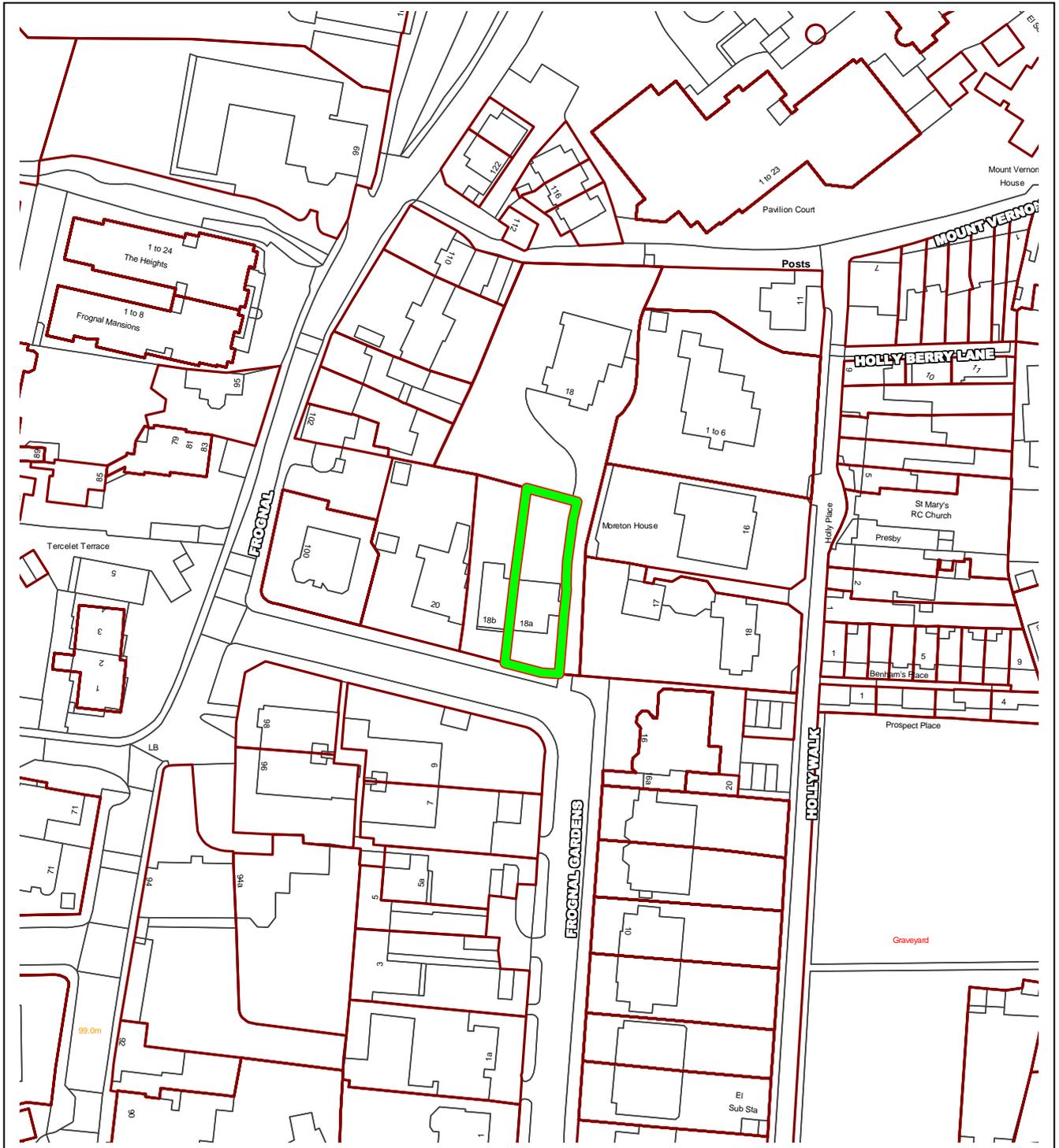


2020/5214/P – 18A Frognal Gardens, NW3 6XA



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.



1) Front and rear birds-eye views of the site (outlined in red).



2) Existing front/side elevation taken from Frognal Gardens (property demise outlined in red).



3) Existing front elevation taken from Frogmal Gardens.



4) Existing front/side elevation taken from Frogmal Gardens.



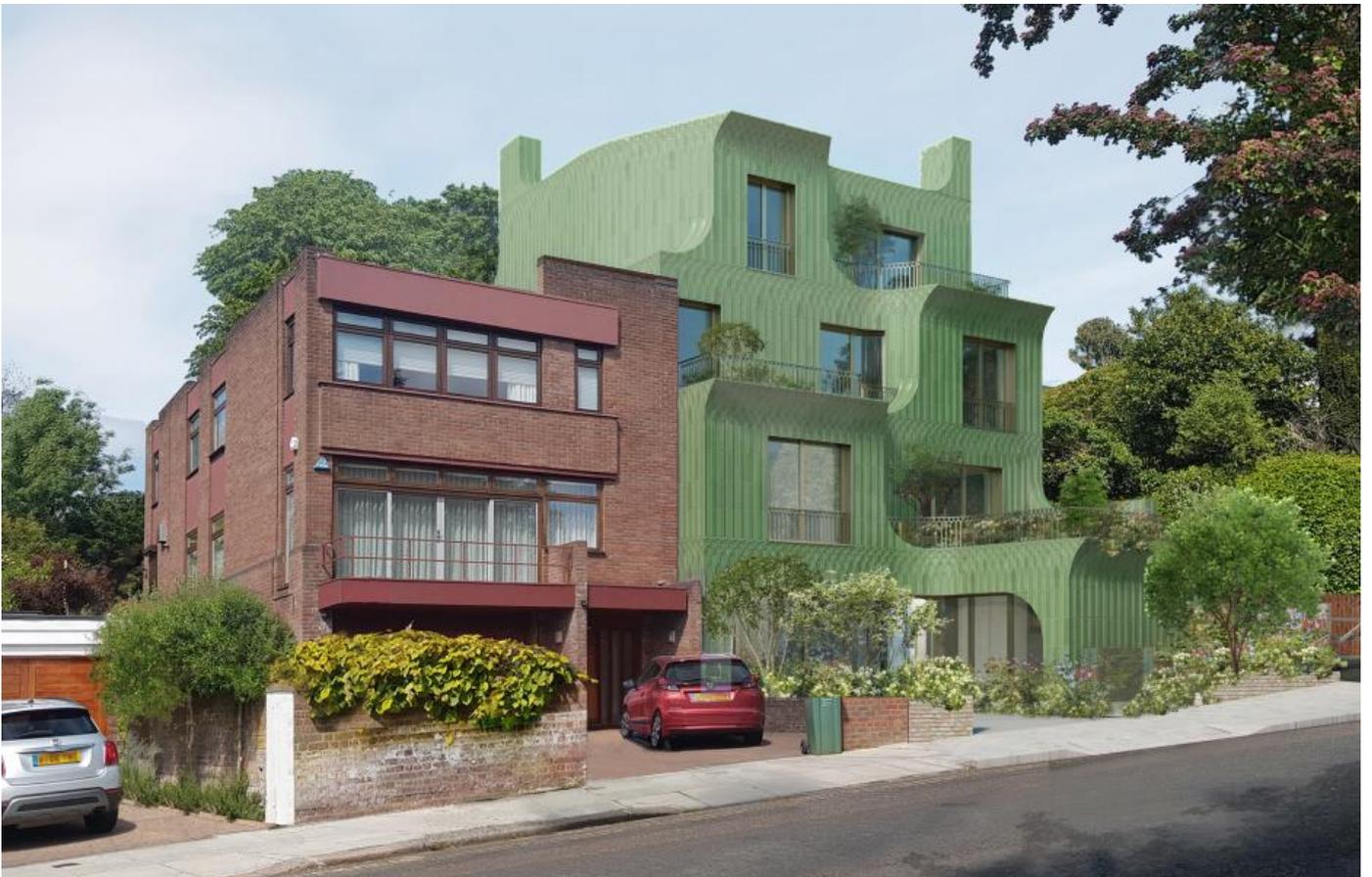
5) Existing rear elevation.



6) Proposed 3D visual looking north along Frognaal Gardens.



7) Proposed 3D visual of front elevation from Froggnal Gardens.



8) Proposed 3D visual of front/side elevation from Froggnal Gardens.



9) Proposed 3D visual of front/side elevation from Frogmal Gardens.



10) Proposed 3D visual of rear elevation.



11) Existing (top) and proposed (bottom) flattened street view along Frogal Gardens.

| | | | | |
|---|----------------------------|--|---------------------------------------|------------|
| Delegated Report (Members Briefing) | | Analysis sheet | Expiry Date: | 06/01/2020 |
| | | N/A | Consultation Expiry Date: | 27/12/2020 |
| Officer | | | Application Number(s) | |
| Ben Farrant | | | 2020/5214/P | |
| Application Address | | | Drawing Numbers | |
| 18A Frognal Gardens London NW3 6XA | | | Please refer to draft decision notice | |
| PO 3/4 | Area Team Signature | C&UD | Authorised Officer Signature | |
| | | | | |
| Proposal(s) | | | | |
| Demolition of existing three-storey dwellinghouse and replacement with 1 x 4-bed four-storey single family dwellinghouse with basement excavation, landscaping and associated works (Use Class C3). | | | | |
| Recommendation(s): | | Grant planning permission subject to Section 106 Legal Agreement | | |
| Application Type: | | Full Planning Application | | |

| | | | | |
|---|---------------------------------------|-----------|-------------------|-----------|
| Conditions or Reasons for Refusal: | Refer to Draft Decision Notice | | | |
| Informatives: | | | | |
| Consultations | | | | |
| Adjoining Occupiers: | No. of responses | 26 | No. of objections | 23 |

Summary of consultation responses:

A site notice was displayed on 02/12/2020 (advertised consultation end date 26/12/2020).

