

# PLANNING AND HERITAGE STATEMENT TO ACCOMPANY SUBMISSION OF MINOR MATERIAL AMENDMENT APPLICATION, SECTION 73 OF TOWN AND COUNTRY PLANNING ACT

Site Address: 111 Frognal, Hampstead, NW3 6XR

Designers/ Applicants: Chan and Eayrs/ Zoe Chan Eayrs and Merlin Eayrs

Planning consultant: Zenab Haji Ismail

## **MINOR MATERIAL AMENDMENT TO PLANNING APPLICATION: 2019/6089/P**

**Dear Ms Hazelton and Mr Baxter,**

**As works have progressed on site, the need for change has arisen whereby the detailing of the structural groundworks, site discrepancies and the refinement of the architectural design has an impact on the originally approved drawings.**

**This minor amendment application seeks to:**

- 1. Regularise the originally approved drawings with the groundwork solutions proposed by the engineer.**
- 2. Utilise a void space beneath the rear extension, which is a by product of the engineers groundworks solutions**
- 3. Narrowing of rear extension due to a new structural wall inside of the boundary to reconcile with groundworks and adjustment in length to accomodate for the loss of width, with a consequential increase in size of 2sqm**
- 4. Make some other refinements to the design (handrails to courtyard, small shifts in approved walls/windows/doors)**

**This section 73 application for a minor material amendment thus seeks to amend the drawings attached to condition 3 of the Granted Planning Permission 2019/6089/P and there is a clone application submitted for the purposes of amending condition 2 of the Listed Building Consent 2019/6100/L. It also seeks to remove condition 4b,c,e of the LBC and condition 5 of the planning consent by instead requiring compliance with additional information submitted to be reflected in the amended condition 3 in the new consent. This is for the purposes of completeness and clarity so that all submitted information can be accounted for in one complete application and amended approval should it be granted.**

**For reference:**

**Approved Drawings attached to condition 3 of planning permission 2019/6089/P:**

The development hereby permitted shall be carried out in accordance with the following approved plans: P2.LG Rev8, P2.UG Rev 8, E1.CC Rev 8, S1.DD Rev 8, E2.EE Rev 8, S2.FF Rev 8, S3.GG Rev 8, P1.P Rev 8, Method statement for heritage chimney repair, Basement impact assessment prepared by Rose & Associated Ltd., Tree survey and Arboricultural method statement dated October 2019, Design, access and heritage statement prepared by Chan & Eayrs, Archaeological desk-based assessment dated November 2019

**Amended documents we seek to replace these with:**

The development hereby permitted shall be carried out in accordance with the following approved plans: MP rev.07, P2.LG rev.09, P2.UG rev.09, E1.CC rev.09, S1.DD rev.09, E2.EE rev.09, S2.FF rev.09, S3.GG rev.09, P1.E rev.09, P1.P rev.09, Method statement for heritage chimney repair, Basement impact assessment prepared by Rose & Associated Ltd., Tree survey and Arboricultural method statement dated October 2019, Design, access and heritage statement prepared by Chan & Eayrs, Archaeological desk-based assessment dated November 2019, Materials Schedule, SP.UG (Sevice plan UG floor), SP.LG (Service plan LG floor), LP (lighting plan), 18015\_01\_Rev B (Groundworks Plan Rev B)

A summary of the changes made to the proposals and associated reasons are explained below, followed by an itemised table with each individual alteration and explanation. Each alteration code is also marked on the relevant amended drawings with a corresponding alteration key.

## LOWER GROUND FLOOR

### **1. The originally approved drawings need marrying up with the approved, detailed and dimensioned groundworks plans, which have been built out on site. (LG1, indicated on drawing P2.LG Rev 9)**

*The groundworks drawings prepared by the structural engineer, which were approved as part of condition 5 of the planning permission, have a knock on impact on the originally approved drawings which need to be revised to marry up with the engineers groundworks solution approved in August 2020.*

*The groundworks have been built out on site according to the approved drawings attached to condition 5.*

*The groundwork solution proposed was necessary for the protection of the tree roots at subterranean level situated at the boundary between 111 and 113 (see approved tree report and groundworks plans attached to condition 5). Associated changes to the position of the garden basement walls are subterranean and beneath garden level, and only minimally impact the already approved rear garden basement with no impact on the historic fabric of the building and are invisible to the historic house and surrounding context.*

