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15 July 2021

Dear Laura and Nick,

Please see replies to points raised in the objection letter by Philips Planning Services Limited (PPS), dated 12 July 2021, with regards to the recently submitted minor amendment application number 2021/3072/P.

Our responses are shown in blue to the comments from PPS (in red) on behalf of neighbours at 113 Frognaal and 109 Frognaal.

PPS:

'This current application is a resubmission following the refusal of applications 2021/0409/P & 2021/0406/L. The refused applications were in part retrospective and sought to enable further extensions and alterations in addition to an early scheme approved in 2020.

The applications were refused as the Council determined that the proposals 'would harm the character and appearance of the host listed building and this part of the conservation area', contrary to policies D1 (Design) and D2 (Heritage) of the Camden Local Plan and policies DH1 (Design) and DH2 (Conservation areas and listed buildings) of the Hampstead Neighbourhood Plan 2018.

The resubmitted application no longer includes the previously proposed additional lower ground floor room, but retains the proposals to extend the lower ground floor boot room and also the further 1 metre extension of the previously approved upper ground floor element. The lower ground floor room was an element which, whilst impacting the internal floorplan, would not have had any visual impact upon the property given its subterranean location.

In this context it is relevant to note that the removal of that element does not fully address the refusal reason. The external / visible elements which contribute to the adverse impacts previously identified remain. In respect of the upper ground floor element when the previous application was assessed and refused the Officers report commented:

"3.16 The proposal would see the upper-ground-floor rear extension lengthened by 1m. This would increase its impact upon the setting of the listed host building when seen from neighbouring properties. While its width was based on the presence of a pre-existing rear dormer extension, the length of the rear extension was originally scaled to minimise its impact upon the house next door, no.113, from which the original proposal would have been subject to very limited views, being screened by a historic wall and mature vegetation. The visual impact on views of the site would now be significantly increased."

Response:

Harm

- **It is concluded in the council refusal report that the reason for refusal was the 'cumulative impact of the size of the rear extensions at upper ground and lower ground**

floor level'. (section 8 and 9). The harm from this was considered to be less than substantial and has been addressed through the reduction in extended area by 80%,

Neighbouring Amenity

- *It is concluded in the council refusal report that 'the refused proposals resulted in no harm to the neighbouring amenity' (6.2). This included the rear extension and other elements retained in the revised plans.*

Addressing the Refusal Reasons

- *The revised proposal has reduced the cumulative extensions by 80% addressing the 'cumulative impact of the size of the rear extensions'.*
- *The revised scheme also addresses other issues identified in the refusal report including: the removal of the planters, the removal of the handrails and the removal of the green glazed tile, and provision of a revised scoping BIA, none of which are recognised in the PPS report.*
- *The revised design has been fully guided by officers with whom we have had a proactive dialogue with, post refusal, and who have confirmed in writing their support for the revised plans.*

Public benefits and Heritage benefits

- *Public heritage benefits are proposed in the form of breathable and more suitable building materials such as cob, timber and clay and lime plasters to replace modern plastic paints, cement renders and concrete block. These are recognised by officers as a heritage benefit and would more than mitigate the much revised and reduced amendments to the proposal. These are in addition to heritage benefits carried over from the approved plans.*

PPS:

'As you are aware the application is in part retrospective. On 31 August 2015 the Chief Planning officer Steve Quartermain CBE wrote to all local authorities advising them that:

"The government is concerned about the harm that is caused where the development of land has been undertaken in advance of obtaining planning permission. In such cases, there is no opportunity to appropriately limit or mitigate the harm that has already taken place..... For these reasons, this statement introduces a planning policy to make intentional unauthorised development a material consideration that would be weighed in the determination of planning applications and appeals. This policy applies to all new planning applications and appeals received from 31 August 2015."

In summary, the fact that unauthorised works have been undertaken should not result in a more favourable consideration of a subsequent retrospective application. Rather where such works are knowingly undertaken this may be considered a material factor weighing against the grant of retrospective consent.'

Response

Approach and Benefits to the listed building

- *The principle behind the whole project is to benefit the listed building not to harm it. This policy relates to harmful development with no consents in place. The built out work varied upon but did relate to an approved project which benefits the listed building. The project as approved and as amended proposes to renovate the historic building and extend it in a modest way and bring the house in line with modern living standards. In addition the revised plans include further heritage benefits including improvement of the materials to clay, lime, and wood vs concrete, render and plastic modern paints which*

adds to the heritage benefits already proposed as part of the original scheme and which far outweigh the minor amendments sought as confirmed in the heritage report prepared by The Heritage Practice.

