

# The Heritage Practice

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10 May 2021

Dear Laura

**111 Frognal London NW3 6XR - Variation of condition 3 (approved drawings) of planning permission ref: 2019/6089/P granted 03/03/2020 for the erection of basement room beneath garden, erection of single storey rear extension at upper ground level and reinstatement of historic gabled rear elevation; replacement front dormer windows; internal and external refurbishment (summary); Namely, changes to internal layouts, changes to footprint of rear extensions at ground and lower ground floor level, replacement of rear wall, installation of railings and planters to rear, and changes to new window design.**

**Ref: 2021/0409/P and 2021/0406/L**

We write with regard to the consultation responses for the above application

2 responses have been received:

1. On the 26<sup>th</sup> March Historic England wrote confirming that *"On the basis of the information available to date, we do not wish to offer any comments."*
2. On the 9<sup>th</sup> April Phillips Planning Services Ltd acting on behalf of Mr & Mrs Stern, the owners of 109 Frognal and Mr & Mrs Finegold, the owners of No.113 Frognal.

A number of points have been made in the letter. These include the following:

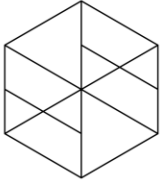
- No weight whatsoever can be placed on the approval of the condition details. The works as constructed on site are 'unauthorised'. This is relevant to how the current applications may be viewed.

*Response. Section 7 of Planning (Listed Buildings and Conservation Areas) Act 1990 ("LB Act 1990") prohibits alteration or extension of a listed building "in any manner which would affect its character as a building of special architectural or historic interest. Our Initial Heritage Impact Assessment identifies that no harm is caused by the works.*

*Moreover the works to the foundations to the rear of the building (outside of the envelope of the listed building) were approved as part of the discharge of condition 5 of the planning permission. The LPA would have considered the affects on the listed building or its setting under section 66 of the LBCA as part of the application as is their duty. The informative on the decision notice confirms this to be the case.*

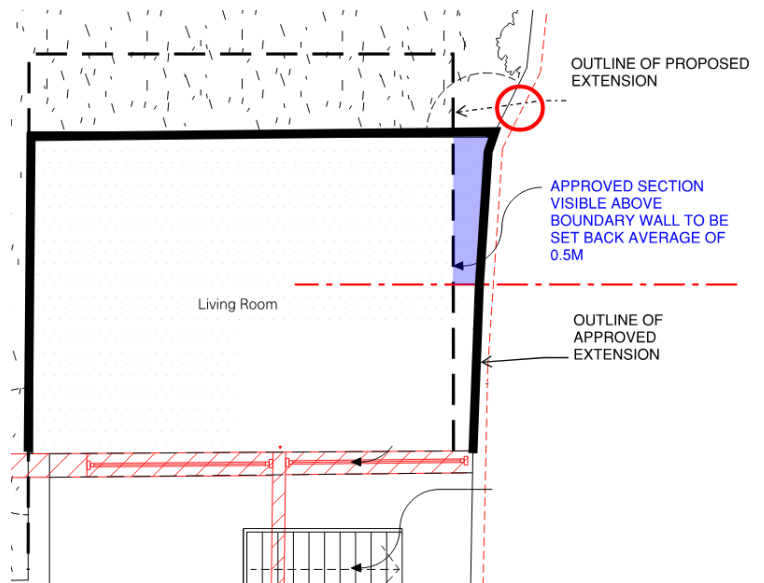
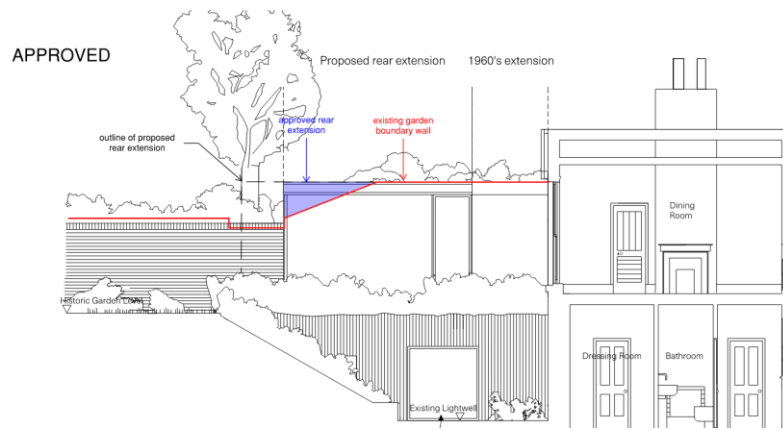
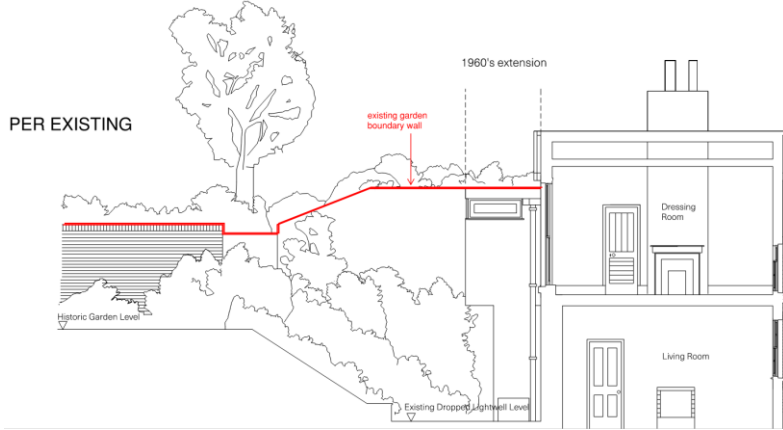
- Impact on No.113  
The extension as approved would not be visible beyond this existing 'ivy screened' boundary wall.

