

<b>Address:</b>	38 Frognal Lane London NW3 6PP		<b>5</b>
<b>Application Number:</b>	2020/4667/P	<b>Officer:</b> David Peres Da Costa	
<b>Ward:</b>	Frognal & Fitzjohns		
<b>Date Received:</b>	09/10/2020		
<b>Proposal:</b> Erection of replacement 2 storey dwelling plus basement following demolition of existing building.			
<b>Background Papers, Supporting Documents and Drawing Numbers:</b>			
Existing drawings: PL-: 220; 301; 306; 104; 109; 205; 210; 215			
Demolition drawings: PL-: 219; 224; 225; 226; 108; 113; 121; 209; 214			
Proposed drawings: PL-204 Rev B; PL-308 Rev A; PL-303 (submitted 10/06/2021); PL-011 Rev B; PL-: 217 D (submitted 22/06/2021); 212 C; 207 D (submitted 22/06/2021); 119 C; 115 B; 111 C; 222 B (submitted 23/06/2021); 106 B; 097 A; 311			
Supporting documents: PL-100 A (comparison ground floor); Energy and Sustainability Statement prepared by SRE dated 24.05.2021; Whole Life Carbon Assessment prepared by SRE dated 24.05.2021; PL-012 A (Site Plan - Basement – Comparison); Basement Impact Assessment prepared by Train and Kemp dated 7th May 2021; Landscape masterplan 22103-IYL-8050-XX-DR-L-2001; Tree constraints and protection plan; Addendum to Tree survey and Arboricultural Method Statement prepared by TRETEC dated January 2021; Drainage Strategy prepared by Simon Dent Associates; Construction/ Demolition Management Plan; Tree survey and Arboricultural Method Statement prepared by TRETEC dated September 2020; Topographic survey 3798-T; Planning And Heritage Statement prepared by MRPP dated October 2020			
<b>RECOMMENDATION SUMMARY:</b> Grant conditional permission subject to S106 legal agreement			
<b>Applicant:</b> Neu Molina-Marco		<b>Agent:</b> MRPP	
c/o agent		21 Buckingham Street London WC2N 6EF United Kingdom	

## ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace (GIA)
Existing	C3	<i>Dwellinghouse</i>	224.81m <sup>2</sup>
Proposed	C3	<i>Dwellinghouse</i>	672m <sup>2</sup>

Net additional (GIA)	C3	<i>Dwellinghouse</i>	447.19m <sup>2</sup>
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Residential Use Details:										
	Residential Type	No. of Bedrooms per Unit								
		1	2	3	4	5	6	7	8	9+
Existing	<i>Flat/Maisonette</i>				1					
Proposed	<i>Flat/Maisonette</i>					1				

Parking Details:		
	Parking Spaces (General)	Parking Spaces (Disabled)
Existing	3	0
Proposed	2	0

## EXECUTIVE SUMMARY

The application site is a two storey detached dwelling-house situated on the southern side of Frogal Lane. The property is noted as a positive contributor in the Redington Frogal Conservation Area.

The application seeks permission to erect a replacement dwelling following demolition of the existing building. Demolition of the building has been previously been accepted as part of an earlier scheme which is a material consideration when determining the current application. In this case the proposed replacement dwelling would have a similar footprint and appearance to the dwelling previously approved (2019/4220/P), but includes a basement and some design changes. The replacement dwelling would be 0.2m higher and the main front façade would be relocated 0.5m to the east. The proposed wings either side of the main front façade, the number and detailed design of the dormers and the proposed fenestration would also be altered from the scheme previously approved.

Officers consider the visual impact of these changes would be limited from the streetscene and the proposed building would retain the positive attributes of the existing building in terms of the symmetry and form of the front facade and its arts and crafts appearance. The proposed dwelling would also significantly improve the appearance of the rear elevation.

The proposed replacement dwelling will be constructed from the same material as the existing building to maintain the link with its neighbour, No.12 Langland Gardens. The brickwork and pointing would be exactly matched, as would the detailing of the front façade's timber casement windows. The brickwork and detailed design of the windows will be secured by condition.

It is considered that the character and appearance of the conservation area would be preserved. Taking a balanced judgement, the loss of the non-designated heritage asset is considered acceptable in this instance.

The proposed building would have emissions of 4.95 tons of CO2 per year which would be a significant improvement on the CO2 emissions achieved by a comprehensive refurbishment of the existing building (8.2 tons of CO2 per year). The total reduction in CO2 emissions for the development would be a 41.96% reduction below Part L 2013 Building Regulations. This reduction substantially exceeds the policy requirement for CO2 reduction (19%) and would also be an improvement on the CO2 reductions secured under the most recent approval (2019/4220/P).

A Whole Life Carbon (WLC) Assessment has been submitted and the carbon emissions of the proposed scheme would be slightly lower than that of the consented. The embodied carbon of this scheme would be kept low through careful selection of materials. A condition requiring 95% of waste to be diverted from landfill to be reused or recycled would be included on the decision.

There would also be benefits arising from the proposed dwelling. The development would reduce drainage run-off and would reduce on-site car parking and be car permit free.

## OFFICERS' REPORT

**Reason for Referral to Committee: 3.iii) iii) The total or substantial demolition of any ... building considered to make a positive contribution to a conservation area.**

### 1. SITE

- 1.1 The application site is a two storey detached dwelling-house situated on the southern side of Frogmal Lane, directly opposite the junction with Chesterford Gardens. The building was originally built as the stable block to 12 Langland Gardens and has been in residential use since the late 1930's.
- 1.2 The property is not listed but is noted as a positive contributor in the Redington Frogmal Conservation Area. The site adjoins the area covered by the Hampstead Neighbourhood Plan. The site falls within the area covered by the Redington and Frogmal Neighbourhood Forum. The Redington and Frogmal Neighbourhood Plan identifies 38 Frogmal Lane as a non-designated heritage asset.

### 2. THE PROPOSAL

- 2.1 The application seeks permission to erect a replacement dwelling following demolition of the existing building. The proposed dwelling would be 2 storeys in height with a pitched roof and additional accommodation at roof level and would include a basement.
- 2.2 The replacement dwelling would have a similar footprint and appearance to the dwelling approved on 24/11/2020 under planning permission reference 2019/4220/P but would also include a basement. The replacement dwelling would be 0.2m higher than that previously approved and the main front façade would be relocated 0.5m to the east. The proposed wings either side of the main front façade, the number and detailed design of the dormers and the proposed fenestration would also be altered from the scheme previously approved.
- 2.3 The rear elevation of the approved scheme would be reworked and simplified with a single hipped roof (rather than the two hipped bays previously approved) and a more consistent eaves line. The approved double height fenestration would be widened.
- 2.4 The proposed side (west) elevation would have more articulation with a stepped plan form as compared to that previously approved.

### Revisions

- 2.5 Following officer's comments the following revisions were made:

#### Front elevation

- Alteration to the ground floor windows to introduce a less rigid asymmetrical arrangement and to introduce decorative brickwork panels
- Solid front door (rather than part glazed)

- First floor windows repositioned so that they are just below the eaves (omitting soldier course) and widened
- Two wide dormers (rather than three narrower dormers)
- Height of roof ridge reduced by 0.1m

#### Rear elevation

- Width of dormers increased while height decreased
- Hip roof moved to above the projecting bay window
- Addition of decorative brickwork panels to the projecting bay
- Bay window enlarged
- Size of glazing panes enlarged

#### Basement

- The basement reduced in size under the front garden to comply with the size constraints set out in Local Plan Policy A5

2.6 In addition, a revised Energy & Sustainability Assessment has been submitted which includes improved CO2 reductions.

### 3. RELEVANT HISTORY

- 3.1 **2019/4220/P:** Demolition of existing dwelling and erection of replacement dwelling incorporating changes approved under 2018/5502/P dated 04/02/2019 (for two storey rear extensions, first floor side extensions, installation of three dormer windows to the front elevation and one to the rear elevation, conversion of garage into habitable use and alterations to openings) as well as lowering of first floor windows on front elevation. Granted Subject to a Section 106 Legal Agreement 24/11/2020
- 3.2 **2018/5502/P:** Two storey rear extensions, first floor side extensions, installation of three dormer windows to the front elevation and one to the rear elevation, conversion of garage into habitable use and alterations to openings. Granted 04/02/2019
- 3.3 **2014/7752/P:** Excavation of basement with swimming pool under footprint of existing house and part of rear garden. Granted Subject to a Section 106 Legal Agreement 11/05/2016
- 3.4 **2013/7989/P:** Two storey rear extensions, first floor side extensions, installation of three dormer windows to the front elevation and one to the rear elevation, conversion of garage into habitable use and alterations to openings. Refused 07/04/2014 Appeal Allowed 06/03/2015
- 3.5 **2013/5313/P:** Installation of 3x dormer windows to front elevation, 1x dormer window and 2x rooflights to the rear elevation and replacement of roof to ground floor rear extension. Granted 14/11/2013
- 3.6 **2013/2771/P:** Extension at first floor level above garage and to the rear, extension to provide a rear ground floor level conservatory, alterations to roof of ground floor level extension, raising height of roof of dwelling house (Class C3). Granted 15/07/2013