- *No favourable treatment is being sought. Works on site were stopped and permission proactively sought for any changes proposed; most of which have not yet been built out.*

PPS:

Impact on No.113

This wall already represents an imposing structure when viewed from the garden and rear of the house but as no additional bulk was to be added there was no cause for concern i.e. there would have been no additional visual impact.

As shown in the photograph on the following page, the boundary wall is screened by existing ivy which mitigates against the scale of the wall to the south side of the garden, the patio and from the rear ground floor bay window.

As noted above, the extension as approved would not be visible beyond this existing 'ivy screened' boundary wall. In contrast the amended proposal would project beyond the existing wall and so protrude into the current gap between the end of the wall and then beyond the tree in the photograph.

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. It is very unlikely that such a depth of extension would have been permitted save for the fact that it was to be hidden behind and built off the already existing wall.

The additional metre now proposed would take this to approximately 7.5 metres and would be visible within a 45 degree line of site from the rear of No.113. Although stepped in a little from the boundary it would have the effect of extending the built form visible along this boundary, exacerbating the sense of enclosure and creating an overbearing impact which would adversely impact the amenity currently enjoyed by the residents of No.113

The developer's justification for this change centres around engineering advice and a desire to minimise impacts upon the retained tree which would be harmed if the extension was built as per the existing permission.

This is surprising and at best unfortunate as the impact of the extension as permitted was of course considered by the developer's arboricultural consultant and the Council's tree officer as part of the assessment of the original application. Both advised that the extension could be delivered in a perfectly acceptable manner whilst protecting the tree.

Response

Impact on 113

Side wall to 111 Frognaal and proposed Rear Extension amendment

- *It is unclear how the existing side wall and boundary condition to 111 Frognaal is an 'imposing structure'. This side wall is single storey from the garden of 113 and has always formed the side of the historic 111 Frognaal. This wall pre-dates the house at 113 which was built in the 20th century. It is also covered in greenery behind a set of dense garden beds.*

Image 1: Google Earth Aerial showing proposed rear extension amendment

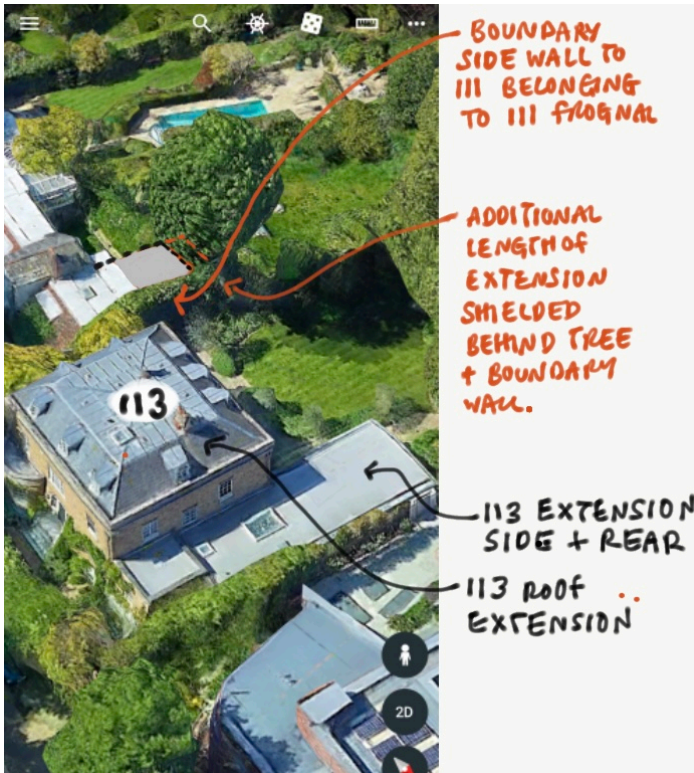


Image 2: Google Earth Aerial View showing the Real Building Line (dark blue) vs. PPS Building Line (light blue)