### **2. Use of a void subterranean space within the foundations created as a by product of the approved groundworks design (LG2 / LG3, indicated on drawing P2.LG Rev 9)**

*The proposed use of the space within the rear extension foundations seeks to utilise a dead space (LG2) which has been created as a by product of the approved groundworks. The groundwork solution proposed was necessary for the protection of the tree roots at subterranean level situated at the boundary between 111 and 113 (see approved tree report and groundworks plans attached to condition 5).*

*The void space already exists as a volume and as such requires no excavation and little amendment (two openings within an approved wall for access to the hall and bedroom) to make it accessible and habitable. In addition the space is fully subterranean and invisible to the historic house and surrounding sites. The proposed use of this space improves the amenity of the house by creating additional space for storage, a WC and bathroom and has no impact on the visible massing of the house nor on the surrounding context.*

*The position of this void space adjoins the 19th century, north end of the house which has no enfilade plan form and which has already been vastly altered in the 1950s and 60s by the past owners. Thus there is no historic fabric or original plan legibility adjacent to this said volume.*

*To enclose the void space and increase the structural integrity of the groundworks a new leg of wall is proposed by our engineer to complete his approved groundwork designs (LG3) between the approved foundation wall and the boundary wall with 113. The benefits of this new wall are:*

- 1. To reduce the cantilevered length of the steel ring beam picking up the load of the rear extension wall above.*
- 2. To create a concrete retaining wall set back from the rear wall of the house which will retain the proposed backfill above the sloped ground and roots which will grow into this backfill over time, hence protecting the rear of the house from root damage and earth pressures.*
- 3. Create space for an ensuite bathroom to the adjoining bedroom, improving amenity.*
- 4. To buttress the existing boundary wall condition*

*The details of LG3 are included in an addendum report by the engineer and also reflected on the revised groundworks plans v2. attached to this application.*

### **3. Replacement of the 20th century rear wall between the two transepts (LG5/ UG4, indicated on drawing P2.LG Rev 9)**

*We propose to replace the 20th century rear wall between the two transepts in the same position and without the modern window inserted in the 1960s.*

*Works on site have revealed that this wall was rebuilt in the 20th century (it constituted modern brickwork) and we presume was built when the stable was converted into residential accommodation and the wall was rebuilt from the LG level to incorporate two new openings for a modern window and a modern double glazed door (with concrete lintels) and then extended up to form the new boxback extension. It was built of modern masonry and faced in cement render and paint.*

*The proposed replacement of this wall is in the same position, thus has no impact on the historic fabric and the proposed removal of the existing small modern window would also constitute a heritage benefit as the wall will return to being closer to its original appearance (this part of the wall would have originally been beneath the garden level with no openings).*

*The replacement wall will be insulated and structurally sound, improving the stability and amenity of the spaces within. On its outer face we propose to use a green glazed heritage brick manufactured by HG Matthews on its exterior face instead of the 20th century cement render and paint found on the existing wall.*

*As a knock on impact, the 20th century floor joists bearing on to this wall will also be replaced (UG4). These joists were modern fabric inserted in the 1950s/60s.*

## **UPPER GROUND FLOOR**

### **5. Alteration to Upper ground floor rear extension footprint (UG1 / UG2, indicated on drawing P2.UG Rev 9)**

*The footprint of the rear extension above ground and at garden level is amended to marry up with the foundation positions in the approved groundworks drawings.*

*The two amendments to the footprint include:*

*1. The reduction in width of the rear extension due to a proposed new side wall to sit within the boundary wall. This is due to tree roots beneath the boundary wall which means that it cannot be underpinned and hence it cannot be beared upon to support the floor and roof joists of the new extension. The new proposed wall sits on a cantilevered ringbeam (as designed in the approved groundworks plans) above root level and provides the supporting edge condition for the new joists and rafters of the proposed rear extension to rest upon.*

*2. The shift of the west glazed wall to align with the dimensions and position of the approved groundworks plans, which increases the length of the rear extension by one metre.*