- 3.7 **2013/0801/P**: Renewal of planning permission granted on 05/02/2010 (2010/0056/P) for the renewal and alteration of existing pitched roof, replacement of rear flat roof with pitched roof and alterations to fenestration to first floor windows front and rear to a residential dwelling (Class C3). Granted 03/04/2013
- 3.8 **2010/0056/P**: Renewal and alteration of existing pitched roof, replacement of rear flat roof with pitched roof and alterations to fenestration to first floor windows front and rear to a residential dwelling (Class C3). Granted 05/02/2010
- 3.9 **2004/2534/P**: Erection of a single storey side extension and the replacement of a door on the rear elevation with a window, as an amendment to planning permission 2003/2758/P, granted on 02/04/04, for the erection of a single storey rear conservatory extension and 2-storey side extension for a swimming pool, plus associated elevational alterations. Granted 03/08/2004
- 3.10 **2003/2758/P**: Erection of single storey rear conservatory extension and 2 storey side extension for swimming pool, plus associated elevation alterations. Granted 02/04/2004
- 3.11 **2003/2920/P**: Erection of new boundary wall and railings and two new vehicular entrances with gates, plus provision of forecourt parking. Granted 13/01/2004
- 3.12 **2003/1122/P**: Erection of new boundary wall and railings and 2 new vehicular entrances with gates, plus the provision of forecourt parking in front garden. Refused 18/09/2003.
- 3.13 **PWX0202188**: Erection of a 1<sup>st</sup> floor side extension above the existing garage. Granted 28/05/2002
- 3.14 **PWX9605050**: Erection of a 1<sup>st</sup> floor rear extension. Granted 03/01/1997
- 3.15 **P9602798**: Erection of first floor rear extension and first floor extension over the attached garage to the side. Refused 01/11/1996
- 3.16 **TP/2105/7597**: That consent be given under section 234 of the London Building Act, 1930, to the conversion of a stable building upon a site at the rear of 12, Langland Gardens Hampstead, next to Frogmal Lane, into a dwellinghouse. Granted 03/03/1937

## **4.0 CONSULTATIONS**

### **Statutory Consultees**

- 4.1 **Hampstead Neighbourhood Forum** were consulted as the site adjoins the Neighbourhood Forum area. No response has been received.
- 4.2 **Redington Frogmal Neighbourhood Forum** – object 7 April 2021
- 4.3 The replacement building is not compliant with:

- Camden Local Plan policies:
  - A1 (6.3, 6.4, 6.6, 6.37, 6.44)
  - A3 (6.67, 6.74, 6.75, 6.80)
  - A5 (6.112, 6.124, 6.125, 6.127, 6.133, 6.134, 6.135)
  - D2 (7.46 7.49, 7.54,)
  - CC2 (8.37, 8.40, 8.71)
  - CC4 (8.76)
  - T1 (10.17, 10.18, 10.21). The proposed development is not car-free.
  
- Redington Froggnal Neighbourhood Plan policies:
  - SD 2 REDINGTON FROGNAL CONSERVATION AREA – failure to preserve or enhance garden suburb character, including trees, hedges and well vegetated front and rear gardens)
  - SD 3 ELECTRIC VEHICLE CHARGING POINTS
  - SD4 REDINGTON FROGNAL CHARACTER (v, viii, xii). The proposal will cause a loss of natural garden space and soil volume and it incorporates an excessive amount of hard surface. No evidence is provided of planting to enhance biodiversity and conservation area character – for both the front hardstanding and the rear garden.
  - BGI 1 GARDENS AND ECOLOGY (i, ii, iii, v, vii). None of the measures advised in the Policy or its Application appear to have been incorporated.
  - BGI 2 TREE PLANTING AND PRESERVATION (i, ii, iii, iv). The arboricultural survey notes that tree T8 is in poor condition, but does not propose to strengthen the tree corridor.
  - BGI 3 LIGHTING (ii). Lighting from the proposed roof lights and its impact on nearby trees is of concern
  - UD 1 UNDERGROUND DEVELOPMENT (i a and c) – the proposals do not allow for soil depths to sustain large and medium trees; (i d) the BIA does not reference the adjacent spring and tributary to the underground Westbourne
  - UD 1 UNDERGROUND DEVELOPMENT (ii)
  - UD 1 UNDERGROUND DEVELOPMENT (iii). The BIA does not take account of the steps set out under headings 4.28.1, 4.28.2 and 4.28.3.
  
- Redington Froggnal Conservation Area Character Statement and Guidelines (2003):
  - Guidelines RF2, RF8, RF9, RF35, RF36

*Officer's comment: It is noted that the existing front garden has large areas of hardstanding. An illustrative landscape plan for the front garden has been provided which shows strips of planting adjacent to the boundary walls and a series of raised planters above the basement. Notwithstanding the submitted landscape plan, full details of the landscaping would be secured by condition. The plot coverage is almost identical to that previously approved (2019/4220/P). While no details of landscaping have been provided for the rear garden, these details have been secured by condition. The submission of details post decision would not compromise the ability of officers to ensure there is suitable landscaping around the development. Bird and*

*bat boxes would be secured by condition. The landscaping condition would seek ecological and wildlife enhancements. No trees would be removed and details of two additional trees are secured by condition. Only two rooflights are proposed on the flat part of the main roof. The size of the rooflights is acceptable and they are located away from boundary features used by wildlife. The BIA identifies that two tributaries of the River Westbourne originate close to the site. While the depth of the soil above the basement would only be 0.36m, this would not harm the viability of the front garden as this area would be a drive and landscaped with a series of raised planters above the basement area providing depth for planting. While the BIA may not take full account of 4.28.1 (Screening and Information to Accompany Planning Applications), 4.28.2 (Basement Impact Assessment Guidance) and 4.28.3 (Basement Impact Assessments) of the Redington Frogmal Neighbourhood Plan, these matters are described as 'helpful to demonstrate compliance with Policy UD 1' and are not requirements of policy UD1.*

*The BIA has been independently assessed by Campbell Reith and Campbell Reith have confirmed that the BIA complies with Policy A5 and CPG Basements. The development would preserve the character and appearance of the Redington Frogmal Conservation Area.*

### **Conservation Area Advisory Committee**

- 4.4 Redington / Frogmal CAAC were consulted but no response has been received.

### **Adjoining Occupiers**

	<b>Original</b>
<i>Total number of responses received</i>	8
<i>Number in support</i>	1
<i>Number of objections</i>	7

- 4.5 A site notice was displayed from 29/10/2020 to 22/11/2020 and the application was advertised in the local paper on 29/10/2020 (expiring 22/11/20). Seven objections were received from the occupiers of 8 and 30 Chesterford Gardens, 19 Frogmal Lane (3), The Boltens and Redington Road. The following issues were raised:

### **Design**

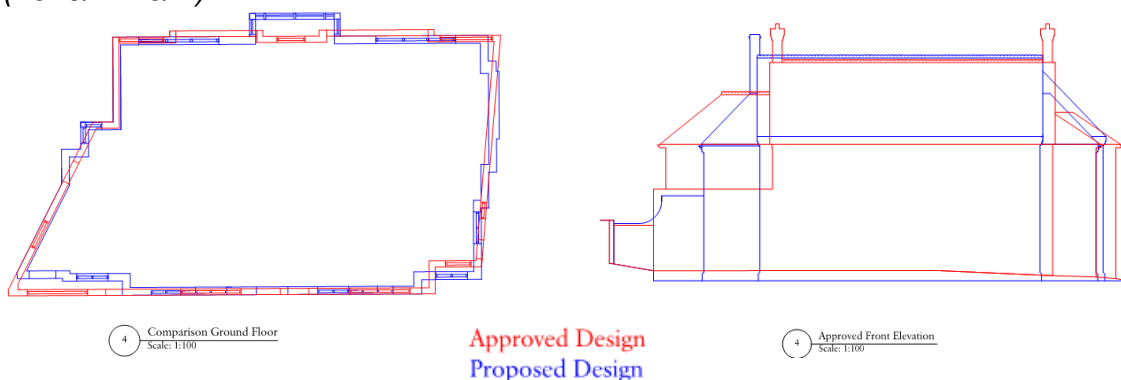
- Size of the development and the fact that it appears that the developers architects keep amending the application so that each time they do they are increasing the size of the building and enlarging its profile from every elevation and aspect so that what was originally a consent for firstly a part demolition and extension and alterations has now morphed into a full demolition and replacement of the building with an enormous high profile and illegal basement area with a proposed swimming pool extending far beyond the statutory limits.
- Concerned that the proposed large building will compromise the garden, making the garden a lot smaller and out of proportion.
- The destruction of this building will have a negative impact on the conservation area.
- This application to build a monster structure is based on the destruction of a much-loved landmark house of charming aspect and scale in keeping with its conservation-area location, with historic connections, recorded in the "Victoria



County History” as being built in 1898-9 by Edward Michael and possibly redesigned by world famous architect Basil Champneys who built (1881), and lived in, two doors away, Manor Farm, 42 Frogal Lane, until his death in 1935.