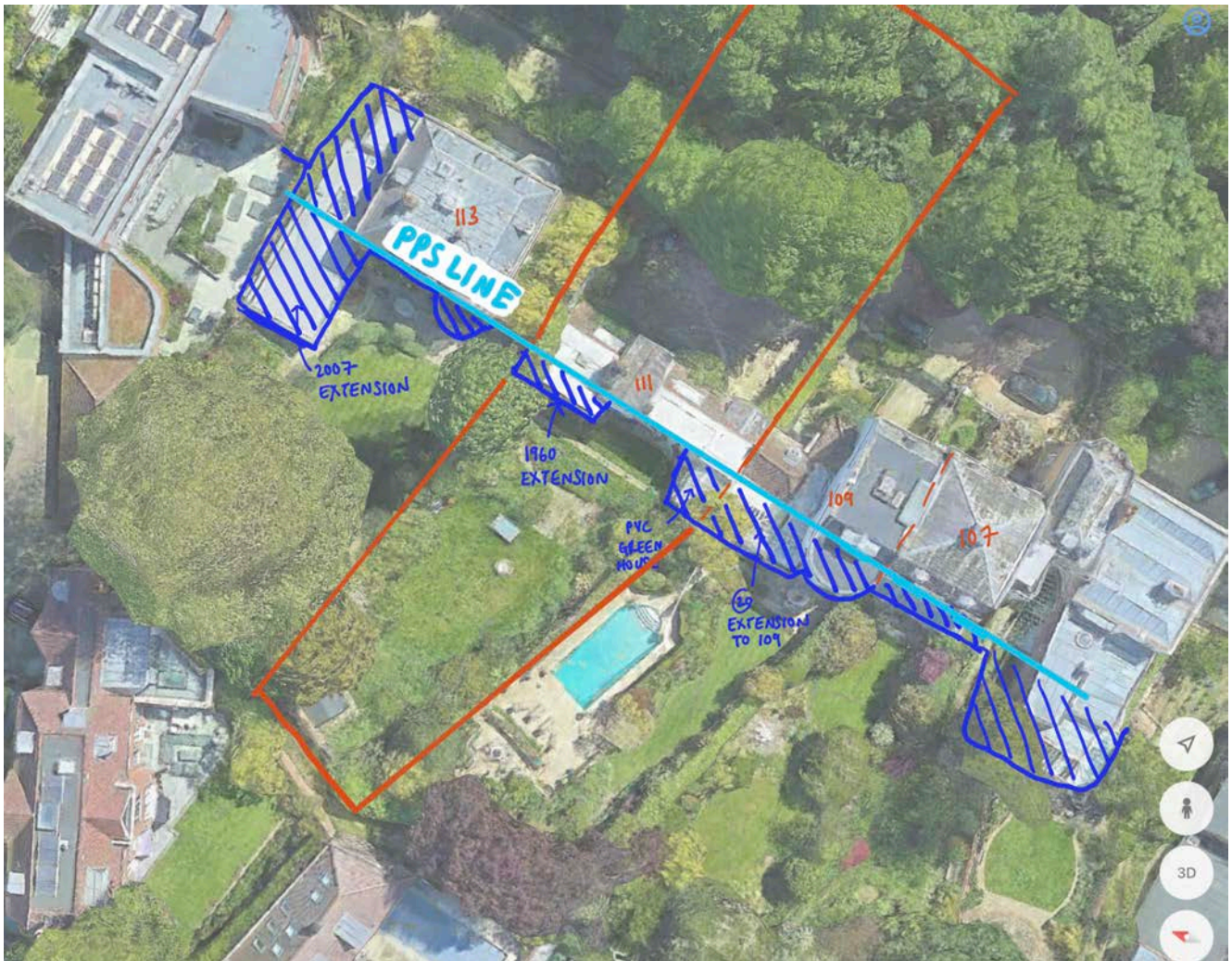


- The additional metre of extension proposed in the revised plans is at garden level, at an oblique angle from the house at 113, set behind the garden wall and the Sycamore tree trunk, and has minimal if any impact on 113. It is important to note that there is also a reduction in width associated with the revised designs and the net area increase is just 2sqm. (See image 1 and 4)
- In the councils refusal report, it confirms that amendments including the amendment to the rear extension does not have any material impact on the neighbours (6.2)
- Then measurements of the length of the extension from the rear building line as stated by PPS are misleading and incorrect (see next section on building line).