A press advert was displayed on 03/12/2020 (advertised consultation end date 27/12/2020).

23 objections were received from the owners/occupiers of nos. 5, 5a, 7, 9, 18, 18B, 20 Frognal Gardens, 98, 102 and 104 Frognal, 8 Church Row, and a number of anonymous addresses following third party consultation. Given the length and complexity of some objections, only summaries are provided here, however the full responses can be viewed on the Council's website.

Procedural matters:

1. We believe this proposed scheme should be rejected immediately because there has been no effective public consultation. There are no notices on lamp posts in Frognal Gardens to alert local residents to the proposed application. We were notified by a neighbour. This is unacceptable.
2. The date for objection is too short as the plans have only just gone onto the Camden planning website and most neighbours are not aware of the proposed plan and scale of the build or have had time to consider them.
3. Request that all objections from the previously withdrawn application on this site (2019/5348/P) are reattached to this application.
4. Neighbours were not invited to the Design Review Panel meeting referenced in the applicant's submission.
5. I understand that there has been hearings but none of the complainants have been informed or invited. I doubt the process is in the spirit of the regulation. Why not manage the process properly? This is a democratic embarrassment.
6. Award winning nature of the architect does not override the local planning authority's duty to consider all objections including local residents and assess these against the relevant planning policies.

Officer Response:

1 & 2 - Third party consultation has been conducted in complete compliance with the Council's Statement for Community Involvement. A site notice was pasted on 02/12/2020, inviting comments until 26/12/2020, with a press advert displayed on 03/12/2020 inviting comments until 27/12/2020. Comments shall continue to be accepted until the determination of the application.

3 - The previously withdrawn application is a separate scheme, and it cannot be assumed that each objector/supporter would wish to comment on this application. As such, it would not be appropriate to transfer these comments across without the commenters' consent. Third parties are encouraged to comment on applications should they wish.

4 - The Design Review Panel is not a public forum for members of the public to attend.

5 - There have been no public forums for this application – consultation has been completed in compliance with the Council's Statement for Community Involvement.

6 - Local residents' comments and concerns and relevant policies and guidance are considered as part of the assessment process.

Design and impact on the surrounding area:

1. The architect has gone to great lengths to reference every single contemporary styled home in the area, but the fact remains that the

new design does not fit in with the architecture of the surrounding areas.

2. The applicant stresses Hampstead does welcome different styles and designs. The current building could be replaced, and the front garden could be improved. All of this could benefit the whole street, but this proposal is simply the wrong one.
3. Demolition should improve the conservation area considerably – the design fails to do so.
4. Although I appreciate that the existing home is most likely not architecturally significant, the proposed design will not enhance the street and surrounding areas in any way.
5. Size and appearance are equally inappropriate in this conservation area - this would be an eyesore.
6. The DRP made recommendations on architecture, massing, and ground floor frontage, though the application has essentially ignored the recommendations on scale and massing.
7. The proposal would not preserve or enhance the character of the conservation area, nor would public benefits outweigh the less than substantial harm caused to the conservation area.
8. The green tile cladding is completely inappropriate for the conservation area and will create a focal eyesore for everybody walking up from Church Row. A more natural material would much better suit the visual language of the area.
9. The proposal would set a precedent for incongruous designs.
10. The building line extending towards the street is inappropriate.
11. The changes from the previous (withdrawn) application are minimal.
12. It would appear out of proportion and scale with the adjoining property and would overwhelm it. It jars against the adjoining house and prejudices the look of that house.
13. Whilst the building looks like it is of very fine specification it architecturally is not suitable in its current form for this prominent location.

Officer Response:

The building is in scale with the large domestic buildings of the area, and the materials are robust materials with a colour that is not jarring with its context. The design is exemplary and will contribute to the significance of the conservation area by continuing the avant-garde and varied character of the conservation area. The scheme received a positive review following independent assessment at Design Review Panel (DRP). The siting, scale, design, context and impact on the surrounding conservation area are assessed in the design and heritage section of this report.

Demolition:

1. Para 25.7 the councils development policies state that in relation to proposals for demolition the council will take into account the group value, context, and setting of buildings. 18a is a 'twin' built in a style sympathetic to its semi-detached neighbour. The two houses are very similar in style.
2. Para 25.8 states 'where substantial demolition is involved any replacement building should enhance the conservation area, to an appreciably greater extent' - these plans conflict with the provision of the councils adopted development policies.

Officer Response:

Given the sustainability enhancements of the proposed building above the existing, and subject to an appropriate replacement design, the demolition of the existing building is considered to be acceptable in principle.

Loss of privacy:

1. The proposed large terraces on every floor would overlook the surrounding houses and gardens resulting in a loss of privacy for everybody in the immediate area.
2. The property sits on the top bend of the road - the road declines from that point towards Frognaal and most of the houses down that part of the road are low rise; the greater height will therefore cause a loss of privacy for the immediate neighbours.

Officer Response:

Whilst some loss of privacy may result from some of the terraces, the impact would be limited and focused on views into the public realm in any event. The level of overlooking is considered not to constitute undue harm to neighbouring amenity.

Swimming pool and basement excavation:

1. The proposed substantial basement excavation would constitute a proposed threat to the nearby homes, especially the immediate neighbour of this semi-detached house No 18b. Frognaal Gardens is built on a hill. The proposed development is at the top. Any excavations extend below the water level and could have an adverse effect on the neighbouring structures, basements, flats and gardens, lower down the slope.
2. The proposed basement will significantly increase the differential depth of foundation between 18a and 18b. Basement sheet piled/bored piles retaining walls are likely to extend below the foundations of 18b. Underpinning between these properties may be required.
3. The engineers report states 'there is a moderate risk of groundwater flooding from other sources at the site which will have to be mitigated by tanking the lower ground floor'.
4. It is stated in the developer's own submission there is a chance of subsidence and other damage. What safeguards are there to protect vulnerable neighbours from damage to their properties?

Officer Response:

A Basement Impact Assessment (BIA) was submitted with the application which has been independently reviewed by Campbell Reith (Camden's BIA auditor). Campbell Reith found the details of the BIA to be acceptable subject to the attached planning conditions.

Loss of daylight/sunlight:

1. Proposal disregards neighbouring amenity. A lightwell at the adjoining property which is essential to their living standards will render the lightwell redundant.

Officer Response:

A daylight sunlight report has been submitted with the application which demonstrates that the proposal would be acceptable in compliance with BRE standards.

Loss of openness:

1. The new house will fail to comply with paras 2.10 and 4.10 of the Councils planning guidance on design, in that it will reduce the degree

of openness in this area and fail to preserve the historic pattern and established townscape of the surrounding area especially with reference to build and unbuilt space.

Officer Response:

This is a redevelopment of the site to remove a modern (1960s) property to be replaced with a different modern property of larger proportions. It is considered not to reduce the degree of openness in the area and would retain a good level of high quality landscaping.

Loss of trees:

1. We are concerned about the proposed cutting down of a mature oak tree in the front garden. Also the proposed cutting down of mature evergreen trees, magnolia, elder, and hazel. We feel, this would have a detrimental effect of the character of the conservation area. The mature lime tree does not have a tree preservation order on it which is a concern.
2. New landscaping will remove much of the existing greenery.

Officer Response:

An Arboricultural Report has been submitted with the application which outlines removal of 3 Category C trees, and a category U tree. This has been assessed by the Council's Tree and Landscaping Officers and is considered to be acceptable. High quality landscaping is proposed as part of the redevelopment, full details of which would be secured by planning condition.

Traffic:

1. There is only room for one car to pass at the bend. It is especially busy at school opening and closing times. It is our concern that the many lorries carrying earthworks and waste plus building materials would seriously impact the traffic. There are only two exits, Frognal and Church Row, which are both narrow and congested. We consider this to be an unacceptable hazard to the community.
2. Excess pollution and noise as a result of construction.

Officer Response:

Transport, noise and pollution concerns as a result of construction could be adequately addressed by a Construction Management Plan (CMP) which would be attached to any approval subject to S106 legal agreement. Whilst noise and pollution are an inevitably part of construction, the CMP would outline steps taken to reduce the impacts of construction on the surrounding area.

Pollution and asbestos:

1. The level of pollution from this building would be a concern. Although asbestos containing materials were not observed, the surveyors note that the buildings (especially those constructed before 2000) are a potential source of Asbestos containing materials (ACM). Furthermore any made ground construction or demolition materials on site may contain ACM. They note that this matter should be addressed.

Officer Response:

Whilst the chance of contamination on the land appears low, the age of the building suggests asbestos contamination may be present, a condition is attached requiring remediation if discovered.

Quality of information submitted:

1. A report by A.D Horner surveyors wrongly designates a neighbour's garage at no 3 Frognal Gardens as an electricity substation. (Someone had stuck electricity stickers on the doors many years ago) photo no 8, Report 104 02/sc. This brings into question the Depth and accuracy of the rest of the report.

Officer Response:

The details of the application as submitted are considered to be sufficient for the determination of this application. This minor discrepancy in the supplementary information does not alter the substance of the scheme, nor question the quality of information submitted.

Impact on a group with a protected characteristic:

1. An immediately impacted neighbour is 90 years old and disabled. The threat of the noise, pollution and disruption that this development will cause him is horrendous. Where are his human rights to live out the rest of his life in comparative peace?