- The great attraction of the existing house of 38 Frogal Lane is its scale, in that it was clearly built to be lived in, not built to maximise profit, nor to display wealth, as were some of the larger, surrounding listed-buildings (40, 42, 44, 19, 21, 23 Frogal Lane) which are all set in large gardens appropriate the size of the houses. It is rare to find a “detached” house of this size and provenance in Hampstead. House should be preserved to show future generations the contrasting scale of living in Hampstead.
- The proposal would be a massive structure, too big for the little garden, and the result would be an out-of-scale building that would overpower the garden and the street scene.
- To create such a massive structure would result in the front appearing to be dropped into a parking ditch, which to the north and to the east would be a retaining wall of about six-feet in height, to the south the height of the building, and of a width so narrow as to make it almost impossible for cars to enter and park in what would feel like, to residents of such a house, a car-filled trench in front of the house, accessed only after contorted manoeuvring of reversing and exiting by jockeying cars in and out of a little niche set aside for car manoeuvring.
- The Developer’s LANDSCAPE MASTERPLAN P03 shows that the width of the access would be reduced to the width of one car and a bicycle. This would prevent two cars parking side-by-side.
- Concerned about the demolition of the existing house, and to build a huge, characterless pile in its stead.
- The plans show an application for a building that would be more than fifty-percent the garden area which would overshadow the street view and immediate neighbours.
- Completely at odds with the existing pleasant proportions of the two-storey house and small green area it occupies

4.6 *Officer’s comment: The stable was not built to live in and has been much altered over time. The recent approval for the enlargement of the property is a significant material consideration and the size of the dwelling is very similar to that previously approved (2019/4220/P).*



4.7 *Therefore, the size of the garden retained would be very similar to that previously approved. Officers are satisfied that the character and appearance of the conservation area would be preserved. Officers have worked hard to ensure that the interesting and attractive elements of the existing building would be realised in the*

*design of the replacement dwelling. In addition, the redevelopment provides an opportunity to significantly upgrade the building fabric and substantially improve regulated CO2 reductions. On balance, the loss of the non-designated heritage asset is considered acceptable in this instance. The existing front garden slopes downward so that the entrance is at a significantly lower level than the footpath. The front of the site would be excavated so that the ground level of the proposed dwelling would be approximately 0.45m below the lowest point of the ground level of the existing dwelling when viewed from the front and sides. A reduction in the amount of parking on site is considered to be beneficial.*

#### Basement

- Concern about the size of the basement and potential adverse impacts.
- The basement footprint does not fulfil CPG A5 being more than 50% of the front 'garden'.
- The proposal is too massive for the little garden and would take up / displace about two-thirds of the garden.
- Concerned about possible negative effects on the water table and impact on neighbouring properties; concerned about residents lower down the hill.
- Concerned about surface water run-off
- 38 Frogmal Lane is in the watershed of watercourses and a spring under Frogmal a few metres further up hill, which appear on the Arup Map of Underground Rivers for Redington Frogmal.
- The proposed excavation is completely at variance with the Redington Frogmal Neighbourhood Plan 2020
- The effect of significant fines erosion has been omitted. The risks of fines erosion should be specifically addressed prior to commencement, though preferably prior to granting planning permission.
- If demolition occurs and/or the site remains open during or following an intense rainstorm, this may well not only cause uncalculated altered ground pressures but also serious site flooding, erosion of fines and risk of ground collapse.
- Since 40 Frogmal Lane has permission for a basement yet to be dug but potentially imminent, this aspect of demolition, prior to piling to prop the construction phase, has not been addressed.

4.8 *Officer's comment: Following revisions to the basement footprint to reduce how far it extended under the front garden, the proposed basement would now comply with Policy A5, criteria 'f' to 'm'. The BIA has been independently assessed by Campbell Reith who have confirmed that the BIA complies with Policy A5 and CPG Basements. The excavation would not have an adverse impact on the viability of the front or rear garden. The basement is below the footprint of the dwelling and only extends beyond this at the front of the property where there is an existing hard standing. While the depth of the soil above the basement would only be 0.36m, this would not harm the viability of the front garden as the front garden would be landscaped with a series of raised planters above the basement area.*

#### Sustainability

- Is the energy impact of all the demolition and rebuilding work itself also taken into account?

- 4.9 *Officer's comment: The WLC assessment demonstrates that current proposals have a net carbon benefit when compared to the currently consented scheme (2019/4220/P). The energy impact of demolition would be the same as for the previous scheme (2019/4220/P).*

#### Amenity

- Demolition and rebuild would cause significant disturbance and disruption.

- 4.10 *Officer's comment: A CMP would be secured to ensure the impact on neighbouring amenity would be minimised.*

#### Transport

- Concerned about additional heavy traffic, a suitable Traffic Management Scheme should be rigorously enforced.
  - Concerned that the new build would attract more cars and therefore increased noise to the area. Also the parking spaces in the new building are going to be reduced and the garage will be lost. Parking is a real issue in the area. If cars are wanting to access the property it will attract increased car noise and the accompanying smell of car fumes. Furthermore, should fire or ambulances be required would there be enough room for them to gain access to the building.
  - Concerned that although the submission states that future residents of 38 Frogmal Lane would not be permitted street parking permits, it is unlikely that this condition would be adhered to. Would that restriction include visiting maintenance vans, and larger vehicles?
  - Concerned that the parking is actually reduced to two cars due to constraints of the site.
  - Concerned that cars would be either dangerously backing in or out of the fast-moving traffic speeding down the slope of Frogmal Lane.
- 4.11 *Officer's comment: The parking associated with the development would be reduced so the traffic impact of the development is also likely to be reduced. As there would not be an increase in the number of dwellings on site, the development would be unlikely to attract more cars. Future occupiers would not be eligible for parking permits and this would be secured by legal agreement. The Council's control is derived from Traffic Management Orders ("TMO"), which have been made pursuant to the Road Traffic Regulation Act 1984. The TMO sets out that it is the Council's policy not to give parking permits to people who live in premises designated as "Car Free", and the Section 106 legal agreement is the mechanism used by the Council to signal that a property is to be designated as "Car Free". The proposed development would utilise the existing crossover and the vehicle access to the existing house would be the same as the proposed vehicle access. Therefore the impact of cars exiting the driveway would be no worse than the existing situation.*

#### Trees and biodiversity

- Concerned that a tree will be felled and removed.
- Unclear if the proposed is to move the existing retaining wall nearer the street to the north, thereby removing an existing mature tree. Moving the retaining wall nearer the street would endanger the nearby mature street trees.
- This proposal does not fulfil the Redington Frogmal Neighbourhood Plan's requirements to enhance biodiversity and Conservation Area character, nor

Policy A3d supporting the Strategic Objective of the Camden Local Plan to protect and enhance biodiversity.

- 4.12 *Officer's comment: the existing retaining wall would not be moved nearer the street and no trees are required to be removed by the proposed development. Bird and bat boxes would be secured by condition. Two additional trees would also be secured by condition.*

#### Other

- Error in date of construction in the Energy & Sustainability Assessment (Introduction 1.2).
- Concerned that the work has already started.

- 4.13 *Officer's comment: The Energy & Sustainability Assessment prepared by Charlton Brown has been superseded by the Energy and Sustainability Statement prepared by SRE. No evidence has been provided that the work has already started and there have been no enforcement complaints raising this concern.*

- 4.14 One letter of support was received from the occupier of 13 Langland Gardens, who made the following comment:

- 4.15 *"They have really tried to make the design fit with the character of the area, and it looks like it does so. The modifications proposed look ok. So, I have no objection."*

## **5. STATUTORY PROVISIONS**

- 5.1 The statutory provisions principally relevant to the determination of these applications are:

- Section 38(6) of the Planning and Compulsory Purchase Act 2004
- Sections 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Listed Buildings Act").

- 5.2 Section 72(1) of the Listed Buildings Act requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area when considering applications relating to land or buildings within that Area.

- 5.3 The effect of this section of the Listed Buildings Act is that there is a statutory presumption in favour of the preservation of the character and appearance of Conservation Areas. Considerable importance and weight should be attached to their preservation. A proposal which would cause harm should only be permitted where there are strong countervailing planning considerations which are sufficiently powerful to outweigh the presumption. The NPPF provides guidance on the weight that should be accorded to such harm and in what circumstances such harm might be justified (paras 193-202).

## **6. POLICIES**

- 6.1. **National and regional policy**

NPPF 2019  
London Plan 2021

**6.2. Local Plan**

H6 – Housing choice and mix  
H7 – Large and small homes  
C1 – Health and wellbeing  
C6 – Access for all  
A1 – Managing the impact of development  
A3 – Biodiversity  
A4 – Noise and vibration  
A5 – Basements  
D1 – Design  
D2 – Heritage  
CC1 – Climate change mitigation  
CC2 – Adapting to climate change  
CC3 – Water and flooding  
CC4 – Air quality  
CC5 – Waste  
DM1 – Delivery and monitoring  
T1 – Prioritising walking, cycling and public transport  
T2 – Car-free development and limiting the availability of parking  
T4 – Sustainable movement of goods and materials

**6.3. Redington Froggnal Neighbourhood Plan (referendum version)**

6.4. The Redington Froggnal Neighbourhood Plan passed independent examination and the examiner's report was issued December 2020. A referendum was held on 17<sup>th</sup> June 2021 with 88% voting in favour. Therefore the plan should be given full weight.