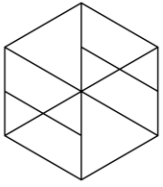
*Response: This is incorrect. The approved extension was visible behind the garden wall of the neighbouring property. Refer to images below.*



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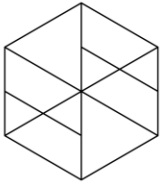
- It would have the effect of extending the built form visible along this boundary, exacerbating the sense of enclosure and creating an overbearing impact.

*Response: This extension is to be extended by 1m but this would be set back from the garden boundary wall along its whole length. This would be set back by an average of 0.5m along the length already visible behind the boundary wall (see floor plan above). The new section of the extension would be set back between 0.6 and 1m from the boundary wall. This would be concealed behind the tree (shown red on the plan above). The result would be no material difference on the impact with amenity of the no.113.*

- The existing wall / wall of the approved extension already projects some 6.5 metres beyond the main rear building line at 111 and 113 as shown by the blue line on the following plan extract.

*Response: The blue line indicated on the sketch plan is misleading. Firstly the blue line suggests that the existing condition was a single plane along the whole rear elevation, which was not the case, the position of the rear extension extended upon the line of the 1960s extension which projects two metres from the marked blue line, at the north end of the house. The existing condition also projected out due to the PVC greenhouse. Secondly, all of the properties within the group of building at nos.105-113 (odd) have rear extensions. The image below is the site plan, with the proposed extension outlined in blue, overlaid on to an aerial view. All of the properties within the group of building at nos.105-113 (odd) have rear extension. The red dashed line indicates proposed rear extension is inside the broad rear building line of the group. The listed group of houses at nos. 105-111 Frognal are architecturally robust and strong in character. All have been subject to alteration and/or extension in recent times, none of this work has been found to challenge or harm the significance of the buildings or character and appearance of the conservation area.*





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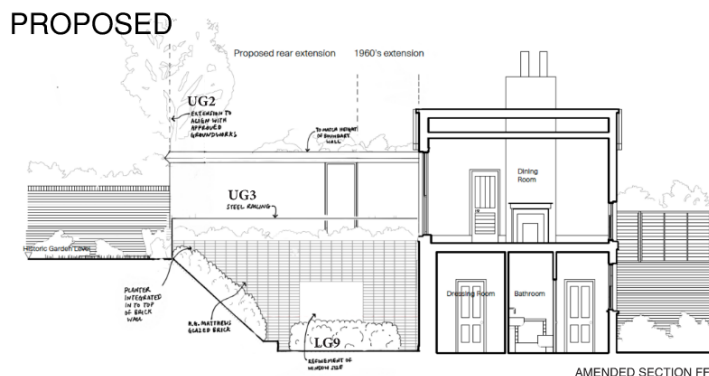
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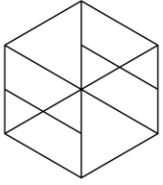
- Impact on 109  
Firstly, The boundary with No.109 the side wall of No.109 (also Grade II\* listed) has been underpinned without listed building consent;