Officer Response:

Impact of construction would be mitigated by securing a Construction Management Plan (CMP). An assessment of the proposal in terms of Human Rights and the Public Sector Equality Duty is contained in section 18 of this report.

Other matters:

1. The property is encumbered by a number of restrictive covenants surrounding maximum height, where development on the site can build, brickwork to the frontage of the property, and design being similar to the surrounding area. The proposal is contrary to these covenants, and whilst a civil (non-planning) matter, they give an indication as to what is considered in keeping in the neighbourhood.

Officer Response:

As noted, covenants are a civil matter and are not a material consideration in the determination of a planning application. However, the areas discussed (scale, height, material finish, context) are assessed in the design and heritage section of this report.

3 letters of support were received from the owners/occupiers of nos. 3 Hale Gardens, 46 Roderick Road and a further anonymous address following third party consultation. Only summaries are provided here, however the full responses can be viewed on the Council's website.

1. The design is bold and imaginative.
2. The area does not have any single, coherent architectural style but a tradition of some very fine modern houses, which this house would contribute to.
3. The house will make a big and playful statement, but will not overwhelm its surroundings because the tiles are a very soft green with much detailing, and there will be plenty of plants. An interesting addition to a leafy street.
4. I believe that the proposed family house, designed by an award winning practice would represent a significant contribution to both the Conservation Area and to the acknowledged collection of fine modern and post-modern houses in Hampstead and the Borough, many of which contrast architecturally with their immediate neighbours.

5. Whilst referencing the massing and modulation of other buildings in the area, the design is distinctive and is of its own time.
6. The quality of the existing building on the site is at best unremarkable, yet it occupies a position of some townscape significance. As the illustrations highlight, the long view up Frognaal Gardens in particular will be significantly enhanced by this fine design.
7. I am an admirer of the work of Alison Brooks Architects and believe its buildings are rightly respected. The existing building dating from the 1960s, is of modest quality and its loss should not be regretted.
8. Providing Alison Brooks Architects leads the construction to completion, I think the proposals will contribute positively to the area and Hampstead's reputation for approving high-quality contemporary design.

Officer Response:

Noted. See section on design and heritage, any subsequent approval would be subject to a S106 legal agreement requirement requiring the retention of the architect throughout construction to ensure the high quality finish presented is executed on site.

An objection was received from the Hampstead Neighbourhood Forum, as follows:

HNF objects to this new proposal on a number of issues and many of our objections remain as per our original objections i.e.

1. Whilst the revised scheme has been marginally modified in terms of height, form and junction with neighbours, the proposed mass and height continue to overwhelm the site and nearby houses – especially as one views the proposal up Frognal Gardens.
2. The scale of the proposal is excessive and contradicts both the environs and streetscape
3. Its relationship to the street is incongruous.
4. The roofline bears no relationship to its setting.
5. The design concept is fundamentally flawed being nothing more than two-dimensional streetscape facadism with unresolved juxtapositions at neighbours and at boundaries. Being covered in contrasting green glazed tiles neither resolves nor justifies such a proposal. The design adds nothing of architectural merit to either the concept of architecture or to the required spatial sensitivity of the immediate topography and conservation area context.
6. And the proposed materials and colour are inappropriate and damaging to the conservation area.

The proposal is therefore contrary to Hampstead Neighbourhood Plan DH1 and DH2 as well as Camden Local Plan D1 and D2 and the Hampstead Conservation Area Statement.

18A Frognal Gardens is situated in Character Area 2 of the Hampstead Neighbourhood Plan. The description of this area in Appendix 2 states:

Some high quality modern detached houses exist in the area, with some from the 1970s and 1980s now being replaced. New additions of similar scale that fit within the landscape are successful, but recent precedents of larger scaled proposals threaten the character of the area. In some areas, newer houses dominate the setting and appear to be crammed onto sites that are too small for them; these are inappropriate additions in an area where buildings, although often large, rarely overwhelm their landscape setting.

The proposal is an example of a large-scale development that would overwhelm the site physically and create a dominant visual insertion where the existing architectural palate is a pleasing uniformity.

Design

DH1 requires that buildings respond positively and sympathetically to the existing rhythm, proportion, height, scale, massing, materials and storey heights of surrounding buildings. It also requires that the design is sympathetic to established building lines and arrangement of front gardens, walls, railings or hedges.

The building fails to respect the established building lines by replacing front landscaping with a ground floor extension to the pavement.

The building has its own rhythm, but not one shared by any other buildings nearby. Contrary to the argument presented by the D&A statement, there is nothing similar between the teal-faience tiles of the proposed building and the terracotta, traditionally coloured, hung tiles nearby. The proposed tiles, in fact,

are nearly the opposite – shiny versus matte, brightly coloured versus earth-hued. The use of such tiles is also anachronistic to domestic architecture in the area. The only faience tiles in the area are the signature ones found on a public building, the Hampstead Tube Station, and these are traditional terracotta coloured.

Whilst the overall height has been marginally reduced, the height of the building continues to appear even higher from street level looking from west to east because of the flat roof (as opposed to a pitched roof) and the rising slope of the street. It overwhelms the house to which it currently is attached. The proposal is at least one full level too high.

The swooping curves of the façade and numerous street-facing balconies are more reminiscent of buildings found in the Mediterranean than in chilly England and share no affinity with nearby houses, again failing to respect and enhance the character of the local area and the conservation area as a whole.

This revised proposal remains insensitive to the context in which the applicant wishes to build and live. Support for this ill-conceived design would cause long lasting damage to a fragile conservation area which boasts of having real icons of modern architecture in the immediate vicinity.

Basement impacts

We note that the BIA anticipates “the category of the movement expected is between 1 and 2 based on the Burland”, contrary to Policy BA1, which requires all proposals for basement development to “aim for no higher than Burland Scale 1. Construction will not be allowed to proceed where there is evidence that damage to neighbouring properties would exceed Burland Scale 1”.

Officer Response:

- 1. The building is in scale with the large domestic buildings of the area, and the materials are robust materials with a colour that is not jarring with its context. The design is exemplary and will contribute to the significance of the conservation area by continuing the avant-garde and varied character of the conservation area. The siting, scale, design, context and impact on the surrounding conservation area are assessed in the design and heritage section of this report.*
- 2. The Basement Impact Assessment (BIA) has been independently audited by Campbell Reith (Camden’s BIA auditor) and is considered to be acceptable. The audit confirms damage to adjacent structures does not exceed Burland Category 1.*

**Heath and
Hampstead Society**

An objection was received from the Heath and Hampstead Society, as follows:

This application for a single four storey semi-detached house is a slightly revised version of the previous application numbered 2019/5348/P. The minor changes have not altered our strong objection both to its height, to its façade and to its mass.

The proposed building is not compatible with the streetscape in Frognal Gardens in which it is located, in respect of its colour, material and form. It would dominate the street and overpower its semi-detached and other neighbours. It does not fulfil the requirements of Hampstead Neighbourhood Plan policy on design: DH1.2.c. – namely, the design does not respond positively and sympathetically to the existing rhythm, proportion, height, scale, massing, materials and storey heights of surrounding buildings.

The existing building, numbered 18a, is defined as neutral in its contribution to the Hampstead Conservation Area. It does not read as a single entity, but as part of a combined elevation with its neighbour, 18b, as the age, style and materials are similar and the line of party wall is not articulated.

The new proposal has a detrimental effect not only on the appearance of 18b, in the following ways:

- the proposal's light green colour would catch the light and the tiled elevation would be reflective,
- the scale of fenestration is greater and as it pushes forward and back to a far greater degree, it creates a more moulded effect.

All of this would have the effect of making the adjoining building look smaller, flat fronted, dull coloured and less significant.

The D&A statement has a clear analysis of the architecture, details and materials of the adjacent Edwardian buildings; however, the proposal does not relate to the analysis. It will overpower the neighbouring on Frognal Gardens. Apart from the colour, the form is not reflective of the rhythm and symmetry of the historic brick buildings on the street. The proposed asymmetrical bays with large panes of glass, curves and curious overhanging cornices give an effect of organic flowing shapes which are more reminiscent of an individualistic building facing the Mediterranean than a residential semi-detached property in Hampstead.

The worst quality of this design is its height and mass – made visually worse by the curious chimney-like protrusions on the roof and the use of a prominent colour and material from ground level to roof with an unusual curved series of set-back balconies. The façade is eye-catching but not articulate.

In summary, this building is one storey too high, its materials are inappropriate, the stylistic flourishes are not compatible to the streetscape. It's massing and manipulation of form is overbearing and it has ignored its adjoining and near-by neighbours. It is a struggle to see how it can... "Complement and enhance the site and its setting" as claimed.

There are many modern buildings which subtly relate to the scale and form of Hampstead buildings and add successfully to the Conservation Area – this would not be one of them.

It is a large building with a big ego, and detracts from the Conservation Area.

– please refuse this application.

Officer Response:

1. *The building is in scale with the large domestic buildings of the area, and the materials are robust materials with a colour that is not jarring with its context. The design is exemplary and will contribute to the significance of the conservation area by continuing the avant-garde and varied character of the conservation area. The siting, scale, design, context and impact on the surrounding conservation area are assessed in the design and heritage section of this report.*

| | |
|--------------------------------------|---|
| <p>Church Row Association</p> | <p>An objection was received from the Church Row Association, as follows:</p> <p>I am writing on behalf of the Church Row Association to object to the above application. The height and bulk of the proposed new building is out of proportion to the surrounding buildings and the extensive and prominent green cladding is out of keeping and has no respect for its surroundings. It will have a negative impact on the Hampstead Conservation Area, and the application should be refused.</p> <p><u>Officer Response:</u></p> <ol style="list-style-type: none"> <i>The building is in scale with the large domestic buildings of the area, and the materials are robust materials with a colour that is not jarring with its context. The design is exemplary and will contribute to the significance of the conservation area by continuing the avant-garde and varied character of the conservation area. The siting, scale, design, context and impact on the surrounding conservation area are assessed in the design and heritage section of this report.</i> |
| <p>Hampstead CAAC</p> | <p>No response</p> |

Following pre-application advice on this scheme (ref: 2019/2722/PRE) it was advised that the proposal is reviewed by the Design Review Panel (DRP). The review was held on 27/03/2020. A summary of the advice given by the Panel is contained below – the advice in full is contained online within the applicant's submission (Appendix A of the Design and Access Statement).