SD 1 Refurbishment of Existing Building Stock  
SD 2 Redington Froggnal Conservation Area  
SD 3 Car-Free Development  
SD 4 Sustainable Development and Redington Froggnal Character  
SD 5 Dwellings: Extensions and Garden Development  
SD 6 Retention of Architectural Details in Existing Buildings  
BGI 1 Rear Gardens and Ecology  
BGI 2 Tree Planting And Preservation  
UD 1 Underground Development  
UD 2 Construction Management Plans

**6.5. Supplementary Planning Documents**

**Camden Planning Guidance**

CPG Housing (January 2021)  
CPG Amenity (January 2021)  
CPG Air quality (January 2021)  
CPG Design (January 2021)  
CPG Energy efficiency and adaptation (January 2021)  
CPG Transport (January 2021)

CPG Water and flooding (March 2019)  
CPG Basements (January 2021)

## Redington and Frogna Conservation Area Statement 2003

### ASSESSMENT

The principal considerations material to the determination of this application are considered in the following sections of this report:

7	Demolition
8	Design and Appearance
9	Heritage Assessment
10	Basement
11	Affordable Housing
12	Housing Mix
13	Housing Quality
14	Access
15	Amenity Impact
16	Transport
17	Energy and Sustainability
18	Trees
19	Nature Conservation
20	Planning obligations
21	CIL

#### 7. DEMOLITION

- 7.1. The proposal involves the demolition of the existing building. The property falls within the Redington / Frogna Conservation Area and makes a positive contribution to the conservation area. Policy D2 (Heritage) resists the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area.
- 7.2. Planning permission was granted on 24/11/2020 for the demolition of existing dwelling and the erection of a replacement dwelling (2019/4220/P). The officer's committee report set out the rationale for allowing the demolition and this is provided below.
- 7.3. *"With the exception of the lowering of the first floor windows (on the front elevation), the replacement dwelling proposed under the current application would appear wholly identical to the extant permission 2018/5502/P and would retain the key elements of the building that make a positive contribution following rebuild. Given the amount of demolition which would be undertaken to implement the extant permission and that the proposed replacement dwelling would be identical to the extant permission, officers support demolition in this instance."*

- 7.4. The previous approval, which involved demolition and rebuild, is a material consideration when assessing the current application. Officers acknowledged in the committee report for this approval (2019/4220/P) that the extant permission 2018/5502/P would involve significant demolition with only 26% of the elevations of the existing building being retained and that taking into account the demolition of the internal floors and the roof, only 12% of the existing building (primarily part of the front façade) would be unaffected by demolition works. The significant demolition allowed by previous extant approvals would also be a material consideration when assessing the current application.
- 7.5. The previous scheme (2019/4220/P) sought to demolish the existing building and then to implement a previous approval (2018/5502/P) which itself was a combination of two previous permissions: 2013/2771/P and 2013/7989/P. The current application takes a different approach as, while it proposes demolition, it also seeks approval for an alternative design. While the existing building makes a positive contribution to the Conservation Area and would be completely lost this does not mean that the Conservation Area would inevitably be harmed. The decision maker is required to make a judgment based upon the proposed replacement dwelling as well as the loss of the existing building. This will be considered in the 'design and appearance' and 'heritage assessment' sections of the report (below).
- 7.6. As the existing building is itself a non-designated heritage asset, Paragraph 197 of the NPPF is also relevant and 'a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'.
- 7.7. Should demolition be acceptable, a condition is recommended to require the applicant to enter into a contract for the carrying out of the entire scheme of works prior to the commencement of any demolition (condition 5). This would ensure the visual amenity of the conservation area would be protected.
- 7.8. Policy CC1 (Climate change mitigation) require all proposals that involve substantial demolition to demonstrate that it is not possible to retain and improve the existing building. All proposals for substantial demolition and reconstruction should be fully justified in terms of the optimisation of resources and energy use, in comparison with the existing building. The sustainability of the proposed dwelling is considered in the 'energy and sustainability' section below, and is considered acceptable.

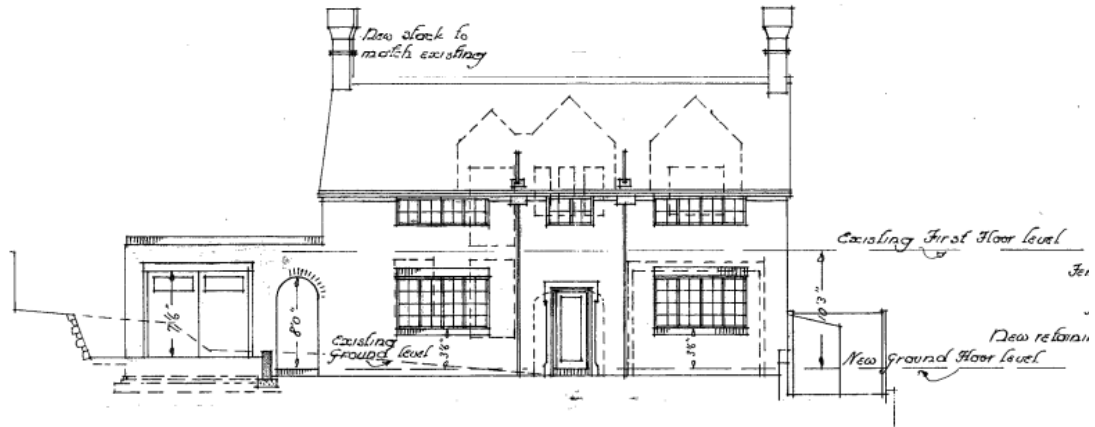
## **8. DESIGN AND APPEARANCE**

- 8.1. The existing house dates from 1883 and was originally built as the stable block to No.12 Langland Gardens. It has been in residential use since 1937.

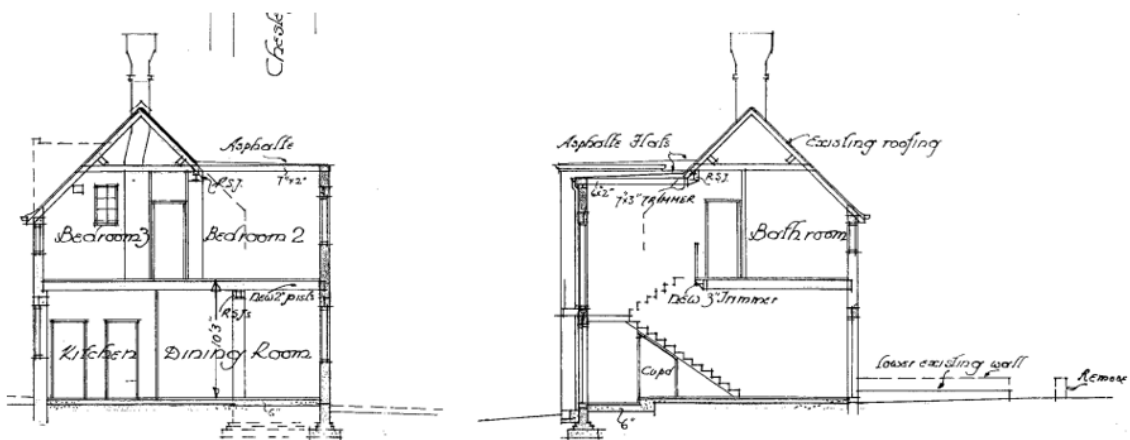


- 8.2. The existing appearance of the property results from the conversion of the stable building in 1937 (TP/2105/7597) as well as more recent changes approved in the 1997 (PWX9605050) and 2004 (2004/2534/P). The approved plans for the 1937 permission show extensive modification to the stable building, including, it would appear the removal of asymmetrically-placed gabled dormer windows on the front elevation in favour of short casement windows under the eaves. The proposals also involved the addition of a garage at the side and two storey flat roofed additions at the rear.
- 8.3. The building shares some of the characteristics of the house to which it originally belonged at 12 Langland Gardens, in the use of brown brick and plain tile roofs. The roof is covered with machine-made tiles, with decorative terracotta cresting on the ridge; there are stacks at both gable ends. The original front elevation of the stable had something of the informal asymmetry of the design of 12 Langland Gardens, with three large gabled windows lighting the upper floor, but the 1937 conversion regularised the design. The gables were removed and a new central entrance with a moulded timber surround introduced. Long casement windows were installed at ground and first floor level, the ground floor windows with soldier course arches and the first floor windows tucked under the eaves. A flat roofed garage was built along the eastern flank elevation, its own flank wall and internal plan skewed to accommodate the boundary with Manor Lodge (40 Frognal Lane) to the east. At the rear two-storey, flat roofed wings were added in 1937 with a recessed bay containing a first floor window and balcony. The approved drawings for the 1937 permission (TP/2105/7597) are set out below.





North Elevation



Section C-C

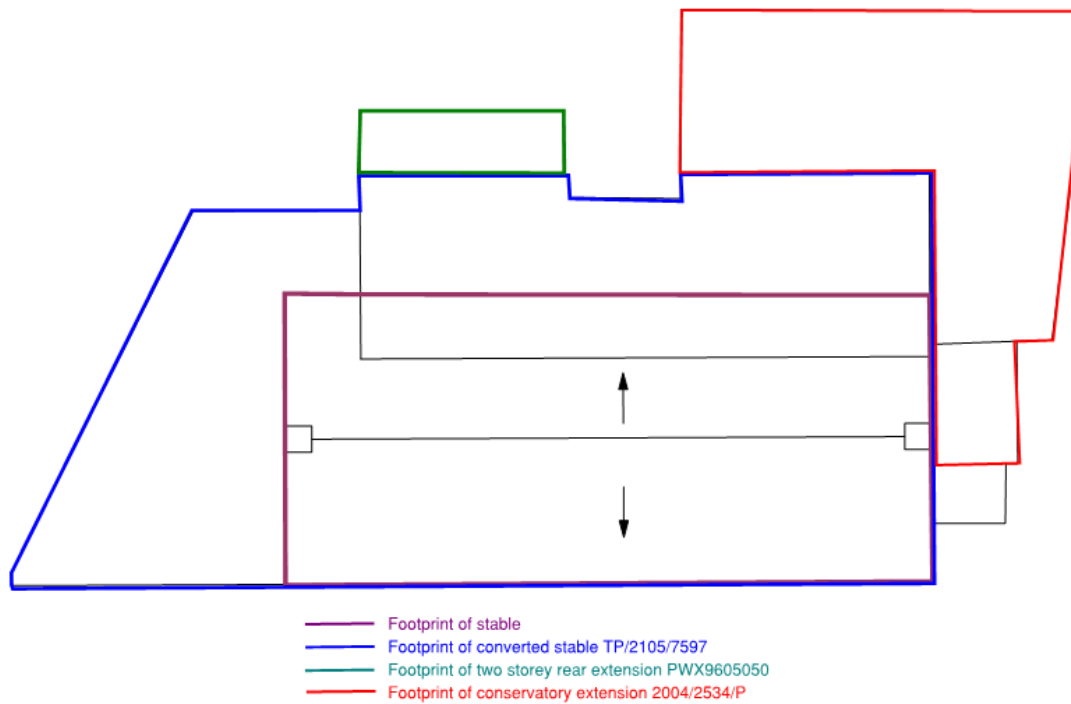
Section D-D



South Elevation

8.4. At some point in the mid-1990s the eastern bay on the rear elevation was extended at ground floor level. There is a withdrawn application (9501826) for ground floor extensions to both rear bays dating from 1995. In 1997 permission was granted for