*These two changes mean that the footprint of the rear extension is narrower yet longer. The area loss (in width) and gain (in length) mostly mitigate each other with a net increase of 2sqm. This massing is of minimal impact to the existing house, as there was no historic outlook to the rear of the house and even-so the impact on the outlook is modest as the massing is similar in scale. The changed footprint is of negligible impact to the direct neighbours as it is of modest size difference to the approved plans, now behind the adjacent boundary wall rather than built off it, obscured by trees and set back at a distance from both neighbours at 113 and 109. It will have no impact on the wider conservation area as it is not visible from any public domain.*

### **6. External railings and planter (UG3, indicated on drawings S1.DD and E2.EE, S2.FF)**

*New railings and planters are proposed to safeguard the edge condition with the lower courtyard from the upper garden level for health and safety and compliance with building control.*

## **GENERAL**

### **7. Resolution of the detailed architectural design (LG5/LG6/LG7/LG8/ LG9/ UG5/ UG6/ UG7)**

*The resolution of the design has resulted in some slight internal changes to the positions of proposed walls, stairs, windows and doors and the architectural expression of new elements and materials (exposed joists and clay finish in new ceiling elements to replace modern emulsion and clay tile on floors to replace carpet and cement tiles), for the purposes of creating a high quality architectural design and to distinguish between the old and new fabric. Additional transoms are proposed in the front elevation northernmost window to better match the other front historic windows.*

*None of these design changes have an impact on the historic fabric and are slight variants and refinements from what was proposed in the original application. These changes simply seek to provide additional accuracy and information with regards to our proposed design and follow on from the resolution of detailed construction drawings. Further material details are included in the Material Schedule attached to this application.*

ITEMISED LIST OF AMENDMENTS TO ACCOMPANY AMENDED DRAWINGS RELATED TO AMENDMENT OF CONDITION 2 (LISTED BUILDING CONSENT 2019/6089/P AND PLANNING CONSENT 2019/6100/L)

Itemised Design/ Fabric Amendment	Reason
<b>LG FLOOR</b>	
<b>LG1.</b> Shifted Position of rearmost retaining walls (see P2.LG Rev 9 / S1.DD Rev 9)	To reconcile with approved groundworks plans (built out on site) Change is not visible or perceivable from the original house nor neighbouring building, as this area is completely subterranean.
<b>LG2.</b> Proposed use of dead, subterranean void space within rear extension foundation walls for storage, W.C, and bathroom (see P2.LG Rev 9 / S1.DD Rev DD)	To make use of a unutilised, void subterranean space sitting within the approved foundation walls (built out on site) To improve the amenity of the house Positioned in the north end of the house which has lost any original plan form Invisible from both the original house and neighbouring houses Space already exists as a result of the approved foundation design. (i.e. no additional excavation or retaining walls needed)
<b>LG3.</b> Proposed additional leg of reinforced concrete foundation wall as specified by structural engineer (see attached engineers drawings) to contain tree roots and contain back fill ( see P2.LG Rev 9)	To contain backfill and roots from the adjacent tree To keep roots a safe distance from the original building footprint (which are not retaining walls) To enclose void space and utilise for storage/ w.c and bathroom
<b>LG4.</b> Replacement of 20th century rear wall between two transepts and new wall proposed in the same position with HG Matthews facing brick (green glazed heritage bricks to match courtyard walls) , and proposed blocking up of small 20th century window in this rear wall (see P2.LG Rev 9, S1.DD Rev 9)	Existing wall to be replaced is 20th century fabric faced with cement render and paint This wall would originally have been subterranean and thus not been visible historically The wall did not form a design feature nor have any architectural features The replacement wall will be built in the same position The blocking up of the small 20th century high-placed modern window is a heritage benefit returning the rear elevation closer to its original appearance
<b>LG5.</b> Removal of steps into the garden basement (see P2.LG Rev 9)	Improved disabled access
<b>LG6.</b> Proposed exposed timber structure and clay tile finish for new ceiling elements (see P2.LG Rev 9)	Detailed resolution of architectural design Distinction between old and new fabric