The panel considers the proposals represent a particularly interesting scheme, with architecture of a potentially very high quality. Its feedback is intended to help refine the details of the planning application, to ensure the building provides public benefit through the quality of its design to mitigate any harm caused in the conservation area setting. While the opulence and originality of the materiality is impressive, and the finished house will be a special building, it is important that it is highly appropriate for its conservation area setting. The panel suggests that the mass of the building be reduced in small ways to prevent it from seeming over-dominant, in a context where architecturally distinctive modern houses are generally characterised by their modest qualities. The panel therefore asks that the design is carefully examined to identify areas where its mass can be subtly reduced, particularly around the roofline, chimneys and where the front elevation projects beyond the building line of No. 18b Frogal Gardens. Views from the west-facing windows in the projecting section of the ground floor must also be managed carefully to avoid overlooking No. 18b. The panel feels there is scope to refine the scale of the fenestration, particularly given the south facing aspect. It supports the proposed use of green faience material for the façade, and enjoys the detail of the design, including the façade curves and chimneys. It is convinced that the scheme can be refined to achieve full support.

Design Review Panel

With specific regards to the green faience tiled finish, the DRP commented: *"the proposed façade material is considered to be delightful, with the green colour an appropriate reference to design influences" "the opulence and originality of the materiality is impressive, and the finished house will be a special building... [the DRP] supports the proposed use of green faience material for the façade, and enjoys the detail of the design, including the façade curves and chimneys."*

Since this time, the applicant has sought to address the DRPs comments with the following amendments:

- Height reduced by 350mm and setback introduced to the top floor – a new curved setback from the west party wall, new setback to the east and increased setback to the south
- Chimneys reduced in height, width & depth
- 150mm reduction in height of front projection
- Proposed 'dormer' arrangement of 2nd floor
- Introduction of a bay window to articulate the entrance and introduce the vertical rhythmic sequence of bays
- Gable with curved transition aligning the parapet with 18b introduced
- Reduction in scale and quantity of glazing and introduction of external blinds to mitigate against heat gain
- The bay window at upper ground floor announces the house entrance and introduces the rhythmic alternating sequence of bays. The window proportions have been modified to relate more clearly to the horizontality of 18b
- Length of front projection reduced to increase planting within the front curtilage

The Design Review Panel's comments were generally very supportive of the scheme; where amendments were suggested, these have been responded to by the applicant as outlined above.

Site Description

The application site is located on the northern side of Frogmal Gardens within the Hampstead Conservation Area (sub area 5), it is also within the Hampstead Neighbourhood Plan area. The surrounding area predominantly comprises large Victorian semi-detached and detached properties, and is characterised in part by its green space and mature vegetation. It is noted that a number of properties of a more contemporary design exist within the area.

The application site contains a 1960s built semi-detached single family dwellinghouse, finished in brown brick with large aspects of glazing and a lower ground floor garage. The property is set back from the street by a driveway laid to brick pavements. The property is noted within the conservation area appraisal as having a neutral impact on the conservation area. The closest listed buildings are at nos.104-110 (even) Frogmal to the north-west of the site, some 38m away.

Relevant Planning History

2019/5348/P - Demolition of existing 3 storey dwellinghouse and replacement with 1 x 4 bed four storey single family dwellinghouse with basement excavation, landscaping and associated works (Use Class C3) - **Withdrawn 01/12/2020**. The applicant decided to withdraw the application as a number of amendments were being made to the scheme, it was decided that the submission of a fresh application would be the simplest way of incorporating the alterations.

2019/2722/PRE - Demolition of existing building; erection of four storey (plus basement) single family dwellinghouse (Use Class C3) - **Pre-application advice issued 23/07/2019**. Advice was generally positive and concluded that the proposed development (subject to details and amendments being made as requested) could be considered acceptable in principle. It was advised that the case is taken to the Design Review Panel (DRP) prior to the submission of an application in order to gain independent design comments.

E6/12/3/12423 - The erection of two six room houses at No.18 Frogmal Gardens, Hampstead - **Granted 29/05/1964**.

Relevant policies

National Planning Policy Framework (2019)

London Plan (2021)

Camden Local Plan (2017)

- A1 Managing the proposed impact of development
- A3 Biodiversity
- A4 Noise and vibration
- A5 Basements
- C5 Safety and security
- C6 Access for all
- CC1 Climate change mitigation
- CC2 Adapting to climate change
- CC3 Water and flooding
- CC4 Air quality
- CC5 Waste
- D1 Design

D2 Heritage

T1 Prioritising walking, cycling and public transport

T2 Parking and car-free development

T4 Sustainable movement of goods and materials

DM1 Delivery and monitoring

Camden Planning Guidance

CPG Altering and extending your home (2019)

CPG Amenity (2018)

CPG Basements (2018)

CPG Home Improvements (2020) (Draft)

CPG Transport (2019)

Hampstead Neighbourhood Plan (2018)

DH1 Design

DH2 Conservation areas and listed buildings

NE2 Trees

NE4 Supporting biodiversity

BA1 Basement impact assessments

BA2 Basement construction plans

BA3 Construction management plans

TT4 Cycle and car ownership

Hampstead Conservation Area Statement (2001)

Assessment

1. Proposal

1.1. This application seeks planning permission for the following works:

- The application proposes the demolition of the existing building to be replaced with a single family dwellinghouse of an alternate design.
- The amended design would include the excavation of a basement/lower ground floor and the addition of a further storey.
- The lower ground floor would extend beyond the front building line of the existing building.
- The front and rear elevations would be curved at various depths, the upper ground floor curve would serve to form a two storey rear extension.
- The first floor would largely match the footprint of the upper ground floor, with the exception of the front elevation, which would curve in the opposite direction, to form a stepped style frontage.
- The second (top) floor would be set in from the front and rear elevations.
- Vehicular parking would be retained on site
- Landscaping alterations are proposed across the site

2. Revisions

2.1. In response to officer concerns, revisions to the cycle parking were received during the course of the application.

3. Assessment

3.1. The main considerations as part of the proposal are:

- Land use principle
- Demolition within a conservation area
- Design and impact on the conservation area
- Basement
- Quality of accommodation

- Impact on neighbours
- Transport
- Waste
- Access
- Energy and sustainability
- Flooding
- Trees and landscaping
- Archaeology and land contamination
- S106 and CIL contributions
- Human rights and quality duty

4. Land use principle

- 4.1. Proposed is the demolition of an existing single family dwellinghouse, to be replaced with a single family dwellinghouse of an altered scale and design. There is no change of use or increase in the number of units on the site. As such, the proposal is considered to be acceptable in principle land use terms. The sustainability and design aspects of the development are assessed in the subsequent sections of this report.
- 4.2. There is no increase in the number of units provided, so the proposal would not be liable for an affordable housing contribution under policy H4 of the Local Plan.

5. Demolition within a conservation area

- 5.1. The property is noted within the Hampstead Conservation Area Statement as having a neutral impact on the conservation area. The existing property is of modern 1960s construction and is of little architectural merit, other than providing a residential building of notable scale which is part of the general character of the area. Its demolition and replacement with an appropriately scaled and designed building would not constitute harm to the character and appearance of the conservation area, and is therefore acceptable in principle, subject to an appropriate replacement of sufficient scale.
- 5.2. There are environmental impacts arising from the demolition of the existing building. Proposals for demolition and reconstruction should be justified in terms of the optimisation of resources and energy use in comparison with the existing building. These sustainability aspects of the proposal are assessed later in this report.

6. Design and impact on the conservation area

- 6.1. The application site is located just before a steep curve in a residential road linking Frognal to Church Row. The east side of the road was built in the late 19th Century and is lined with substantial red and brown brick properties with stone dressings, tiles, and gables. The west side of the road has a different character, with two storey detached dwellings with pantiled roofs set back from the street which are painted giving the area a varied palette of materials and colours. Map regression shows the application site was previously the garden of a substantial villa north of the site. The existing building adjoins number 18b and these were built in the 1960s. They are three storey flat-roofed brown brick properties with deep red panels. Whilst their material palette is inconspicuous, their design form is anomalous, and they are described in the conservation area as having a neutral impact on the conservation area.
- 6.2. The site is located in sub area 5 (Frognal) of the Hampstead Conservation Area. It is characterised by large late 19th Century and 20th Century houses set in spacious large and well-treed gardens. Most are red brick, the earlier ones generally Arts and Crafts in style with picturesque red tiled roofs and chimneys. Many have decorative moulded brickwork or areas of tile hanging. Hampstead also has a tradition of avant-garde architecture established in the 1870s, which continued through the 20th century, including many inventive arts-and-crafts styles

around Frognal and Fitzjohns Avenue and a number of striking modern houses which defied convention built in the 1930s around Frognal and in Willow Road.