a rear extension above the enlarged ground floor bay (PWX9605050). A ground floor conservatory extension was approved in 2004 (2004/2534/P). This wrapped around the south west corner of the ground floor with a solid wall to the west elevation and glazing to the rear (south elevation).

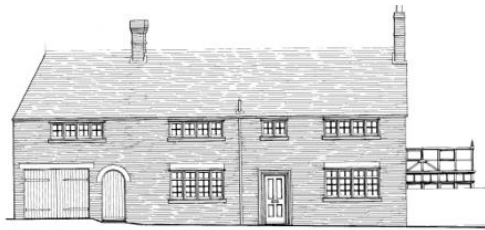


8.5. The symmetry of the 1937 rear elevation has been upset by the more recent extension of one bay and by the addition of a low conservatory on the other.

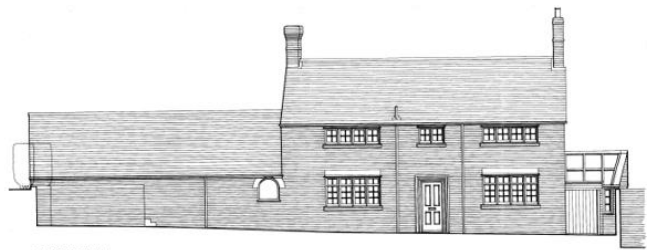


(c) Garden elevation

8.6. There have been 15 applications submitted for extensions and alterations since the 1937 conversion of the stable to a dwelling. Twelve of these have been approved and 3 have been refused. As stated above, the most recent approval was effectively an amalgamation of two recent approvals: 2013/2771/P and 2013/7989/P. Changes to the front elevation that have been considered acceptable, approved but not implemented are shown below.



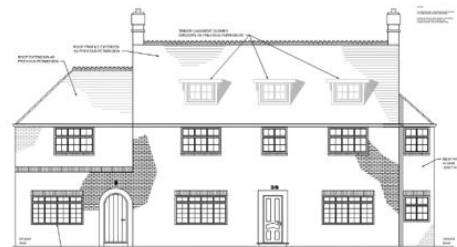
NORTH ELEVATION  
PWX0202188 - Approved 2002



NORTH ELEVATION  
2004/2534/P - Approved 2004



2013/2771/P - Approved 2013



2013/7989/P - Approved 2014

8.7. Changes to the rear elevation that have been considered acceptable, approved but not fully implemented are shown below.



SOUTH ELEVATION  
PWX0202188 - Approved 2002



SOUTH ELEVATION  
2004/2534/P - Approved 2004



2013/2771/P - Approved 2013



2013/7989/P - Approved 2014

8.8. The alterations to the front and rear elevations previously approved illustrate the extent to which significant development proposals were nevertheless considered to preserve the character and appearance of the host property and the conservation area.

- 8.9. The design of this current application seeks to retain the broad elements of the approved scheme but with some notable alterations. In terms of materials, the proposed replacement dwelling will be constructed from the same materials as the existing building to maintain the link with its neighbour, No.12 Langland Gardens. The brickwork and pointing will be exactly matched, as will the detailing of the front façade's timber casement windows on the existing building (which features an ogee moulding at the head of the windows). The brickwork and detailed design of the windows will be secured by condition (conditions 3 and 4). The front elevation of the approved scheme and current proposal are shown below.



Approved scheme (2019/4220/P)



Current proposal

- 8.10. The front elevation introduces both lowered eaves and a set back for the side wings to provide subservience and to improve the appearance of the main façade. The pitch of the roofs on the side wings would match the pitch of the main roof to provide a more coherent design. The width of the fenestration on the west side wing would be reduced so that it would echo the proportions of the windows on the opposite (east side) wing. The proposal would retain all of the detailing of the existing building including the brick plinth (omitted from the approved scheme). The moulded brickwork eaves cornice which appears to have been lost from most of the existing building would be reinstated. This detail matches the eaves cornice at No.12 Langland Gardens and the use of this moulded brickwork would help to re-establish the link between these two buildings. The proposal would increase the ridge height by 0.2m to allow mechanical ventilation and heat recovery ductwork to be concealed above false ceilings.
- 8.11. The proposed basement would have two lightwells. The rear lightwell would be adjacent to the ground floor and so would not harm the character of the building or its setting. The front lightwell would be within the front garden. Where front lightwells are proposed, they should be secured by a grille which sits flush with the natural ground level, rather than railings (CPG Basements). A condition would ensure appropriate lightwell treatment (Condition 21).
- 8.12. The current proposals are considered to be an improvement on the previous consent (2019/4220/P) and the front elevation would continue to echo the arts and crafts approach with the proposed first floor windows under the eaves helping to retain elements of the cottage typology. The two front dormers are considered an improvement on those previously approved as they would have a stronger horizontal emphasis. The subject property would continue to be diminutive in comparison to the more substantial neighbouring properties. At the rear the proposed building would be simplified in relation to the most recent approval and would be an improvement on

the existing building's flat roof additions which have a poor relationship with the pitched roof. The appeal inspector for planning ref 2013/7989/P noted that "the rear elevation of the property is of no particular architectural merit, nor does it reflect the design and appearance of surrounding buildings in the area". The proposed rear elevation is considered to be an improvement on the existing property's rear elevation.

Existing rear elevation



Proposed rear elevation



## 9. HERITAGE ASSESSMENT

### 9.1. Impact on the Conservation area

- 9.2. The bulk of the Redington Frognal Conservation Area was designated in June 1985. The application site falls within sub area 7 'The "Triangle" – Frognal Lane, Finchley Road and Langland Gardens". The Architectural and Historical Assessment (prepared by The Architectural History Practice Ltd) submitted with a previous application (2010/0056/P), states that the architect for 38 Frognal Lane and for 12 Langland Gardens was Peter Dollar. The name of the architect is shown on the drainage plan for the house and stables (included in the Architectural and Historical Assessment) and there is no reason to doubt this evidence. One of the objectors has suggested that the building was built in 1898-9 by Edward Michael. Victoria County History states "Edward Michael built three houses in Frognal Lane in 1898-9, one of them at the junction with Chesterford Gardens" However, 12 Langland Gardens and the stable are shown on the second edition 60 inch ordnance survey map dated 1894, which is four years before the date given in the 'Victoria County History'. It is therefore likely that the reference to Edward Michael in the 'Victoria County History' relates to a different property.
- 9.3. As stated above, there is a statutory presumption in favour of the preservation of the character and appearance of Conservation Areas. Considerable importance and weight should be attached to their preservation. A proposal which would cause harm should only be permitted where there are strong countervailing planning considerations which are sufficiently powerful to outweigh the presumption.
- 9.4. The conversion of the building from a stable has deprived the building of some interest, although it is considered that those alterations were carried out with some care and attention to detail and materials. The existing building retains something of its cottagey, service building quality however the later additions at the rear are negative and intrusive features which could benefit from remodelling.

9.5. The visual impact of the proposal would be limited from the streetscene and the proposed building would retain the positive attributes of the existing building in terms of the symmetry and form of the front elevation and its arts and crafts appearance. The proposed dwelling would also significantly improve the appearance of the rear elevation. As such, officers are satisfied that the character and appearance of the conservation area would be preserved. There is therefore no harm identified as set out under paragraphs 195 and 196 of the NPPF.

9.6. Loss of non-designated heritage asset

9.7. Clearly the demolition of the non-designated heritage asset would harm its significance, and so a balanced judgement should be applied as set out in paragraph 197 of the NPPF. Officers have worked hard to ensure that the interesting and attractive elements of the existing building would be realised in the design of the replacement dwelling. The essential character and appearance of the building would be largely carried through into the new architecture. The replacement dwelling would be an appropriate response to the streetscape. In addition, there would be benefits arising from the proposed redevelopment to consider in the general planning balance. The existing dwelling was created out of a stables and so the operational CO2 emissions are relatively high. The redevelopment provides an opportunity to significantly upgrade the building fabric and substantially improve regulated CO2 reductions. Nevertheless, much of the existing fabric would be salvaged and reused. In addition the development would reduce drainage run-off and would reduce on-site car parking and be car permit free. Taking all of the above into consideration, the loss of the non-designated heritage asset is considered acceptable in this instance.

