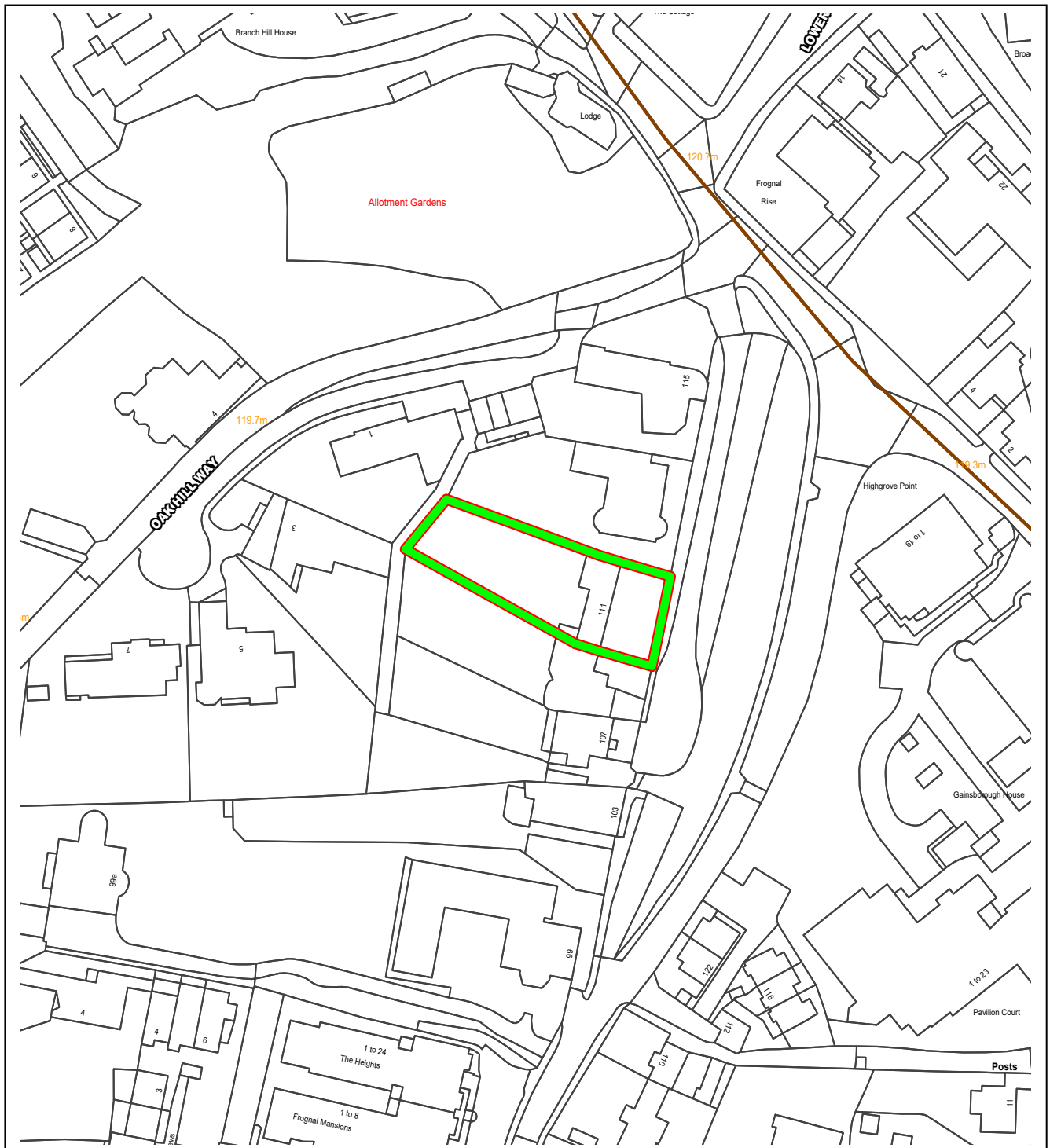


111 Frognal, 2021/3072/P & 2021/3075/L



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Left side of front elevation (looking towards no.109)