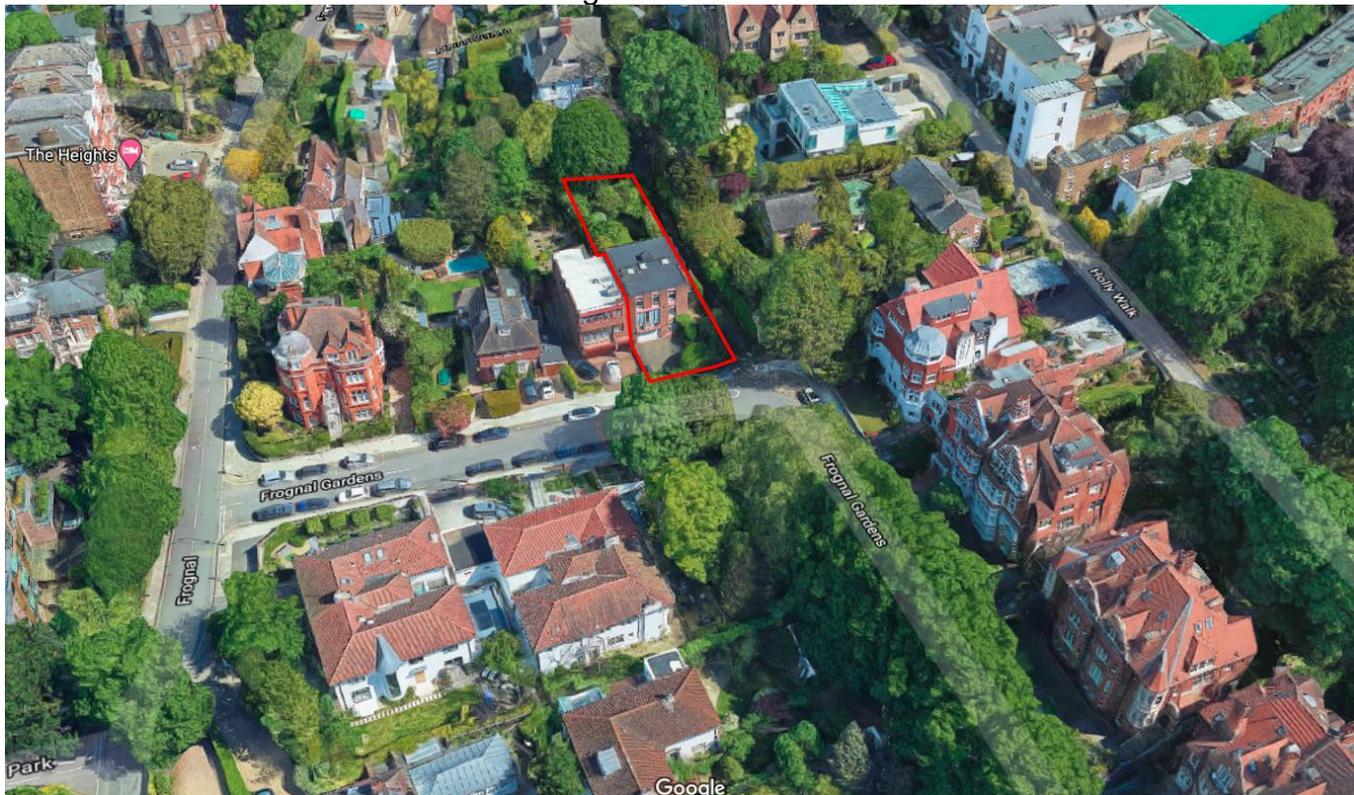


Figure 1. Site context

- 6.3. The significance of the conservation area derives from the large decorative residential buildings in a green and verdant setting. The prominent and varied articulation of building forms, particularly on the arts and crafts buildings, as well as the varied use of brick, tile, stucco render and stone, also contribute to the significance and the conservation area. The variety of forms treatments and designs, reflected in the avant-garde and individualistic designs, also help to define the character of Hampstead.

Policy context

- 6.4. Local Plan Policy D1 states: The Council will seek to secure high quality design in development. The Council will require that development:
- respects local context and character;
 - preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage;
 - is sustainable in design and construction, incorporating best practice in resource management and climate change mitigation and adaptation;
 - is of sustainable and durable construction and adaptable to different activities and land uses;
 - comprises details and materials that are of high quality and complement the local character;
 - integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage.
- 6.5. This is reflected in policy DH1 of the Hampstead Neighbourhood Plan (HNP) which also requires a design which responds positively to its context.
- 6.6. Local Plan Policy D2 and HNP policy DH2 require development within conservation areas preserves or, where possible, enhances the character or appearance of the area.
- 6.7. Paragraph 127 of the NPPF states that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

Height, massing and form

- 6.8. Figure 1 above shows the East side of the road is characterised by substantial four to five-storey late Victorian dwellings with heavy articulation in a Queen Anne Revival style and a variety of decorative gables adding to the perception of height and scale. As the road turns the corner to meet Frognaal, the proposed building would present another four-storey building of similar scale and bulk consistent with the general pattern of development on this side of the road, and much of the wider conservation area. The scale of properties drops to three stories at 18b, and 20 appears anomalous at a smaller two-storey scale. The heights then step back up again and the red-brick property on the corner of Frognaal Gardens and Frognaal is three storeys with basement and raised ground floor, with gables and a dome, adding to the perception of height. As a result, the proposal would remain contextual and wouldn't over-dominate its surroundings.



Figure 2: Proposed house

- 6.9. The building has a striking and innovative but complementary form, modern but referential to its surroundings, with the stepped bays responding to the bays of the late 19th Century architecture of the street, and the articulation of the form having a strong relationship to the recurring arts and crafts character of the conservation area.
- 6.10. The conservation area has a wide variety of roof forms, including turrets, varied pitches, decorative gables, chimneystacks, spires, and domes. The vertical projections on the proposed building reference turrets, and prominent chimney stacks, giving a contemporary take on the interesting and varied roof forms of the area.

Materials and detailing

- 6.11. The area is characterised by a varied material and colour palette which contributes to its significance. This part of the street is characterised by red brick with stone dressings, brown brick, painted stucco render, tile hung frontages, terracotta panels, detailed and patterned tiles and brick, and lead domes.

6.12. The proposed building has striking green glazed tiles on the façades with intricate detailing and patterns. A pale brick is used on part of the flank wall. Where on residential buildings in the area, green is an accent material used sparingly other than on the expanse of roofs, for example on domes or smaller areas of tile hanging. Policy D1 of the Local Plan requires a high standard of design which respects and complements local character. The whilst the use of green at this scale is not part of the current character of the area, the moulded glazed tiles and intricate detailing are a strong modern interpretation of an important part of the local character. The building proposed here is an exemplary design and has the potential to continue the architectural tradition of innovative architecture which forms part of the significance of this part of the conservation area – a view reflected in the advice of the DRP. The shade of green chosen is a natural colour, responsive to the verdant character of the Hampstead Conservation Area and is not jarring, being a complementary colour to red which is commonly found in the area. The green is not building on an existing dominant palette, but is being deliberately used to create a striking piece of architecture in keeping with the tradition of innovative architecture that characterises the conservation area, and approach and material choice also supported by the DRP. Samples and on site panels would be secured by condition 8.

Boundary treatments

6.13. Traditional boundary treatments incorporating low brick walls with planting behind are common to the conservation area, although there are also numerous examples of higher, more defensive boundary treatments with tall piers. The open frontage and forecourt parking, with predominance of hard landscaping, at the existing site is detrimental to the streetscene and there is scope here to provide an improved and sympathetic boundary treatment. The proposal includes a low boundary brick wall with planting behind, offering a greater abundance of soft landscaping and greenery. This would be an improvement to design and appearance of the streetscene. Final details of the front boundary treatment including details of materials, would be secured by condition 9.

Conclusion

6.14. In summary, the height, scale and form of the building are considered to preserve the character and appearance of the conservation area. The colour of the building does deviate from the contextual colour palette; however, the exemplary quality of the architecture and robust contextual materials mean the building would contribute to Hampstead's tradition of innovative design. Overall, the replacement of the existing building, which make a neutral contribution to the conservation area ,with the proposed exciting and innovative building of exceptional design quality is acceptable and would enhance the character and appearance of the conservation area, as required by Local Plan policies D1 and D2, and HNP policies DH1 and DH2. The detail and final execution of the building will be critical to its success and so a planning obligation will be secured to ensure the project architect are retained during construction.

7. Basement

7.1. Policy A5 of the Camden Local Plan states that developers are required to demonstrate with methodologies appropriate to the site that schemes maintain the structural stability of the building and neighbouring properties; avoid adversely affecting drainage and runoff or causing other damage to the water environment; and avoid cumulative impact upon structural stability or water environment in the local area. Furthermore, the siting, location, scale and design of basements must have minimal impact on, and be subordinate to, the host building and property. HNP policy BA1 includes more restrictive requirements, seeking no more than Burland Scale 1 damage.

7.2. The site sits on a slope which rises to the rear of the site. The current street side entrance is at ground, but this floor level only extends half-way back in the depth of the building. The garden entrance at the rear is actually at first floor level when looking at the front of the property. The proposal is to further extend the lower ground/basement level back to the full depth of the new

building but add a further projection around 5m into the rear garden. The depth would be increased in this rear section to accommodate a pool and pool plant.