10. **BASEMENT**

10.1. In accordance with Policy A5 - Basements, the applicant has submitted a basement impact assessment (BIA). The BIA has been independently assessed by Campbell Reith.

10.2. The BIA confirms that the proposed basement will be founded within Claygate Member soils. It is anticipated that the groundwater table will be encountered during basement excavation. Based on the proposed mitigation measures described in the Flood Risk Assessment it is accepted that the development would not impact the hydrology of the area. It is also accepted that the proposal would not impact the slope stability of the surrounding area. Based on the revised BIA submission and mitigation measures proposed, it is accepted that the development would not impact the hydrogeology of the area. The BIA indicates that the impact to the adjacent highway would be negligible and damage to neighbouring properties would not exceed Burland Category 1 (Very Slight). Campbell Reith's audit confirms the BIA complies with Policy A5 and CPG Basements. A condition would be included to secure details of the structural engineer (condition 19) and to ensure the development was carried in accordance with the recommendations of the BIA (condition 20).

10.3. Damage impact to the adjacent highways and pavements are assessed as negligible. Nevertheless as basement excavation is within 4m of the public highway the Council's Highway Department require an approval in principle (AIP) to ensure the

basement would not damage the footpath and road. The fee for this would be £1800 and the AIP would be secured by legal agreement.

#### 10.4. Size of basement

10.5. In addition to protecting against flooding, ground instability and damage to neighbouring buildings, the Council seeks to control the overall size of basement development to protect the character and amenity of the area, the quality of gardens and vegetation and to minimise the impacts of construction on neighbouring properties. Larger excavations cause greater construction impacts and can have greater risks and complexity in construction. Basement development should:

- f) not comprise of more than one storey;
- g) not be built under an existing basement;
- h) not exceed 50% of each garden within the property;
- i) be less than 1.5 times the footprint of the host building in area;
- j) extend into the garden no further than 50% of the depth of the host building measured from the principal rear elevation;
- k) not extend into or underneath the garden further than 50% of the depth of the garden;
- l) be set back from neighbouring property boundaries where it extends beyond the footprint of the host building; and
- m) avoid the loss of garden space or trees of townscape or amenity value.

10.6. Following revisions to the basement footprint to reduce how far it extended under the front garden, the proposed basement would now comply with criteria 'f' to 'm'. While the majority of the basement would be under the proposed footprint of the ground floor, part of the basement would extend beyond this footprint (by approximately 2.2m) at the rear and the basement would extend beyond the front elevation by around 3.7m which is half the depth of the front driveway/garden. There would be small lightwells at front and rear.

### 11. **AFFORDABLE HOUSING**

11.1. The Council expects a contribution to affordable housing from all developments that provide one or more additional homes and involve a total addition to residential floorspace of 100sqm GIA or more. As the proposed redevelopment does not involve an additional home, no contribution to affordable housing will be required.

### 12. **HOUSING MIX**

12.1. The redevelopment would provide a 5 bedroom dwelling. The 'dwelling size priorities table' (set out in the Local Plan) states that 4-bedroom or more properties are a lower priority for market housing. Policy H7 (Large and small homes) acknowledges that there is a need and/ or demand for dwellings of every size shown in the 'dwelling size priorities table' and the Council expects most developments to include some homes that have been given a medium or lower priority level. The provision of a 5-bedroom dwelling is therefore considered acceptable.

### 13. **HOUSING QUALITY**

13.1. The development would provide a generously sized 5-bedroom house which would comfortably exceed the minimum floorspace standards for new dwellings (London Plan Policy 3.5). The dwelling would be triple aspect and would have a reasonably sized garden at front and rear. The dwelling would meet the Council's residential development standards.

#### 14. **ACCESS**

14.1. The optional Building Regulations in approved document Part M4 include Category 2 for "accessible and adaptable dwellings". This is known as M4(2), and is broadly equivalent to satisfying Lifetime Homes criteria. Compliance with M4(2) would be secured by condition (condition 6).

#### 15. **AMENITY IMPACT**

15.1. No harm to amenity was identified from the previous approval (2019/4220/P). Given the similarities between the current proposal and the previous scheme, it is not considered there would be a loss of amenity to neighbouring occupiers in terms of loss of light or outlook. The proposed east elevation (facing towards 40 Frogmal Lane) would have an obscure glazed window at first floor level as it serves a bathroom. The distance between this window and the side elevation of 40 Frogmal is almost 20m and so it is not considered necessary to condition the retention of this window as obscure glazed. The proposed west elevation (facing towards 12 Langland Gardens) would have windows at ground and first floor. There is a 1.8m high boundary fence running along the side boundary between the site and 12 Langland Gardens. As such there would not be harmful overlooking from the ground floor window. The proposed first floor window which serves a dressing room would be obscure glazed and fixed shut. This would be secured by condition (condition 22).

#### 16. **TRANSPORT**

##### 16.1. Parking

16.2. As with the previous permission (2019/4220/P), the existing front vehicular entrance on Frogmal Lane and associated parking area at the front of the dwelling would be retained.

16.3. In accordance with Policy T2 of the adopted Local Plan, we expect all new residential development to be secured as permit free by means of a Section 106 Agreement such that the future residents would be unable to obtain on-street parking permits. However, if the applicant can demonstrate that the existing residents are to return following the completion of the development then this requirement can be amended such that whilst the existing residents would be entitled to apply for on-street permits, the future ones will not. This should be reflected in the wording of the Section 106 Agreement.

16.4. The existing property currently benefits from a crossover on Frogmal Lane and a large front courtyard area which is capable of accommodating a number of parked cars. As there is no increase in the number of residential units currently on site it is considered that some on-site parking can remain. The submitted landscape plan shows parking space for two vehicles with the remaining area landscaped. The



landscaping of the front courtyard would reduce the number of vehicles which can park as compared to the existing situation. Details of landscaping will be secured by condition (condition 11). Given the reduction in the hardstanding (car parking) area, Transport officers have agreed that parking space for two vehicles would be acceptable. An electric vehicle charging point would be secured by condition (condition 18).

16.5. Cycle parking

16.6. Camden expects development to provide cycle parking facilities in accordance with the minimum requirements of the London Plan. For a house such as this, 2 spaces would be required. Whilst no cycle parking is shown on the proposed plans, there would be sufficient space available within the ground floor of the property to accommodate an internal cycle store for 2 cycles. This would be secured by condition (condition 7).

16.7. Construction management plan

16.8. The Council will limit the disturbance from dust due to construction and demolition by expecting developers and their contractors to follow the Greater London Authority and London Councils' Best Practice Guidance: The control of dust and emissions from construction and demolition. Details of how these measures will be implemented should be provided in a Construction Management Plan.

16.9. The applicant has submitted a draft Demolition Method Statement and draft Construction Management Plan in support of the development. However, both documents are generic in nature and although they provide a general framework, they do not meet our formal requirements for such documents. Nonetheless, the site is readily accessible and on a plot which would allow space off the highway to manage the construction and mitigate the impact of the development. As such it is recommended that a full CMP which meets our specified requirements should be secured by means of a Section 106 Agreement together with the associated Implementation Support Contribution of £3,136 and Bond of £7,500 if there is any additional work required as a result of any breaches of the CMP.

17. **ENERGY AND SUSTAINABILITY**

17.1. Policy CC1 of the Local Plan requires all development to minimise the effects of climate change. We require all development to reduce carbon dioxide emissions through following the steps in the energy hierarchy. All new residential development will also be required to demonstrate a 19% CO<sub>2</sub> reduction below Part L 2013 Building Regulations. Policy CC1 also refers to a 20% reduction in CO<sub>2</sub> from renewables but this development does not trigger this requirement as it only applies to developments of five or more dwellings.

17.2. Policy CC1 (Climate change mitigation) also requires all proposals that involve substantial demolition to demonstrate that it is not possible to retain and improve the existing building. All proposals for substantial demolition and reconstruction should be fully justified in terms of the optimisation of resources and energy use, in comparison with the existing building.

- 17.3. An Energy and Sustainability Report has been submitted to support the application.
- 17.4. The existing house was originally constructed in the 1890s and was substantially remodelled in the 1930s. It has very poor energy efficiency, having no floor, wall or roof insulation and it has outdated double glazing. The existing dwelling has been modelled using SAP 2012 to establish the current carbon emission rate.

	CO <sub>2</sub> emissions (t/yr)
Existing Building	13.50

Table 5 – Existing Building CO<sub>2</sub> emissions

- 17.5. The Energy and Sustainability Report provides SAP calculations to determine the CO<sub>2</sub> emissions that would be associated with the existing dwelling with a comprehensive building upgrade.

	CO <sub>2</sub> emissions (t/yr)
Existing Building – Upgraded	8.20

Table 6 – Existing Building CO<sub>2</sub> emissions – upgraded

- 17.6. The emissions of the residential upgrade of the existing building are significantly lower than the existing building as it stands.
- 17.7. Partial demolition and re-construction has been considered but this would not be able to achieve the same level of energy efficiency as a total new build, as aspects such as air tightness and careful detailing to reduce heat loss due to thermal bridging cannot be achieved to the same standard.
- 17.8. The energy hierarchy has been followed for the proposed dwelling. The total reduction in CO<sub>2</sub> emissions for the development would be a 41.96% reduction below Part L 2013 Building Regulations. This would be an improvement on the CO<sub>2</sub> reductions which would have been delivered by the most recent approval which achieved a 35.31% reduction below Part L 2013 Building Regulations. The proposed building would have emissions of 4.95 tons of CO<sub>2</sub> per year which would be a significant improvement on the CO<sub>2</sub> emissions achieved by the comprehensive refurbishment of the existing building (8.2 tons of CO<sub>2</sub> per year).
- 17.9. The 'Be lean' measures specified include low energy lighting, high efficiency gas boiler, mechanical ventilation with heat recovery and enhanced building fabric and air tightness. The remaining carbon dioxide savings have been achieved through the inclusion of renewable technologies 'Be green' (PV cells to the flat roof and an air

source heat pump). The CO2 reductions would be secured by condition (condition 8). Details of the PV panels would also be secured by condition (condition 9).