Right side of front elevation



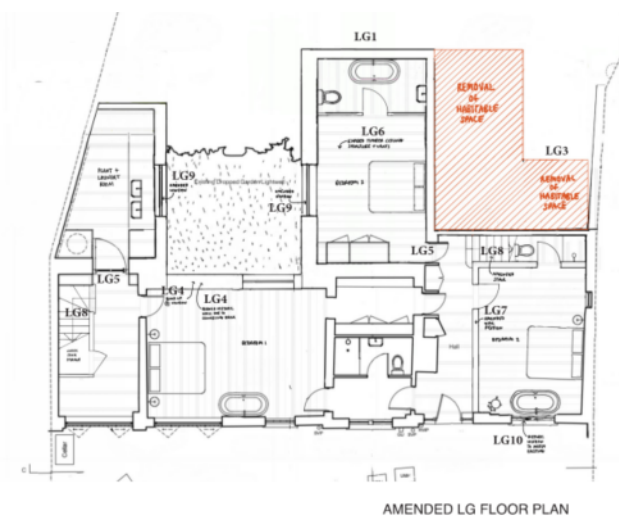
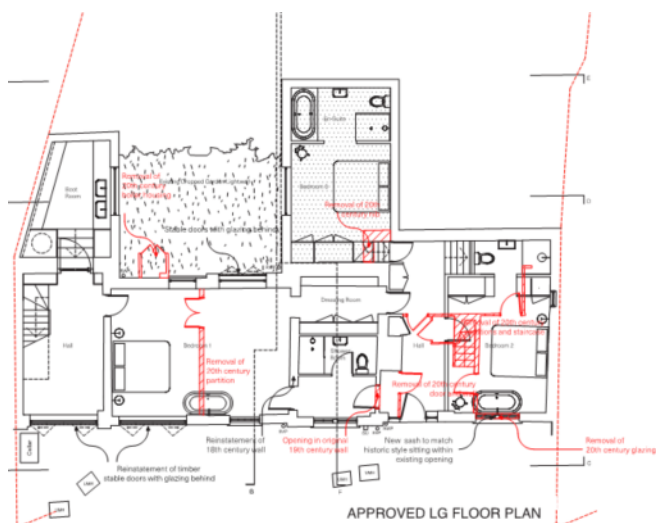
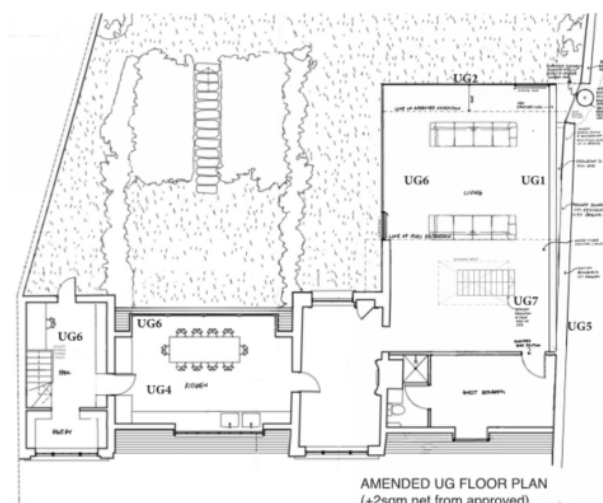
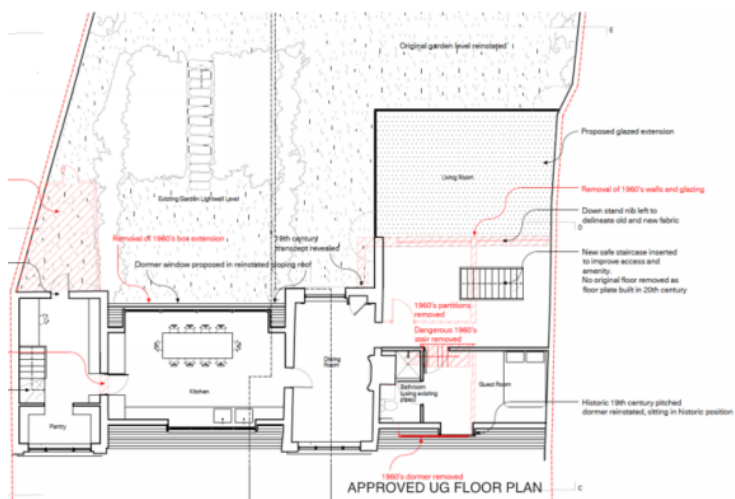
Rear elevation (prior to works on the consented scheme commencing)