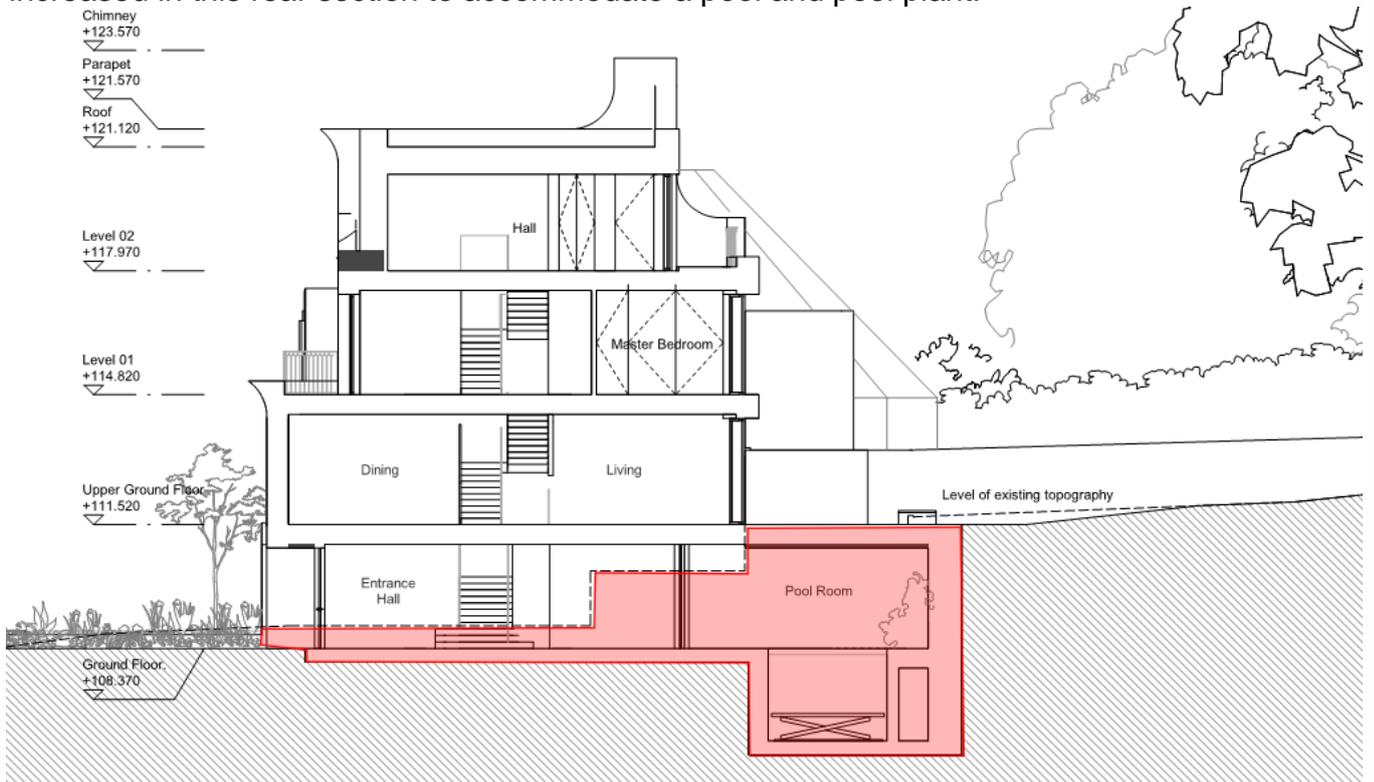


Figure 3: Area of excavation in red (cross section)

- 7.3. A number of documents were submitted by the applicant in support of the basement proposal, of most relevance is the Basement Impact Assessment (BIA). The Council's independent auditor Campbell Reith has reviewed these documents.
- 7.4. Campbell Reith undertook an initial review and asked for clarifications, before publishing their final report in November 2020 confirming the basement proposals were acceptable. They audited the applicant's submission detailing the potential impact on land stability and local ground and surface water conditions arising from basement development in accordance with Camden's policies and technical procedures.
- 7.5. The independent audit from Campbell Reith confirmed that the BIA was carried out by individuals with suitable qualifications; the screening and scoping assessments were undertaken in accordance with the Council's CPG Basements; that impacts on adjacent properties, slopes and infrastructure would be limited and mitigated as part of design development; impact on groundwater flow would be very low and the development is not anticipated to impact the hydrological environment.
- 7.6. Concerns were raised during the public consultation that the BIA anticipates "the category of the movement expected is between 1 and 2 based on the Burland". Policy BA1 of the Hampstead Neighbourhood Plan requires all proposals for basement development to "aim for no higher than Burland Scale 1. Construction will not be allowed to proceed where there is evidence that damage to neighbouring properties would exceed Burland Scale 1". An updated Ground Movement Assessment was provided and Campbell Reith confirmed the Building Damage assessment indicated that damage would not exceed Burland Category 1 in compliance with the HNP.
- 7.7. The basement would comply with the other relevant subsections of policy A5 and the Basements CPG with regards to the dimensions of the proposed basement and other matters. Given the level of excavation proposed (and scale of demolition/construction works generally) a Construction Management Plan (CMP) would be secured by S106 (see transport section of this report).

7.8. Overall, the basement is in proportion to the host building and would extend an existing lower ground level. Subject to the attached conditions and S106 securing a CMP, the proposed basement would not cause harm to neighbouring properties, structural, ground, or water conditions of the area, the character and amenity of the area or the architectural character of the proposed building.

8. Quality of accommodation

8.1. The proposed single family dwellinghouse would provide a very good quality of accommodation in terms of space standards, access to daylight/sunlight, outlook, amenity space and ventilation. It would exceed national space requirements and provide an excellent standard of living in a positive setting in compliance with the development plan.

9. Impact on neighbours

9.1. Policy A1 of the Local Plan seeks to protect the quality of life of neighbouring occupiers. The factors to consider include: visual privacy and outlook; sunlight, daylight and overshadowing; artificial light levels; noise and vibration.

Daylight/sunlight

9.2. A Daylight/sunlight report was submitted with the application which details the impact on surrounding properties. The report assessed six windows on two surrounding properties – 18b Frogнал Gardens next door (marked 1 in Figure 4 below), and 17 Holly Walk to the east marked 2 in Figure 4 below). Of the windows assessed all six would comply with BRE guidance. The proposal would not constitute undue harm in terms of daylight/sunlight, and both adjacent properties would continue to receive good levels of light, including the window at sunken lower ground level in the recess at 18b.



NEIGHBOURING PROPERTIES CONSIDERED FOR ANALYSIS

1: 18b Frogнал Gardens:
Dwg No: 19339_LOC_001

2: 17 Holly Walk:
Dwg No: 19339_LOC_002

3: 9 Frogнал Gardens:
Dwg No: N/A

Figure 4: Properties tested for light impact

Outlook

9.3. The redevelopment property would sit on a similar footprint to the existing property, and whilst of a slightly larger scale and height, given its siting, scale and design, it would not serve to unduly impact on neighbouring outlook.

Privacy

- 9.4. The provision of balconies with planting and green roofs is an integral part of the design of the building and will provide some increased opportunity for overlooking. However, the main impact is on the street side, overlooking the public realm and so this is not a notable impact on privacy of homes. There is a higher level green roof which can be accessed and walked on at the rear of the building. However, this is set back behind the main building line and the one for the adjacent building. This will provide some additional overlooking impact, however, the height of the green roof/terrace, the inset, and the set-back of the railings all help to minimise the impact. Whilst it is inevitable that the additional height of the proposal would result in some additional levels of overlooking, the proposal has been designed to reduce the impact on neighbours in this regard, and the loss of privacy is considered not to result in undue harm to neighbouring amenity and refusal is not warranted on this basis.

Noise

- 9.5. It is proposed to replace a single family dwellinghouse with a single family dwellinghouse of a different design and larger scale. Given the use and intensity of the proposal would be similar to the existing situation, it is not anticipated that unduly harmful levels of noise would result. Condition 5 requires details of the Air Source Heat Pumps on the roof, including their acoustic enclosure. Condition 20 limits the noise emitted by all plant to ensure it remains below background noise levels.
- 9.6. Steps taken to reduce the noise impacts of the development during construction would be secured through the CMP (achieved by S106 subject to approval).

Light pollution

- 9.7. The amount of glazing and scale of windows has been carefully considered in response to comments from the DRP. Given the scale and design of the proposal, and amount of glazing proposed, the development is considered not to result in unduly harmful levels of light pollution.

Conclusion

- 9.8. Given the above, the proposal is considered to comply with policy A1 of the Camden Local Plan, and no undue harm to neighbouring amenity would be caused as a result of the proposed development subject to S106 clauses.

10. Transport

Car-capped

- 10.1. The site currently benefits from a driveway for two vehicles and a garage for one vehicle. The development would reduce this and retain 2 parking space in the driveway. The new residential dwelling would need to be car-capped if the existing residents would return on completion. Otherwise, it would need to be fully car-free and this will be secured by legal agreement. Similarly, the development would also be secured as permit free for future occupiers. This means that future residents would be unable to obtain on-street parking permits, although returning residents can request a temporary exemption to this. The permit free would be secured by legal agreement.
- 10.2. Two Electric Vehicle Charging Points (EVCPs) would be provided in accordance with the new London Plan 2021. This would be secured by condition 12.

Cycle parking

- 10.3. Secure, accessible, and covered cycle parking should be provided in accordance with Policy T1, cycle facilities section of CPG Transport, and the new London Plan. The HNP has more stringent requirements and requires a minimum of three cycle spaces for large dwellinghouses. The plan

originally indicated that an area in the entrance hall would be provided for three bicycles. However, in response to officer advice, these have now been provided in a designated area off the entrance hallway with some utility space. The cycle parking would be secure and is also provided with charging points for electric bicycles. The cycle parking would be secured by condition 13.