	CO <sub>2</sub> emissions (t/yr)	Improvement	Improvement over baseline
Baseline	8.53		
Lean	7.41	13.13%	13.13%
Clean	7.41	0.00%	13.13%
Green	4.95	33.20%	41.96%

17.10. In accordance with Camden Planning Guidance 'Energy efficiency and adaptation' a Whole Life Carbon (WLC) Assessment has been submitted.

17.11. The assessment models the whole life carbon impact of the proposed design, and compares this to the previously consented scheme (2019/4220/P). The WLC assessment demonstrates that current proposals have a net carbon benefit when compared to the currently consented scheme.

17.12. The overall results show that the Proposed Development will have a cradle to grave emission of 273.6 tonnes CO<sub>2</sub> – less than that associated with the original consented scheme, which has a cradle to grave emission of 277.6 tonnes CO<sub>2</sub>. The carbon emissions in the proposed scheme is slightly lower than that of the consented. This is because while the proposed scheme has a larger floor area and therefore requires a greater amount of materials to construct, the embodied carbon of the proposed scheme would be kept relatively low through careful selection of materials. The WLC assumes the following materials would be used.

17.13. *Concrete*

17.14. Concrete's environmental impact can be reduced by replacing a proportion of the ordinary Portland Cement and sand content with recycled alternatives such as fly ash or ground granulated blast furnace slag (GGBS). The default RICS guidance is an allowance of 20% cement replacement as included within this WLCA. An increased proportion of GGBS to 50% has been proposed for the proposed scheme.

17.15. *Screed*

17.16. Screed used for the floor construction of the ground floor, basement floor, swimming pool, and flat roofs has been specified as medium density screed to reduce overall embodied carbon. It is recommended for the screed to be sourced from reused or recycled material, as this will disregard the carbon impacts related to initial manufacturing and installation, thereby reducing the embodied carbon impact.

17.17. *Bricks*

- 17.18. The external walls of the proposed development is proposed to be of cavity wall construction. Locally sourced clay bricks are proposed to be used in the proposed development to minimize the carbon impact related to transportation.
- 17.19. The materials recommended by the WLC assessment will be secured by condition (condition 15).
- 17.20. Where the demolition of a building cannot be avoided, the Council expects developments to divert 95% 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 (paragraph 8.17 of the Local Plan). The reuse of bricks and tiles would be beneficial from a heritage perspective. To secure this requirement, a condition is recommended to be included on the decision (condition 14).
- 17.21. The submitted Energy and Sustainability report states that all materials on site will be managed in accordance with the waste hierarchy with as much as possible of the removed structure being re-used on the site within the new build elements. Key items being reused are as follows:
- Key construction timbers where these are able to be re-used.
  - Internal finishes (Stone flooring etc.) where these can be reclaimed.
  - Concrete construction materials (such as blocks etc).
  - Roofing tiles where these are undamaged.
- 17.22. Internal water use would be reduced to less than 110 litres/person/day in line with Policy CC3. This would be secured by condition (condition 16).
- 17.23. Sustainable drainage
- 17.24. Policy CC3 requires development to utilise Sustainable Drainage Systems (SuDS) in line with the drainage hierarchy to achieve a greenfield run-off rate where feasible. Greenfield run-off rates are defined as the run off rates from a site in its natural state prior to any development. Developers will be expected to show to the Council's satisfaction how all opportunities to reduce site run-off have been included. SuDS details need to be provided at the full planning stage to clearly demonstrate that any proposed SuDS can be accommodated within the development.
- 17.25. In order to ensure that the development achieves the greenfield run off rate, permeable driveway and attenuation storage tanks would be utilised as SuDS features within the scheme.
- 17.26. The front driveway and paving around the house would have permeable paving with a 1.2m deep geocrate storage attenuation tank providing a total storage volume of 21.6 cu.m. The geocrate would be located between the basement and the retaining wall and underneath the front garden. The storage capacity meets the volume required for the 100year +40% climate change event. Flows would be limited through the use of a Hydrobrake.

17.27. The roof would be drained via water butts to permeable paving around the house and driveway. This water would then be piped to the attenuation storage tank. The proposed sustainable drainage would be secured by condition (condition 10).

## 18. TREES

18.1. A tree report has been submitted to support the application. No trees are proposed for removal in order to facilitate development. The impact of the scheme on the trees to be retained is considered to be of an acceptable level and within the tolerable limits for the species.

18.2. The method statement is considered comprehensive and the tree protection plan has been amended to show tree protection for the trees on the highway immediately off-site.

18.3. The removal of T3, a Himalayan cedar tree was previously approved (under 2018/5502/P) but not implemented. While this tree is still in place, the submitted Tree Constraints and Protection Plan notes that this is now a '*dead tree*'. Tree protection and replacement tree planting conditions are recommended to ensure the health of the retained trees and biodiversity of the site (conditions 13 and 11).

## 19. NATURE CONSERVATION

20. Given that this is a new build it should be feasible to incorporate biodiversity enhancing measures in accordance with Policy A3. Bird and bat boxes would be secured by condition (condition 17). This would also be in accordance with Policy SD 4 of the referendum version of the Redington Frognaal Neighbourhood Plan.

## 21. PLANNING OBLIGATIONS

21.1. The following contributions are required to mitigate the impact of the development upon the local area.

<b>Contribution</b>	<b>Amount</b>
CMP implementation support contribution	£3,136
CMP bond	£7,500
Approval in principle	£1,800
Total	£12,436

## 22. MAYOR OF LONDON'S CROSSRAIL CIL AND CAMDEN'S CIL

22.1. The proposal will be liable for both the Mayor of London's CIL and Camden's CIL as the development involves the creation of a new dwelling. The CIL would be calculated on the net increase in floorspace (447.19sqm). Based on the Mayor's CIL and Camden's CIL charging schedules and the information given on the plans the charge is likely to be £35,775.20 (447.19sqm x £80) for the Mayoral CIL and £287,990.36 (447.19sqm x £644) for Camden's CIL (Zone C Residential). Whilst there is a demolition credit, the agent would have to evidence in-use sqm GIA for 6

months before any approval to receive this. The CIL will be collected by Camden and an informative will be attached advising the applicant of the CIL requirement.

## 23. **CONCLUSION**

- 23.1. While the existing building makes a positive contribution to the Conservation Area and would be completely lost this does not mean that the Conservation Area would inevitably be harmed. The decision maker is required to make a judgment based upon the proposed replacement dwelling as well as the loss of the existing building.
- 23.2. Officers consider the visual impact of the proposal would be limited from the streetscene and the proposed building would retain the positive attributes of the existing building in terms of the symmetry and form of the front elevation and its arts and crafts appearance. The proposed dwelling would also significantly improve the appearance of the rear elevation. As such, officers are satisfied that the character and appearance of the conservation area would be preserved. Taking a balanced judgement the loss of the non-designated heritage asset is considered acceptable in this instance.
- 23.3. The proposed building would have emissions of 4.95 tons of CO<sub>2</sub> per year which would be a significant improvement on the CO<sub>2</sub> emissions achieved by a comprehensive refurbishment of the existing building (8.2 tons of CO<sub>2</sub> per year).
- 23.4. The total reduction in CO<sub>2</sub> emissions for the development would be a 41.96% reduction below Part L 2013 Building Regulations. This reduction substantially exceeds the policy requirement for CO<sub>2</sub> reduction (19%) and satisfactorily demonstrates that the demolition and replacement of the dwelling would be justified in this instance. The reduction in CO<sub>2</sub> emissions would also be an improvement on the CO<sub>2</sub> reductions which would have been delivered by the most recent approval (2019/4220/P).
- 23.5. There would also be benefits arising from the proposed dwelling. The redevelopment provides an opportunity to significantly upgrade the building fabric and substantially improve regulated CO<sub>2</sub> reductions. Nevertheless, much of the existing fabric would be salvaged and reused and 95% of waste would be diverted from landfill which is an improvement on the percentage secured under the approved scheme. In addition the development would reduce drainage run-off and would reduce on-site car parking and be car permit free. Taking all of the above into consideration, the loss of the non-designated heritage asset is considered acceptable in this instance.