Building Line

- The PPS 'building line' as shown in the PPS report and in their annotated plans, as well as any distances measured from this building line are misleading and incorrect. We have shown the PPS building line in image 2 and 3, versus the real building line in dark blue. The dark blue hatched areas show the massing which project past the PPS line, including the large rear extension at 113 and the 1960s extension and uPVC greenhouse at 111 (see image 2 and 3)
- The proposed rear extension to 111 Frognal springs off the existing 1960s extension not from the imaginary building line drawn in the PPS report (see image 1, 2, 3, 4).

Image 3: Annotated Google Earth Aerial Satellite Plan showing real building line (dark blue) vs PPS Building line (light blue)



Rear extension precedent

- Both 113 and 109 have modern, rear extensions protruding into the rear gardens dating from the 20th and 21st century.

Owners and Engineering around the Tree

- We are not developers, we are home owners, 111 Frogal is our long term family home.
- The groundworks were designed to protect the tree, and has resulted in a complex and costly structural solution that is of no benefit to us, and at much greater cost, purely to protect the tree. The groundworks were designed post approval, in relation to conditions attached to the original approval for the purposes of protecting the tree. The challenges on site with tree roots and the boundary wall footings could not have been known until we began works.

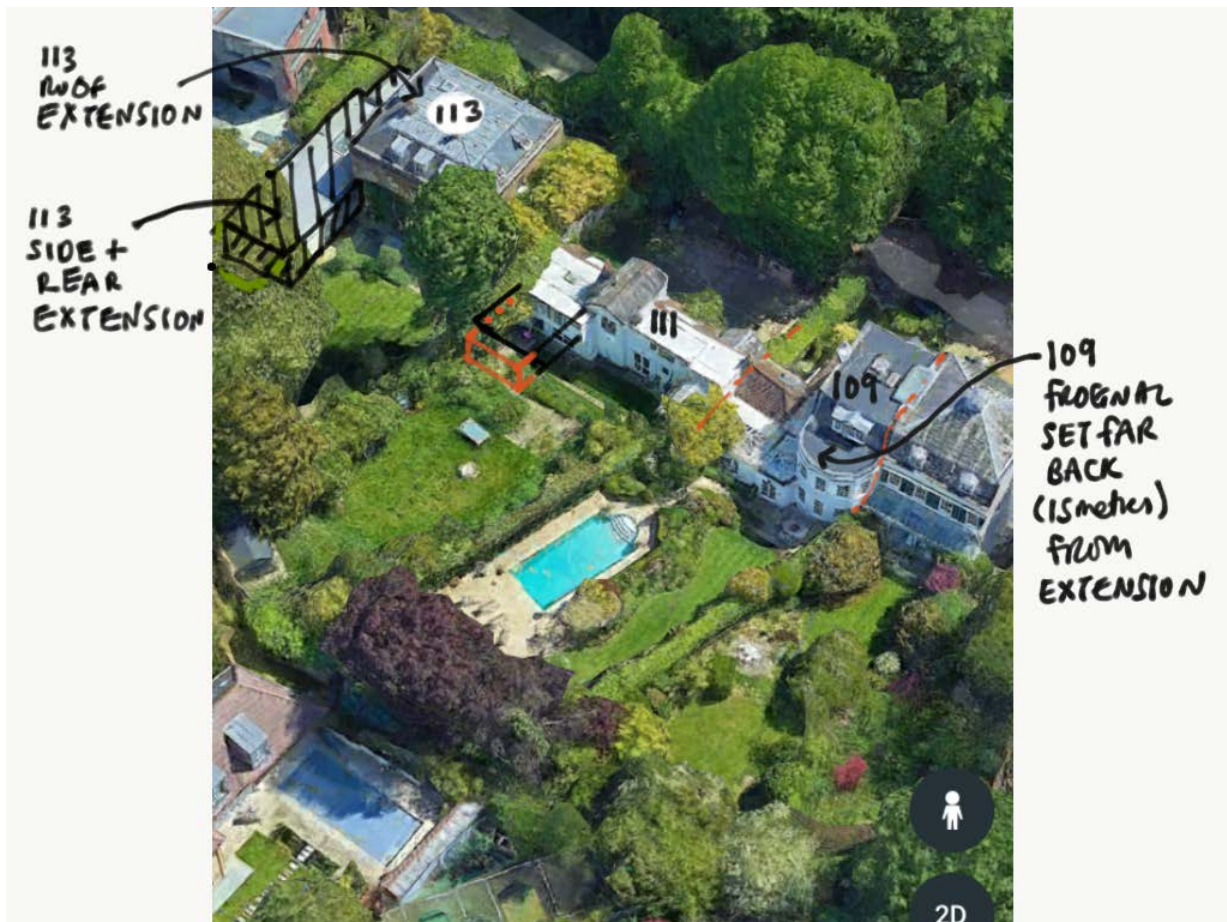
Impact on 109

The works undertaken have two impacts upon No.109. Firstly, as part of the demolition of the rear extension and its replacement (boot room) on the boundary with No.109 the side wall of No.109 (also Grade II* listed) has been underpinned without listed building consent and without the provision of any engineering information / justification or party wall agreement.