Construction Management Plan (CMP)

- 10.4. The site is readily accessible, but some roads in the area have tight turns and the area has a generally quiet character. Due to the amount of demolition and construction works, a construction management plan (CMP) would need to be secured to minimize the impact on the highway infrastructure and the neighbouring community. We would seek to secure a CMP implementation support contribution of £3,136 and a Construction Impact Bond of £7,500 as section 106 planning obligations in accordance with Policy A1. The Council has a CMP pro-forma which must be used once a Principal Contractor has been appointed. The process also requires the developer to liaise with local residents prior to submission of the detailed CMP.

Highways contribution

- 10.5. The footway directly adjacent to the site is likely to sustain damage because of the proposed demolition and construction works. A highways contribution would need to be secured as a section 106 planning obligation if planning permission is granted. This would allow the Council to repave the footway directly adjacent to the site and repair any other damage to the public highway in the general vicinity of the site. The highway works would be implemented by the Council's highways contractor on completion of the development. A cost estimate for the highway works is £5,438.51, and this would be secured by legal agreement.

Conclusion

- 10.6. Overall, the scheme would have an acceptable impact on transport in compliance with the development plan, subject to a series of mitigating measures and planning obligations.

11. Waste

- 11.1. A waste store is proposed which is sufficient for the occupiers of the proposed unit. This is provided at the front of the property with level access – there are no concerns with this arrangement subject to appropriate landscaping details being secured by condition.

12. Access

- 12.1. Policy 3.8 of the London Plan recognises that a genuine choice of homes should be provided in terms of both tenure and size, and provision should be made for affordable family housing, wheelchair accessible housing, and ensuring all new housing is built to Building Regulations Part M.
- 12.2. Level access is provided to the property, and an internal lift provides access to all floors. This is considered to be acceptable and complies with the requirements of policy H6 of the Local Plan.

13. Energy and sustainability

- 13.1. Policy CC1 requires that all proposals for substantial demolition and reconstruction should be justified in terms of the optimisation of resources and energy use in comparison with the existing building. The existing build suffers poor thermal performance and it is split across multiples levels, with no level access in through the front door. This would make refurbishment to modern standards very difficult without significant levels of demolition to facilitate it. Condition 14 will require 85% of waste to be diverted from landfill, compliance with the Institute for Civil Engineer's

Demolition Protocol, and target re-use demolition materials (such as crush masonry and use as a sub-base).

- 13.2. All minor applications for new dwellings should demonstrate that they meet sustainable design principles and are also required to meet a target of 19% reduction in carbon emissions below Part L of the Building Regulations, of which 20% is achieved by on-site renewable technologies. Overall, the CO2 emissions for the dwelling are shown to be significantly reduced by more than 41% over the baseline Building Regulations Part L dwelling emissions rate. A series of renewable technologies are proposed including solar PVs and solar thermal panels. The carbon emission reduction will be secured by condition 11.
- 13.3. Passive measures have been employed such as high insulation levels and high performance glazing, along with external shading to windows. The proposal includes active measures like mechanical ventilation with heat recovery and low energy lighting. The building will be heated using electricity from two high efficiency Air Source Heat Pumps (ASHPs), supplemented by the PV array at main roof level (details secured by conditions 5 and 10).
- 13.4. The new house will be required to comply with a condition that limits total water use to 110 litres/person/day (condition 15). Overall, the energy and sustainability benefits are notable and in compliance with the development plan, providing an improvement to the current building.

14. Flooding

- 14.1. Campbell Reith's audit accepted the site is at very low risk of flooding. Flood risk mitigation measures are proposed in regards to impacts from surcharged sewers. They determined the proposed development will not increase the risk of flooding in the surrounding environment.
- 14.2. In line with policy A5, basement schemes should not include habitable rooms and other sensitive uses in areas prone to flooding. Whilst there is no evidence that the site was directly affected by historical local flood events, caution should be exercised. Nonetheless, the basement area only includes the pool and pool plant. The ground floor level, which is basement level at the rear of the building due to the land level changes, does not include any sensitive rooms and is largely plant and utility space. Furthermore, the ground floor is slightly elevated and there is a sump pump installed so this is considered a low risk and therefore acceptable in line with policy.

15. Trees and landscaping

- 15.1. It is noted that a number of trees exist on site and in the surrounding area, and so an Arboricultural Report was submitted with the application to demonstrate the impact on these trees. A total of 11 trees are within the vicinity of the site, with 4 proposed for removal. The trees for removal are category C and U. Three removals are to facilitate the development and one is due to the condition of the tree (the category U). The Arboricultural Report demonstrates that the remaining trees would not be unduly impacted by the proposals, subject to appropriate tree protection measures which are secured by condition 3. There will be extensive landscaping at the rear and front of the site, and the building itself.).
- 15.2. Landscaping alterations proposed across the site, including planting within the front curtilage, the formation of green roofs, and the incorporation of planting on balconies, are vital to the high quality execution of the scheme, and so full details of these elements, including their programme of planting and maintenance, shall be achieved by condition. Conditions are recommended securing details of landscaping and replacement trees and their replanting within 5 years if they do not survive (conditions 6 and 17).

16. Archaeology and land contamination

- 16.1. There are no archaeological assets on or near the site according to the desk study undertaken by the applicant. Research and historical mapping suggest the site was undeveloped land

associated with residential use until the existing building was built in the 1960s. There is therefore a low potential to find archaeological activity on the site.

- 16.2. A neighbour has raised concerns regarding asbestos containing material (ACM) on site. Given the age of the building, condition 16 is recommended that requires monitoring the site for asbestos, and submission of a remediation strategy if ACM is found during the course of demolition and excavation.

17. S106 and CIL contributions

- 17.1. Given the property would be a self-build single family dwellinghouse, it would be exempt from both the Camden and Mayoral (MCIL2) CIL charges.

- 17.2. Details of the S106 clauses are:

- Car capped development and car free for future occupiers
- Demolition and Construction Management Plan (CMP) – With CMP implementation support contribution of £3,136
- Construction Impact Bond - £7,500
- Highways contribution – £5,438.51
- Retention of architect throughout construction

18. Human rights and equality duty

- 18.1. Section 149 of the Equality Act 2010 sets out the Public Sector Equality Duty (PSED). A public authority must, in the exercise of its functions, have due regard to the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 18.2. As part of this application officers have had due regard to the duty, particularly considering impact on groups with protected characteristics. One of the consultation responses highlighted that a neighbour immediately impacted by the proposals is elderly and disabled, two of the protected characteristics (age and disability) under the Equality Act 2010. Furthermore, the works would engage rights under Article 1 of the First Protocol of the Human Rights Act 1998 which entitles people to the peaceful enjoyment of their possessions, including their property and home.

- 18.3. Whilst the effects of the demolition and construction of the proposal may be felt more so by the resident with these protected characteristics, the harm is temporary and mitigated and managed by a Construction Management Plan. In light of the overall assessment of the proposal and the policy framework under which it has been considered, along with other material considerations, the limited harm on occupiers (including those with protected characteristics) would not outweigh the factors that weigh in favour of granting permission.

- 18.4. Similarly, the consequences of the final development itself would not introduce any specific impacts that favours or disadvantages a specific grouping within the nine protected characteristics, nor would it unreasonably impact upon Article 1 rights.

19. Conclusion

- 19.1. Given the above assessment the proposal is considered to represent a high-quality piece of architecture which was supported by the DRP and is considered appropriate to the surrounding context, enhancing the character and appearance of the conservation area.

- 19.2. The demolition of the existing building and replacement with the proposed design would result in sustainability and biodiversity benefits, including significant carbon and energy reduction as well as a range of planting on and around the building.
- 19.3. The proposal is a favourable sustainable development that is in accordance with relevant National and Regional Policy, the Camden Local Plan, Camden Planning Guidance and other supporting policy guidance for the reasons noted above.
- 19.4. The proposed development is in general accordance with policies of the development plan and the National Planning Policy Framework (2019).

Recommendation:

Grant planning permission subject to conditions and a s106 legal agreement.

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 29th March 2021, 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: 2020/5214/P
Contact: Ben Farrant
Tel: 02079746253
Email: planning@camden.gov.uk
Date: 20 March 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

Alison Brooks Architects
Unit 610
Highgate Studios
53-79 Highgate Road
London
NW5 1TL

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted subject to Section 106 Legal Agreement

Address:

18A Frognal Gardens
London
NW3 6XA

Proposal: Demolition of existing 3 storey dwellinghouse and replacement with 1 x 4 bed four storey single family dwellinghouse with basement excavation, landscaping and associated works (Use Class C3).

Drawing Nos: 18aFG_ABA_Design, Access and Heritage Statement;
18aFG_AC_Archaeological DBA V2; 18aFG_AE_Basement Impact Assesment_Rev3;
18aFG_CSGU_Tree Report BS5837-2012 Report V2; 18aFG_DPR_Daylight Sunlight
and Shadowing Report with addendum letter dated Nov 2020; 18aFG_EEP_Drainage
Report 2020 RevB; 18aFG_EEP_Energy and Sustainability 2020 RevB; ABA-18aFG-
20-001; ABA-18aFG-20-002; ABA-18aFG-20-003; ABA-18aFG-20-004; ABA-18aFG-
20-005; ABA-18aFG-20-006; ABA-18aFG-20-007; ABA-18aFG-20-008; ABA-18aFG-
20-009; ABA-18aFG-20-010; ABA-18aFG-20-011; ABA-18aFG-20-012; ABA-18aFG-
20-020; ABA-18aFG-20-021; ABA-18aFG-20-030; ABA-18aFG-20-031; ABA-18aFG-
20-032; ABA-18aFG-20-033; ABA-18aFG-20-034; ABA-18aFG-20-035; ABA-18aFG-
20-036; ABA-18aFG-Cycle Storage_Rev A

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 The development hereby permitted shall be carried out in accordance with the following approved plans:

18aFG_ABA_Design, Access and Heritage Statement; 18aFG_AC_Archaeological DBA V2; 18aFG_AE_Basement Impact Assessment_Rev3; 18aFG_CSGU_Tree Report BS5837-2012 Report V2; 18aFG_DPR_Daylight Sunlight and Shadowing Report with addendum letter dated Nov 2020; 18aFG_EEP_Drainage Report 2020 RevB; 18aFG_EEP_Energy and Sustainability 2020 RevB; ABA-18aFG-20-001; ABA-18aFG-20-002; ABA-18aFG-20-003; ABA-18aFG-20-004; ABA-18aFG-20-005; ABA-18aFG-20-006; ABA-18aFG-20-007; ABA-18aFG-20-008; ABA-18aFG-20-009; ABA-18aFG-20-010; ABA-18aFG-20-011; ABA-18aFG-20-012; ABA-18aFG-20-020; ABA-18aFG-20-021; ABA-18aFG-20-030; ABA-18aFG-20-031; ABA-18aFG-20-032; ABA-18aFG-20-033; ABA-18aFG-20-034; ABA-18aFG-20-035; ABA-18aFG-20-036; ABA-18aFG-Cycle Storage_Rev A.

