



## Phillips Planning Services Ltd.

Town Planning and Development Consultants

PW  
23 April 2021

Laura Hazelton  
London Borough of Camden  
Development Control & Planning Services  
Town Hall  
Argyle Street  
London. WC1H 8ND

Dear Laura

### **Part subterranean garden extension at 111 Frognal Ref 2020/5992/P**

As you are aware we act for Mr & Mrs Stern, the owners of 109 Frognal and Mr & Mrs Finegold, the owners of No.113 Frognal and have written to recently on their behalf regarding the part retrospective amendment applications for the extensions and alterations to the main house.

We have now had the opportunity to review the latest application which proposes a very substantial new building set within the rear garden area.

Our clients hold significant concerns regarding this proposal as set out below.

#### The application description and justification

The application describes the proposal as being the demolition of existing rear garden sheds and their 'replacement' with a new outbuilding. The Applicant, in part, places reliance upon the suggestion that the proposed building is a 'replacement' as justification for these proposals.

We highlight the following points:

1. Our clients who have lived at No.109 and No.113 respectively for many years and have clear views of the rear garden of No.111 advise that the larger of the existing buildings were not present on site when the current Applicants purchased the property in 2017. This was erected soon afterwards. A search of the Councils online records suggests that no Planning Permission was obtained for the building despite this being located within the curtilage of a Grade II\* listed building. Given that the larger of the existing buildings is unauthorised no weight can be placed on any 'trade off' argument as appears to be being suggested by the Applicants.
2. As the Council will appreciate the existing buildings whilst large are more akin to typical garden structures, a shed and a summerhouse. What is proposed is something wholly different, a very large built structure, part subterranean and requiring major engineering and excavation works. We respectfully suggest that the use of the term 'replacement' in the description is somewhat misleading as the elements are wholly different in scale form and character. The purpose of the proposed building is also very different to the existing, it is not a shed or summerhouse but termed a 'drawing studio'.

### Accuracy of the Submitted Plans

As the Council is aware, the applicants gained permission for extensions at the rear of the property in 2019 but construction on site progressed in breach of the approved plans. A part retrospective application has been submitted to retain the unauthorised elements to which our clients have objected. These applications remain undetermined.

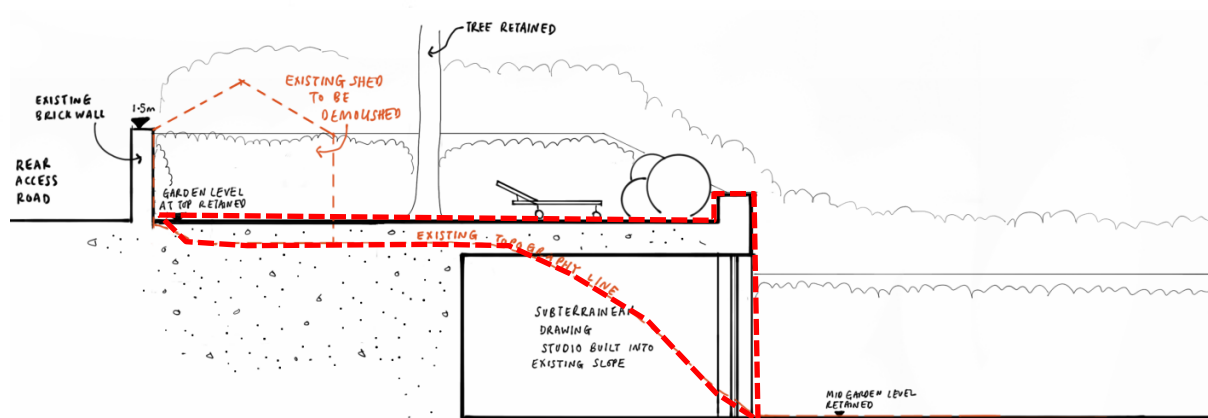
However, it is noted that the existing and proposed site plan provided with this application shows the unauthorised, extended rear extension for which no planning permission exists and so in effect claims this to be 'existing' and to be retained as part of this application. The plan should be amended to remove the rear extension which does not have the benefit of permission and is not built / existing.

Building dimensions are written on the proposed plan suggesting the proposed building would be 8.5 metres x 3.8 metres. Having scaled the plans it is relevant to note that these dimensions appear to be internal not external with the building itself being approximately 9.7 / 9.8 metres wide and approximately 4.6 / 4.7 metres deep using the Applicants scale bar.