Itemised Design/ Fabric Amendment	Reason
<b>LG7</b> Amendment of position of north bedroom walls (see P2.LG Rev 9)	Detailed resolution of architectural design
<b>LG8</b> Refinement of stair design (see P2.LG Rev 9)	Detailed resolution of architectural design The small amount of modern wall removed was 20th century brickwork
<b>LG9</b> Refinement of garden basement windows (see P2.LG Rev 9, S2.FF Rev 9, S3.GG Rev 9)	Resolution of detailed architectural design
<b>LG10</b> Additional transoms in north bedroom window on front elevation	Heritage benefit to better match historic windows in front elevation
<b>UG FLOOR</b>	
<b>UG1.</b> New north side wall to approved rear extension positioned inside of the boundary wall instead of bearing directly into boundary wall (see P2.UG Rev 9, E2.EE Rev 9, S1.DD Rev 9)	To reconcile with approved groundworks plans. The boundary wall cannot be beared on to as it can't be underpinned due to tree roots. Thus the groundworks solution proposes a ring beam above root level to support a new side wall for the rear extension which sits within the boundary wall.
<b>UG2.</b> Shifted position of west glazed wall to align with foundation walls and ring beam below (see P2.UG Rev 9, S2.FF Rev 9)	To reconcile with approved groundworks plans The area gained due to increase in length is comparable to the reduction in width and area lost due to the new side wall now sitting inside of the boundary wall. The small additional length of extension is 1 metre, at garden level only and of negligible impact on neighbouring houses. (Shielded by trees and the boundary wall with 113 and set back in excess of 12 metres from the house at 109.)
<b>UG3.</b> Proposed planter and railings adjoining garden basement courtyard threshold (see P2.UG Rev 9, E2.EE Rev 9, S2.FF Rev 9, S3.GG Rev 9)	For improved safety and amenity
<b>UG4.</b> Replacement of non original 20th century floor joists	Knock on effect of LG5 and approved removal of masonry boxback dormer
<b>UG5</b> Shift in approved door position (see P2.UG Rev 9)	Refinement of layout
<b>UG6</b> Proposed exposed rafters for new portions of ceiling	Detailed resolution of architectural design Distinction between old and new fabric
<b>UG7</b> Small amendment to stair position (see P2.UG Rev 9)	Detailed resolution of architectural design and site dimensions



## Condition 5: Groundworks Plans

*A revised drawing and added report has been provided by the structural engineer to supercede the approved plans attached to condition 5. This is to reflect the new leg of wall **LG3**.*

*As can be seen on drawing **P2.LG** the retaining wall adjacent to the tree roots has been moved an additional 500mm away from the tree due to a bulk of roots found on site, ensuring further protection from damage than what was consented in the original groundworks plans.*

## Heritage Conclusion

*The alterations and information provided with this application have minimal bearing on the grade two star listed building, minimally affecting the visual massing of the building both from the subject house and surrounding sites.*

*The proposed amendments involve additional alterations to the non original and substantially altered rear of the house.*

*Proposed amendments will only impact post 1950s fabric and no historic fabric is proposed to be removed. Some heritage benefits resulting from the amendments include: 1. blocking up of a small 1960s window at LG level in the rear wall between the two transepts 2. Distinguishing between old and new elements 3. Proposed replacement of all modern facing materials (cement renders and modern paints) with heritage facing materials (bricks, lime renders and lime washes externally, and clay plasters internally) 4. north window on front elevation to better match the historic windows at the front with the addition of transoms in the replacement window.*

*The officers already know from the approved application documents that the historic plan has been substantially altered throughout the buildings history, and that the north end of the house is the non-original 19th century extension which was then further extended in the 1950-60s. New area proposed in this minor amendment application, which seeks to use of the space in and around the approved foundations, is positioned at the non-original north rear end of the building where the historic plan form has already been lost and no historic fabric remains.*

*The majority of increased floor area makes use of void space within the approved foundations, is on the lower ground floor and is imperceivable from the exterior of the house. Of the newly proposed area, 21.7sqm makes use of existing void space within the approved foundations, and only 3sqm new area beyond that is proposed due to the engineers additional leg of wall to retain the roots and buttress the boundary wall, which again is completely subterranean. (see engineers report LG3)*

*On the upper ground floor the knock on effect of the groundworks solution and subsequent changes to the footprint of the rear extension have negligible impact on the historic house and surroundings. The rear extension is almost the same massing and scale as that approved and is still subordinate to the host building. The increase in length is mitigated by the reduction in width with a net area increase of 2sqm.*

*The approved and amended rear extension is at garden level and sits behind an adjacent boundary wall with the immediate neighbour at 109. It is also set back at a distance from both adjoining neighbours and is hidden from view with regards to the wider conservation area.*