*Response: The lowering of the floor level by .55m is clearly shown on the approved listed building consent application plans. These were approved by the Council including works to the partywall with no.109.*

- Secondly the additional projection sought at upper ground floor level will be more prominent and visible in views from the upper floor windows within the rear elevation of No.109

*Response: The additional 1m depth of the upper ground floor extension would not cause harm to the setting of the no.109. The extension is not visible at upper ground floor level due to the boundary wall between the properties. Given the level of mature planting in this area, the proposed extension would have only a marginal visibility from the upper floor windows which are located over 22m from the approved extension. The proposed building works would have a very limited visual effect on views from nos.109. In this case, harm is not caused by the proposed scheme as already identified.*





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- Impact upon No.111
- The amended proposals (part retrospective) seek to extend the already generous rear extension further out and also double its width across much of the rear elevation contrary to the pre-application advice and agreement.

*Response: This is incorrect. At paragraph 4.8 of our initial heritage assessment (IHA) we correctly set out that the proposed basement (in total) measures approximately 7m x 7m with the LG3 element measuring approximately roughly 2m x 2m. The 2017 pre-application enquiry by the owners sought views from officers on a scheme which included excavation of a lower ground floor extension measuring "13.5m x 10.9m, and a depth of 3.4m" a total of 147.5sqm. the formal pre-application response from the Council dated 16 January 2018 (ref: 2017/6572/PRE) confirmed;*

*"The proposals involve the excavation of a garden room within the rear garden measuring 13.5m x 10.9m, and a depth of 3.4m. The existing garden slopes down towards the rear elevation of the house, so that although a significant amount of earth would need to be excavated, the garden room would sit at the same level as the ground floor of no. 111.*

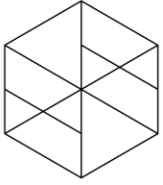
*There is no in-principal [sic] conservation objection to a garden basement in this instance providing it does not physically harm the listed structure and does not alter its spatial hierarchy. Basements in conservation areas and in the setting of listed buildings are usually expected not to have visible manifestations. So, while a small number of perimeter roof lights concealed by planters might be acceptable, confronting the rear of the GII\* historic building with a wall of glazed doors across a courtyard is considered to harm the setting of the listed building".*

*Minor variations to a scheme are expected and inevitable during the structural and construction phases of a project. This is controlled through the condition and MMA processes. The owners properly discharged their condition obligations which amended the outline of the structure to deal with the adjoining trees. This application was approved through formal due process including having regard for consideration to all the all heritage matters.*

- There are no public benefits (paragraphs 195 and 196 of the NPPF) which justify any harm in this case.

*Response: The benefits which flow from the proposals are set out in section 5 of our IHA. These are genuine public and heritage benefits including: summarised below:*

- Removal of all impervious coatings, cement render and modern paints both inside and out;
- Reinstatement of breathable and hygroscopic nature of the listed building;
- Erection of clay and straw cob blocks bonded using clay mortar for the internal walls;



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- *Breathable clay plaster will be applied directly to the cob surface;*
- *The interior surfaces will be finished with clay paint*
- *The owners are working with in collaboration with Jim Matthews of small scale hand made brick yard H G Matthews to create:*
  1. *Strocks - A structural block of clay rich earth and chopped straw, using a combination of their clay and earth from our site;*
  2. *Custom handmade heritage and wood fired glazed bricks for the garden basement*
  3. *Custom made clay plaster to use throughout the interior;*
  4. *Wood fired traditional and hand made roof tiles on the historic sloped roofs; and*
  5. *Natural hempcrete insulation for the all new floors (except cellar and floor above the cellar).*

## Conclusion

The PPA letter contains false and or distorted information. As previously set out in the initial Heritage Impact statement the proposals submitted as part of the MMA are of the same impact as the approved scheme and mitigated with heritage benefits, the proposals are in line with policy and of no harm to the listed building of any material impact to the neighbouring properties. In addition the new proposals seek to add to the heritage benefits proposed by the originally approved scheme in the form of improving the materials of the building to those more suited to the historic fabric.

Yours Sincerely

The Heritage Practice