As may be appreciated this work has not been subject to independent scrutiny and raises concerns as to the future stability of 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 side and rear elevation of No.109 and from the garden. The additional projection now proposed will make the extension more visible, will draw the eye and add to the perception of overlooking from what would be a larger more visible element of built form. Due to the extent of glazing proposed the extension would result in a significant degree of light spillage across the garden toward No.109.

Image 4: Aerial Google Earth View showing approved rear extension (black) vs amended (red) and distance from 113 and 109 Froggnal



Response

Impacts on 109

Underpinning

- *The underpinning of the boundary wall to the boot room has listed building consent under the approved plans as the floor level was granted to be dropped down beneath the existing floor level and beneath the level of the footing of the adjacent wall.*
- *The underpinning has only improved the structure not undermined it. And no damage has been caused to the neighbours property at 109.*

Party Wall

- *This is not a planning matter.*

- *However, structural details of this underpin have been provided to the party wall surveyor for 109 and a draft award has been sent back in February to cover this work. If the neighbours sign the draft award provided to them in February, then their property will be fully covered under the party wall act, but to date they have refused to sign off the award and underpinning works, despite our best efforts to get this in place.*

Rear Extension

- *The amendment to the upper ground floor extension at garden level and set behind planting and boundary walls is over 20 metres from 109 Frognaal. It has no material impact on 109.*
- *In the councils refusal report, it confirms that amendments including amendment to the rear extension does not have any material impact on the neighbours (6.2)*

PPS:

'Impact upon the Character & Significance of No.111

As the Council is aware, No.111 is Grade II* listed. Grade II* buildings are particularly important buildings of more than special interest. Only 5.8% of listed buildings meet the test to be considered for Grade II* status.

In considering the impact of the proposals upon the character of No.111 it is necessary to understand the elements which contribute to the significance of the building i.e., what are the elements that make it of 'more than special interest'.

The previously submitted heritage statement acknowledges the original scale and use of the building as a modest stable block and highlights the following as key aspects of interest:

1. Legibility of the original facade composition to the front façade only;
2. Original features to the front façade only;
3. The relationship of the building relative to the principal house as the ancillary stable block;
4. Understanding of the building as former stable block including single room deep plan and;
5. Hierarchy of the rooms reflecting the original single storey stable with hay loft above.

Whilst we broadly agree with these highlighted aspects, we would comment in relation to points 1 and 2 that whilst clearly the front façade may be of greater value than the rear, the rear retains significance for its simplicity as part of a Grade II* listed building. It would be inappropriate to take a position that the rear of the building 'does not matter' and so alterations to it do not require careful consideration.

In this context, at the rear upper ground floor level, it is proposed to extend the permitted extension back by approximately one additional metre into the garden. The existing upper ground floor extension as permitted is already extremely generous. The further extension would result in a disproportionate extension. As noted above the previous officer report highlighted that "The visual impact on views of the site would now be significantly increased."

There are no public benefits which justify the harm that would be caused.'

Response

Impact on 111

- *The approved scheme provides multiple heritage benefits to the grade two star listed house and that the revised scheme provides additional benefits.*
- *The philosophy behind the whole project (approved and amended) is the restoration and sensitive extension of the grade two star listed house to improve the existing building, and reinstate a host of lost features, whilst improving the amenity of the outmoded home which had been largely damaged in the mid twentieth century by past owners.*

- *The concerns outlined by officers regarding the cumulative impact of extensions at upper and lower ground floors has been addressed through an 80% reduction and is mitigated by heritage benefits flowing from the proposals.*