*In conclusion we hope to demonstrate that all of the proposed amendments are acceptable in terms of heritage criteria to amend condition 3 of the approved planning permission and condition 2 of the listed building consent.*

## **Planning Policy and Pre-App feedback context**

### **Amended Garden Basements (Camden Policy A5)**

*The amended garden basement satisfies the same relevant basement criteria set out in Camden Policy A5 as the approved scheme. It is important to note that the proposal is not a typical basement as it is on lower ground level and accessed from above ground at the front of the house, becoming subterranean at the rear, due to the sloping topography of the site, and as such some of the criteria are not relevant (as stated in pre app feedback stated in ref. 2017/6572/PRE ) as these criteria are designed to apply to basements fully beneath ground and beneath the host building.*

*The proposed amended garden basement is of no further impact to a)neighbouring properties b)the structural ground or water conditions of the area c)the character and amenity of the area d)the architectural character of the building and e)the significance of heritage assets than the approved designs.*

*The groundworks for the approved plans have all already been built and the amended plans mostly seek to make use of the existing built out and approved groundwork infrastructure. No further excavation or groundworks on site are necessary to make these amendments.*

*The siting location, scale and design of the garden basement still complies with the requirements deemed relevant to the planning and conservation officer (in pre-app feedback letter 16/1/18)*

*The garden basement does not a) comprise of more than one storey b) is not built under an existing basement c) does not exceed 50% of the rear garden area d) is less than 1.5x the footprint of the host building, f) does not extend further than 50% of the depth of the garden g) is set back from site boundaries when extending beyond the rear of the host house h) avoids the loss of garden space, trees or amenity value*

*Criteria e) which is not to extend into the garden further than 50% of the depth of the host building measured from the principal rear elevation, was not deemed relevant by planning and conservation officers with regards to the approved and thus amended garden basement proposals as 'points e and f are less relevant in this instance because they are more applicable to basement excavations underneath the host building' (quoted from pre-app feedback dated 16/1/18, ref number 2017/6572/PRE)*

### **Rear Extension Alterations**

*The changes are necessary to align the original plans with the approved groundworks drawings outlined in planning condition 5 and approved in August 2020, which were designed to safeguard the adjacent tree.*

*The rear extension is largely the same as that already approved, with a net area increase of just 2sqm, and is of comparable massing to the approved scheme. It is still subordinate to the main house and of negligible impact to the surrounding properties and wider conservation area.*

*The rear extension is still subordinate to the main house, and is just one storey above ground level.*

### **Summary of Areas**

Existing house area:	220sqm	
Approved house area:	262.3sqm	
Amended house area:	289sqm	(LG use of void space +21.7sqm, LG north bathroom +3sqm, UG rear extension amendment +2sqm)



## Conclusion

*The amended proposals are, in principle, similar to the existing approved scheme. The amendments have negligible additional impact on the appearance and integrity of the historic building and surrounding context when compared to the approved plans and are compliant with relevant planning and heritage policy and with the pre-app feedback previously received from Ms Hazelton and Mr Baxter.*

*Almost all additional floor area is beneath garden level (subterranean) and at the rear of the house where substantial alterations have already been made in the 1950-60s, the historic plan form is already lost and no original fabric is impacted.*

*It is important to note that no new excavation nor groundworks are necessary to implement these area increases as the amended proposals seek to utilise existing void spaces in and around the approved and built out foundations.*

*Above ground changes to the rear extension are of limited impact as the massing is comparable to the approved design (just 2sqm net increase) and are necessary to align with the approved groundworks drawings, which were designed to safeguard the adjacent tree on the boundary with 113.*

*Internal changes are of no material impact and are limited to slight shifts in positions of approved doors, walls or stairs due to the resolution of the detailed architectural design.*

*Some heritage benefits are included such as 1. blocking up of modern window at the rear at LG level 2. replacement of all modern finishes in the house (internal and external) with lime, clay, timber based, breathable natural materials more suited to the historic building fabric. 3. distinction between old and new fabric in the design details, 4. replacement north window in front elevation to better match the original fenestration (additional transoms).*

*We hope we have provided you with sufficient information to replace documents listed under to condition 3 of the Granted Planning Permission.*

*We hope you also have sufficient information to revise the engineers groundworks plan attached to condition 5.*

*Please do not hesitate to contact me should you require any more information.*

*Regards,*

*Zoe Chan Eayrs*