## 24. **RECOMMENDATION**

- 24.1. Grant conditional Planning Permission subject to a S106 Legal Agreement with the following heads of terms.
- Car permit free (future occupiers will not be eligible for on-street parking permits)
  - Construction management plan (CMP) and CMP implementation support contribution of £3,136 and Construction Impact Bond of £7,500.
  - Approval in principle

## 25. LEGAL COMMENTS

25.1 Members are referred to the note from the Legal Division at the start of the Agenda.

### **CONDITIONS**

- 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 Approved drawings

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

Proposed drawings: PL-204 Rev B; PL-308 Rev A; PL-303 (submitted 10/06/2021); PL-011 Rev B; PL-: 217 D (submitted 22/06/2021); 212 C; 207 D (submitted 22/06/2021); 119 C; 115 B; 111 C; 222 B (submitted 23/06/2021); 106 B; 097 A; 311

Supporting documents: PL-100 A (comparison ground floor); Energy and Sustainability Statement prepared by SRE dated 24.05.2021; Whole Life Carbon Assessment prepared by SRE dated 24.05.2021; PL-012 A (Site Plan - Basement - Comparison); Basement Impact Assessment prepared by Train and Kemp dated 7th May 2021; Landscape masterplan 22103-IYL-8050-XX-DR-L-2001; Tree constraints and protection plan; Addendum to Tree survey and Arboricultural Method Statement prepared by TRETEC dated January 2021; Drainage Strategy prepared by Simon Dent Associates; Construction/ Demolition Management Plan; Tree survey and Arboricultural Method Statement prepared by TRETEC dated September 2020; Topographic survey 3798-T; Planning And Heritage Statement prepared by MRPP dated October 2020

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

- 3 Detailed drawings / samples of materials

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) For the front elevation, details including sections at 1:2 of all windows (including jambs, head, cill, and dormers), ventilation grilles, external doors, gates, eaves, chimney stacks and pots;

- b) For all other elevations, details including sections at 1:10 of all windows (including jambs, head and cill), ventilation grilles, external doors and gates; and
- c) Manufacturer's specification details of all facing materials (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site).

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

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.

#### 4 Brickwork and tiles

Prior to demolition, a sample panel of the facing brickwork and roof tiles, to match existing, demonstrating the proposed colour, texture, face-bond and pointing shall be provided on site and approved in writing by the local planning authority. The development shall be carried out in accordance with the approval given. The approved panel shall be retained on site until the work has been completed.

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

#### 5 Contract for entire scheme of works

The works of demolition hereby approved shall not be commenced before the Local Planning Authority has received written confirmation from a solicitor that a contract(s) for the carrying out of the entire scheme of works hereby approved has been entered into.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy D2 of the Camden Local Plan 2017.

#### 6 Accessible and adaptable dwellings

The dwelling hereby approved shall be designed and constructed in accordance with Building Regulations Part M4 (2), evidence demonstrating compliance should be submitted to and approved by the Local Planning Authority prior to occupation.

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policy H6 of the London Borough of Camden Local Plan 2017.



## 7 Cycle storage

Before the development commences, details of secure and covered cycle storage area for 2 cycles shall be submitted to and approved by the local planning authority. The approved facility shall thereafter be provided in its entirety prior to the first occupation of any of the new units, and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T1 of the London Borough of Camden Local Plan 2017.

## 8 Energy and renewable energy

The development hereby approved shall be constructed in accordance with the approved Energy and Sustainability Statement prepared by SRE dated 24.05.2021 to achieve a 41.96% reduction in carbon dioxide emissions beyond Part L 2013 Building Regulations in line with the energy hierarchy including a 33.2% reduction in carbon dioxide emissions through renewable technologies. Prior to occupation, evidence demonstrating that the approved measures have been implemented 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 can adapt 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.

## 9 Solar PVs

Prior to first occupation of the buildings, detailed plans showing the location and extent of photovoltaic cells 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.

## 10 Sustainable urban drainage

The sustainable drainage system as per the approved site drainage drawings (1611-: 100 P2; 101 P1; 202 P1; 201 P1) prepared by Simon Dent Associates dated 7/10/20 and 25/09/20 shall be designed in detail and installed as part of the development to accommodate greenfield levels of runoff (maximum 2 litre/sec). The drainage system shall be maintained in strict accordance with all manufacturer's recommendations.

Reason: To reduce the rate of surface water run-off from the buildings and limit the impact on the storm-water drainage system in accordance with policies CC2 and CC3 of the London Borough of Camden Local Plan 2017.

## 11 Landscaping

Prior to commencement of development (other than demolition), full details of hard and soft landscaping and means of enclosure of all un-built, open areas shall be submitted to and approved by the local planning authority in writing. The landscaping at the front of the property shall ensure parking space is limited to no more than two vehicles. The landscaping shall be designed to enhance the ecological and wildlife values of the site and the landscaping submission shall have reference to Policy BGI 1 (parts i to vii) of the Redington Froggnal Neighbourhood Plan. Such details shall include details of replacement trees and any proposed earthworks including grading, mounding and other changes in ground levels. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area in accordance with the requirements of policies A2, A3, D1 and D2 of the London Borough of Camden Local Plan 2017.

## 12 Landscaping compliance

All hard and soft landscaping works shall be carried out in accordance with the approved landscape details by not later than the end of the planting season following completion of the development. Any trees or areas of planting (including trees existing at the outset of the development other than those indicated to be removed) 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, D1 and D2 of the London Borough of Camden Local Plan 2017.

## 13 Tree protection

Prior to the commencement of works on site, tree protection measures shall be installed and working practices adopted in accordance with the Tree survey and Arboricultural Method Statement prepared by TRETEC dated September 2020 and Addendum to Tree survey and Arboricultural Method Statement prepared by TRETEC dated January 2021. All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with BS5837:2012 and with the approved protection details.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policies A2 and A3 of the London Borough of Camden Local Plan 2017.

#### 14 Maximise reuse of original materials on site

Prior to commencement of any works, including demolition, a Recycling and Re-Use of Materials Strategy shall be submitted to and approved by the Local Planning Authority in writing. This should include the re-use of bricks and tiles. The strategy shall demonstrate the approach for diverting 95% of site waste from landfill, comply with the Institute for Civil Engineer's Demolition Protocol, and maximise reuse of materials on-site before salvaging appropriate materials to enable their reuse off-site.

The demolition, disposal and reuse of materials shall thereafter be carried out in accordance with the approved strategy.

Reason: To maximise reuse of original materials on site, and ensure the development contributes to reducing waste and supporting the circular economy in accordance with the requirements of Policies D2 and CC1 of the London Borough of Camden Local Plan 2017.

#### 15 Whole Life Carbon Assessment Recommendations

The development shall be constructed in accordance with the assumptions and recommendations of the Whole Life Carbon Assessment prepared by SRE dated 24.05.2021 hereby approved including the use of the specified building materials (50% GGBS ready mixed concrete, medium density screed sourced from reused or recycled material and locally sourced bricks) and measures to reduce operational energy use (higher efficiency ASHPs and high performance whole-dwelling mechanical ventilation with heat recovery (MVHR) system).

Prior to occupation, evidence demonstrating that the approved measures have been implemented 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 reducing CO2 emissions, thereby contributing to minimising the effects of climate change in accordance with the requirements of policies CC1 of the London Borough of Camden Local Plan 2017.

#### 16 Water efficiency

The development hereby approved shall achieve a maximum internal water use of 110litres/person/day. 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.

17 Details of bird and bat boxes

Prior to first occupation of the development a plan showing details of bird and bat box locations and types and indication of species to be accommodated shall be submitted to and approved in writing by the local planning authority. The boxes shall be installed in accordance with the approved plans prior to the occupation of the development and thereafter retained.

Reason: In order to secure appropriate features to conserve and enhance wildlife habitats and biodiversity measures within the development, in accordance with the requirements of the London Plan 2021 and Policies A3 and CC2 of the London Borough of Camden Local Plan 2017.

18 Electric vehicle charging point

Prior to the commencement of the relevant part, details of an electric vehicle charging point shall be submitted to and approved in writing by the local planning authority. The charging point shall be installed in full accordance with the details thus approved and permanently retained and maintained thereafter.

Reason: To ensure the development contributes to minimising the effects of, and can adapt 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.

19 Basement engineer

The basement works 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 basement excavation. 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.

## 20 BIA compliance

The development shall not be carried out other than in accordance with the methodologies, recommendations and requirements of the Basement Impact Assessment prepared by Train and Kemp dated 7th May 2021 hereby approved, including but not limited to the monitoring requirements set out in paragraph 7.4.3 and the confirmation at the detailed design stage that the damage impact assessment would be limited to Burland Category 1.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the structural, ground and water conditions of the general area in accordance with the requirements of policy A5 of the London Borough of Camden Local Plan 2017.

## 21 Front light-well grille

Prior to first occupation, the front lightwell shall be secured by a grille. Notwithstanding the provisions of Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any Order revoking and re-enacting that Order, no enclosure shall be erected around the front light-well.

Reason: To safeguard the visual amenity of the front garden and to ensure an appropriate and accessible layout in accordance with the requirements of policies D1, D2 and A1 of London Borough of Camden Local Plan 2017.

## 22 Obscure glazing

Prior to occupation, the first floor window on the west elevation shall be obscure glazed and fixed shut and shall be retained as such thereafter.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policies A1 and D1 of the London Borough of Camden Local Plan 2017.

## **INFORMATIVES**

- 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 proposal may be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL. Both CILs are collected by Camden Council after a liable scheme has started, and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement.

We issue formal CIL liability notices setting out how much you may have to pay once a liable party has been established. CIL payments will be subject to indexation in line with construction costs index. You can visit our planning website at [www.camden.gov.uk/cil](http://www.camden.gov.uk/cil) for more information, including guidance on your liability, charges, how to pay and who to contact for more advice.

- 3 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.
- 4 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.

- 5 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.
- 6 You are advised that Section 44 of the Deregulation Act 2015 [which amended the Greater London Council (General Powers) Act 1973] only permits short term letting of residential premises in London for up to 90 days per calendar year. The person who provides the accommodation must be liable for council tax in respect of the premises, ensuring that the relaxation applies to residential, and not commercial, premises.