Significance of the rear elevation

- *As existing, the modern rear alterations built out in the 1960s were damaging to the legibility of the historic fabric and incongruous with the Georgian character of the grade two star listed asset.*
- *Our approach is quite the opposite of taking a position that the rear facade 'does not matter'.*
- *Great effort has been put into the re-design of the rear elevation in the approved and proposed designs including reinstatement of many lost, historic features.*
- *Lost features reinstated on the rear elevation, provide many heritage benefits. This includes: reinstatement of transept gable, removal of PVC extension, reinstatement of garden level touching the rear of the house (removal of the trench area), reinstatement of rear sloping roof, historic style dormer to replace the box back modern dormer, narrowing of the rear extension to reveal the central transept. These heritage benefits provide much public benefit in terms of improvement to the legibility of the historic grade two star listed building.*

Amended rear extension

- *The rear extension is positioned at the north end of the building as this is the non original 19th century gardeners cottage and not the original 18th century stable block. This end of the building was also extended in the 1960s and had completely lost its plan form. This is why the rear extension is situated in this already substantially altered part of the building. Thus no original plan form is lost here.*
- *In addition the approved and amended rear extension improves upon the 1960s rear extension which overlapped and obscured the reading of the 19th century central transept from the rear.*
- *The massing of the approved extension is only 2sqm smaller than the amended extension.*
- *It is important to note that whilst the rear extension has been increased in length it has also been reduced in width due to the tree and its roots.*
- *The revised plans have been guided by officers who have confirmed the acceptability of the amendments to the rear extension.*

Harm and Public Benefits

- *The less than substantial harm identified by officers in the refusal report relating to the old scheme has been addressed by reducing the extended area by 80%.*
- *Public Benefits in the form of Heritage benefits are recognised by officers in the refusal report and flow from the revised proposals. This includes improved materials such as cob, timber, lime and clay vs existing materials such as cement, render, concrete and plastic paints. This heritage benefits more than mitigate the revised amendments proposed.*

PPS:

'Quality of the submitted plans and inconsistencies

We have previously raised concern regarding the quality of the drawings provided in support of the applications at this site. There is a distinct lack of detail and very limited levels information which makes proper assessment of the proposals extremely difficult. Our clients also hold concerns that

the tree shown on the boundary is not properly located relative to the proposed extension which they consider appears likely to project further beyond this than shown.

In addition, since the previous application was submitted it appears that a large rooflight may now be proposed as a further change to the roof of the proposed extension. This appears on Section DD and the site section but is absent from the elevation and other sections.

It is respectfully submitted that a roof plan should be provided to clarify this matter. If a rooflight with the upstand apparent on the site Section BB is proposed this should also be shown on the rear elevation.

If a large rooflight is proposed, our clients would raise objection to this element as it would result in further light pollution from the property when the roof is lit up in the evening and it is considered that this would also detract from the heritage significance of the property.'

Response

Quality of drawings

- *The drawings attached are planning drawings and not construction drawings. The level of detail is typical for a planning application and listed building consent and officers have not raised any issue with them.*
- *The dimensions of the building are based on a third party survey of the exact measurements of the building fabric and site of 111 Frognal and not based around the exact dimensions of a tree, which is not orthogonal, nor even along its height and is indicative.*

Rooflight

- *The roof light above the proposed new stair at the north end of the house is granted as part of the approved plans (see drawing P1.P). The roof plan is also shown on this drawing.*
- *The roof light has not changed in size or position from that approved and is clearly shown and annotated.*
- *The upstand was added to the front elevation drawings along with the kitchen roof light for clarity.*
- *We have no problem adding the background profile of the roof light in any other elevation or sections should officers request this from us.*
- *Precedent: 113 Frognal's rear extension has a large roof light dating from 2007. 109 Frognal's rear extension has two large roof lanterns dating from 2004.*

PPS conclusion:

- *'The extensions as already granted provide for very generous additions to the house. There is no need for the changes proposed which add further bulk to this Grade II* listed property and detract from its original plan form and proportions. Our clients ask that these applications are refused and that the scheme as granted (or a reduced scheme if required as a result of the tree issues) is built out correctly.'*