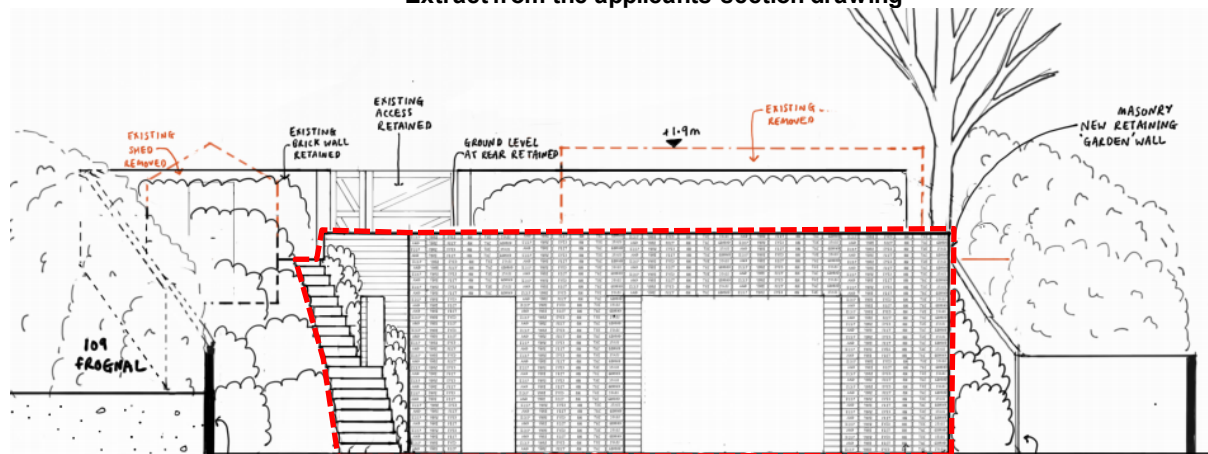
### Visual Impact of the Proposals / Harm to Amenity

As will be noted from the proposed section and front elevation extracts below the proposed building is of very substantial scale (approximately 9.7 metres wide and 3.8 metres high) and would project forward and above the existing rising garden level as outlined in red below.

The building and steps to the south side would effectively fill the width of the garden presenting a large solid wall with extensive glazing that would be readily visible from neighbouring gardens, particularly in the evenings when lit up.



Extract from the applicants section drawing



Extract from the applicants proposed front elevation

The proposed building far larger in terms of its scale and height than may be expected of a 'normal' ancillary garden building such as a shed or summerhouse as its purpose is not that of a low key garden building but rather a drawings studio. The proposed building would be of far more substantial construction i.e., not a timber shed or summerhouse. It would as a result be a very prominent feature in the garden and in the outlook from the rear of our clients' properties, from their rear terrace areas and windows.

As the whole of the very wide and tall front face of the building would be above ground it would not appear subterranean, it would not be disguised or hidden but rather simply appear as a large block of built form sitting in the middle of the rear garden. It would be readily visible and so prominent above the garden boundary walls.

The provision of the extended terrace deck well above the existing garden level and projecting further east out into the garden would also provide a higher formal area with direct views back over both of our clients properties seriously impacting their privacy.

The proposal would set a very unwelcome precedent for large garden structures along Frognaal and this part of the Conservation Area.

#### Impact upon the heritage significance of No.111 and wider conservation area

The impact of the proposal upon the listed building and the conservation area will of course be considered by the Council's professional conservation officers.

However, as owners of adjoining properties within the same Conservation Area (and a similarly listed property in the case of No.109) our clients do make the following points in this regard.

The proposed building would appear as a wholly incongruous addition to the rear garden within the immediate setting of the Grade II\* listed building. The proposed building would compete with the main house and detract from open green character of this garden space.

Whilst the building would not be readily visible from the frontage or public parts of the conservation area it would be prominent in private viewpoints which are of importance.

The existing houses face out onto generous 'green' gardens at the rear characterised by mature trees and landscaping. This large building would be very much at odds with and we submit would not preserve or enhance the existing character and appearance of the Conservation Area.

We note the strong objection lodged by the Heath and Hampstead Society on similar grounds.

#### Conclusions

The sheer scale and width of the above ground elements of the building proposed, its substantial construction, large expanse of glazing and elevated position would make this a very prominent building set within the rear garden of No.111 and would harm the outlook from No.109 and 113 and draw the eye, particularly at night when lit up.

The proposal is unneighbourly resulting in direct overlooking from the raised projecting terrace element above the building which would seriously reduce the level of privacy enjoyed by our clients.

The proposed building would be an incongruous addition into the setting of a Grade II\* listed building, the former home of the eminent sculptor Sir Anthony Caro. The proposal would very

clearly harm the setting of the building (as noted by the Heath and Hampstead Society) and no public benefits are included to outweigh this harm.

Our clients ask that the application is refused for the reasons set out.

Yours sincerely,

Paul Watson  
Phillips Planning Services Ltd