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

- 3 No demolition or development shall commence until further details of tree protection measures, in line with the tree report (18aFG_CSGU_Tree Report BS5837-2012 Report V2) have been submitted to and approved in writing by the local planning authority and until the measures of tree protection have been fully implemented. The tree protection measures shall thereafter be retained and maintained for the duration of the demolition and construction period.

Reason: Development must not commence before this condition is discharged to ensure the retention of, and avoid irrevocable damage to, the retained trees which represent an important visual amenity for the locality and the wider surrounding area in accordance with policy A3 of the Camden Local Plan 2017.

- 4 The development hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policies D1, D2 and A5 of the London Borough of Camden Local Plan 2017 and policy BA1 of the Hampstead Neighbourhood Plan.

- 5 Prior to commencement of above-ground works, details of the Air Source Heat Pumps and associated equipment (including drawings and data sheets showing their location, acoustic enclosure, Seasonal Performance Factor of at least 2.5 and Be Green stage carbon saving) shall be submitted to and approved by the Local Planning Authority in writing. The measures shall include the installation of a metering system and commitment to monitor performance of the system post construction. A maintenance schedule for each system shall be provided. The equipment shall be installed in full accordance with the details approved by the Local Planning Authority and permanently retained and maintained thereafter.

Reason: To ensure the development provides adequate on-site renewable and efficient energy facilities in accordance with the requirements of policy CC1 of the London Borough of Camden Local Plan 2017.

- 6 Prior to the commencement of any construction work, not including works for demolition, final details of landscaping and planting, all means of enclosure, and a landscaping maintenance programme, shall be submitted to and approved in writing by the local planning authority. The development hereby permitted shall be thereafter carried out in accordance with the approved details within 6 months of the date of occupation. All tree, shrub and hedge planting included within the above specification shall accord with BS3936:1992, and BS4428:1989 (or subsequent superseding equivalent) and current Arboricultural best practice. The submitted details should include:

- a) The quantity, size, species, position and the proposed time of planting of all trees and shrubs to be planted, including on balconies and the building.
- b) An indication of how they integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance and protection.
- c) Specification of which shrubs and hedges to be planted that are intended to achieve a significant size and presence in the landscape.
- d) Details of hard landscaping, including surface materials and boundary treatments.
- e) Details of any grading, mounding, excavation, retaining walls, and other changes in ground level.
- f) Details of the programme of maintenance for the planting on the building.

Reason: In order to ensure high quality soft landscaping in and around the site in the interests of ecology and visual amenity in accordance with policies A1, A3, A5, D1 and D2 of the Camden Local Plan 2017 and DH1, DH2 of the Hampstead Neighbourhood Plan 2019.

- 7 Prior to commencement of above ground construction, full details of the green roofs shall be submitted to and approved by the local planning authority. The details shall include:
- a) a detailed scheme of maintenance
 - b) sections at a scale of 1:20 with manufacturer's details demonstrating the construction and materials used
 - c) full details of planting species and density.

The green roofs shall be provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies CC1, CC2, CC3, D1, D2 and A3 of the Camden Local Plan 2017.

- 8 Before the relevant part of the work is begun, detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority:
- a) Details including sections at 1:10 of windows (including jambs, head and cill), reveals, doors, and external gates.
 - b) Sample panel of the proposed brickwork, tiles, and external finishes to show type, colour, bond, mortar mix, joint and pointing, to be provided on site.
 - c) Details and a sample of all railings, to be provided on site.

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 and DH1, DH2 of the Hampstead Neighbourhood Plan 2019.

- 9 Notwithstanding the information shown on the approved drawings, full details of the boundary treatment including height, materials and design of the access gate shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the relevant part of the works. The relevant part of the works shall be carried out in accordance with the approved details.

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 and DH1, DH2 of the Hampstead Neighbourhood Plan 2019.

- 10 Prior to first occupation of the building, detailed plans showing the location and extent of photovoltaic cells (thermal and solar) to be installed on the building shall have been submitted to and approved by the Local Planning Authority in writing. The measures shall include the installation of a meter to monitor the energy output from the approved renewable energy systems. The cells shall be installed in full accordance with the details approved by the Local Planning Authority and permanently retained and maintained thereafter.

Reason: To ensure the development provides adequate on-site renewable energy facilities in accordance with the requirements of Policy G1, CC1 and CC2 of the London Borough of Camden Local Plan 2017.

- 11 The development hereby approved shall be constructed in accordance with the approved Energy and Sustainability strategies (included in Design & Access Statement prepared by Alison Brooks Architects in Nov 2020 and the Energy and Sustainability Assessment prepared by EEP in October 2020) to achieve at least a 41% reduction in carbon dioxide emissions beyond Part L 2013 Building Regulations in line with the energy hierarchy. Prior to occupation, evidence demonstrating that the approved measures have been implemented

as approved (or as improved) shall be submitted to and approved in writing by the Local Planning Authority and shall be retained and maintained thereafter.

Reason: To ensure the development contributes to minimising the effects of, and adapts to, a changing climate in accordance with the requirements of policies C1, CC1, CC2 and CC4 of the London Borough of Camden Local Plan 2017.

- 12 Two operational Electric Vehicle Charging Points (EVCPs) shall be provided prior to the commencement of the use hereby permitted and shall thereafter be retained for the duration of the development.

Reason: To ensure infrastructure for more sustainable modes of transport with lower air quality impacts in accordance with policies CC4 and T1 of the Camden Local Plan 2017, and policy T6 of the London Plan 2021.

- 13 The cycle parking shown on the approved plans [ABA-18aFG-Cycle Storage_Rev A] shall be provided in full prior to the commencement of the use hereby permitted and shall thereafter be retained for the duration of the development.

Reason: To ensure adequate cycle parking is available on site and to promote sustainable modes of transport in accordance with policy T1 of the Camden Local Plan 2017 and policy TT4 of the Hampstead Neighbourhood Plan.

- 14 The demolition hereby approved shall divert 85% of waste from landfill and comply with the Institute for Civil Engineer's Demolition Protocol and either reuse materials on-site or salvage appropriate materials to enable their reuse off-site. Prior to occupation, evidence demonstrating that this has been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development contributes to reducing waste and supporting the circular economy in accordance with the requirements of Policy CC1 of the London Borough of Camden Local Plan 2017.

- 15 The development hereby approved shall achieve a maximum internal water use of 105litres/person/day and 5litres/person/day for external use. The dwelling/s shall not be occupied until the Building Regulation optional requirement has been complied with.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with Policies CC1, CC2, CC3 of the London Borough of Camden Local Plan 2017.

- 16 If, during development, contamination by asbestos or asbestos containing materials is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination will be dealt with.

Reason: To safeguard future users or occupiers of this site and the wider environment from risks associated with contaminants and ensure the environmental risks have been satisfactorily managed, in accordance with policies D1 and A1 of the Camden Local Plan 2017

- 17 Any trees or areas of planting which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a high quality of visual amenity in the scheme in accordance with the requirements of policies A2, A3, A5, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification) no enlargement, improvement, alteration, building, or enclosure permitted by Schedule 2, Part 1 of the Order shall be carried out or erected without the prior written permission of the local planning authority.

Reason: To safeguard the visual amenity of the area, to ensure that the external appearance of the building is satisfactory, to avoid overdevelopment of the plot, and to protect the character and appearance of the conservation area in accordance with policies G1, D1, D2 and A1 of the Camden Local Plan 2017, and policies DH1 and DH2 of the Hampstead Neighbourhood Plan.

- 19 No lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials, satellite dishes or rooftop 'mansafe' rails shall be fixed or installed on the external face of the buildings.

Reason: To safeguard the visual amenity of the area, to ensure that the external appearance of the building is satisfactory and to protect the character and appearance of the conservation area in accordance with policies D1 and D2 of the Camden Local Plan 2017, and policies DH1 and DH2 of the Hampstead Neighbourhood Plan.

- 20 The external noise level emitted from plant, machinery or equipment at the development hereby approved shall be lower than the lowest existing background noise level by at least 10dBA, by 15dBA where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity.

Reason: To protect the amenity of the surrounding premises and the area generally in accordance with policies A1 and A4 of the Camden Local Plan 2017

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 2 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.
- 3 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.

- 4 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.
- 5 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures they will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

- 6 The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you are considering working above or near Thames Water pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

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>

DRAFT

Yours faithfully

Chief Planning Officer

DECISION