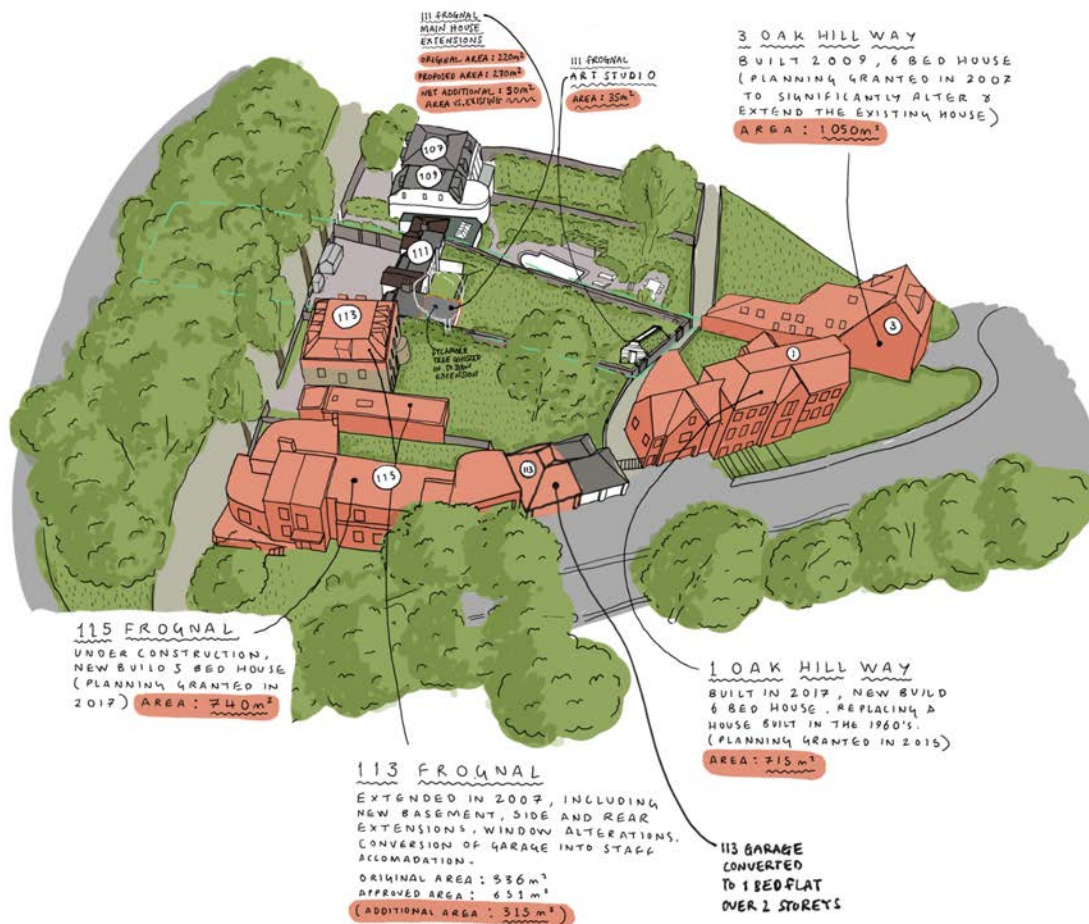
Response:

Modest extensions

- *The approved extensions amount to 42sqm and are very modest, as confirmed by officers in the original council approval report.*

- The revised proposals only add an additional 8sqm in addition to the approved extensions, which is still modest. (See image 5 for scale and context)
- This is particularly evident given the size of the site at 111 Frognal and when looking at the surrounding development of the other historic Frognal Grove sites of about the same size. (see image 5)
- By way of example 113 Frognal (one of the objecting parties) whilst having a similar sized site, added 307sqm of additional floor area to the existing house through a basement extension, side and rear extension and loft, mansard extension in 2007, almost doubling the size of their house from 336sqm to 651sqm.
- New build houses at 115 Frognal and 1 Oak Hill Way are in excess of 700sqm.

Image 5 Diagram showing surrounding development of Frognal Grove



In summary

- The revised plans to renovate and sensitively extend the grade two star listed asset including reinstating a host of lost features will vastly improve upon the largely altered dilapidated house which existed.
- The revised plans have no material impact on any neighbouring property.

- *The revised plans have been drawn up in close collaboration with officers in line with their direct feedback and the reasons for refusal from the previous minor amendment application have been addressed.*
- *The plans are still modest, align with policy, provide additional heritage benefits to the listed house, on top of the originally proposed host of heritage benefits.*
- *We hope that officers continue to support the proposed revised changes and grant us consent so that we can continue to build our family home and bring this historic building back into use as soon as possible.*

Kind Regards,

*Zoe Chan Eayrs and Merlin Eayrs
Family Homeowners and Designers of 111 Frogna*