
Drawing Nos: Site Location Plan (Received 13/07/2020)
Retaining Wall at 41 Frognal Southern Boundary RevB, 2160-P-80 Rev C, 2160-P-84 Rev C, 2160-P-85 Rev C (Received 07/01/2020)

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 and D2 of the London Borough of Camden Local Plan 2017.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans Site Location Plan, Southern Boundary RevA, 2160-P-80 Rev B, 2160-P-84 Rev B, 2160-P-85 Rev B,

Reason:

For the avoidance of doubt and in the interest of proper planning.

Informative(s):

- 1 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team London Borough of Camden 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444) . Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 2 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website at <https://beta.camden.gov.uk/documents/20142/1269042/Camden+Minimum+Requirements+%281%29.pdf/bb2cd0a2-88b1-aa6d-61f9-525ca0f71319> or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2019.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

Chief Planning Officer

DRAFT

DECISION