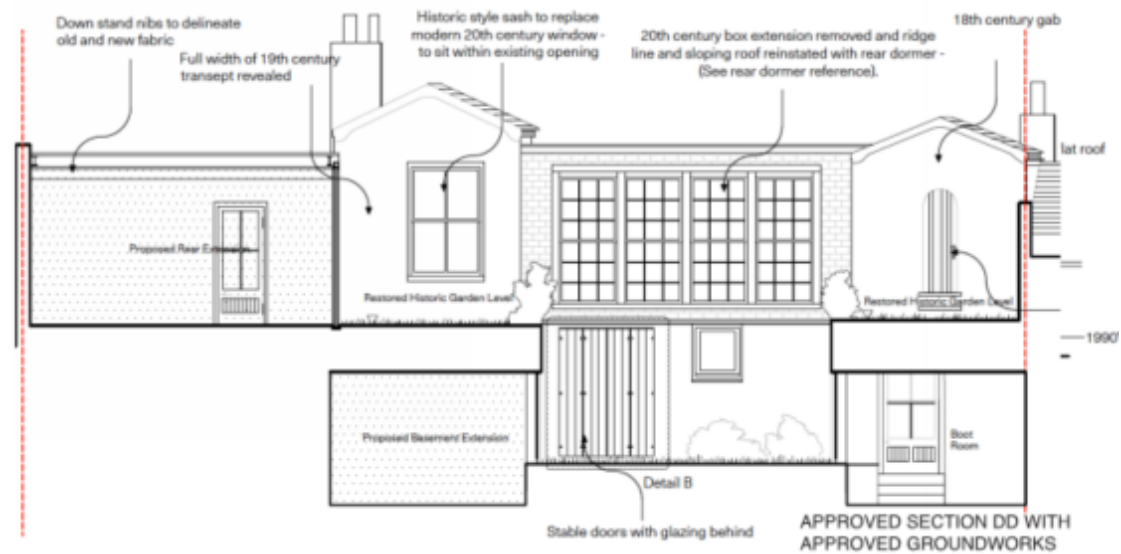


Rear elevation looking towards no 113



Aerial view of application site





Approved (top) and proposed (bottom) rear elevation

Delegated Report (Members Briefing)		Analysis sheet	Expiry Date:	18/08/2021
		N/A / attached	Consultation Expiry Date:	25/07/2021
Officer			Application Numbers	
Laura Hazelton			(i) 2021/3072/P (ii) 2021/3075/L	
Application Address			Drawing Numbers	
111 Frognal London NW3 6XR			Please refer to decision notices	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposals				
<p>(i) Variation of condition 3 (approved drawings) of planning permission ref: 2019/6089/P granted 03/03/2020 for the erection of basement room beneath garden, erection of single storey rear extension at upper ground level and reinstatement of historic gabled rear elevation; replacement front dormer windows; internal and external refurbishment (summary); Namely, changes to internal layouts, changes to footprint of rear extensions at ground and lower ground floor level, replacement of rear wall, and changes to new window design.</p> <p>(ii) Variation of condition 2 (approved drawings) of listed building consent ref: 2019/6100/L granted 03/03/2020 for the erection of basement room beneath garden, erection of single storey rear extension at upper ground level and reinstatement of historic gabled rear elevation; replacement front dormer windows; internal and external refurbishment (summary); Namely, changes to internal layouts, changes to footprint of rear extensions at ground and lower ground floor level, replacement of rear wall, changes to new window design, replacement floor joists, amendment to stair position.</p>				
Recommendations:		(i) Grant Planning Permission (ii) Listed Building Consent		
Application Types:		(i) Variation of condition (ii) Listed Building Consent		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notices					
Informatives:						
Consultations						
Adjoining Occupiers:			No. of responses	16	No. of objections	03
Summary of consultation responses:	The application was advertised in the local press on 01/07/2021, and a site notice was displayed on 01/07/2021.					
	<p>3 objections were received from the owners / occupiers of nos. 109 and 113 Frognaal and from Patrick Cunningham (employed by the Caro Family, the previous occupiers of the building) on the following grounds (summarised):</p> <ul style="list-style-type: none">• The revised proposals do not fully address the previous refusal reason. The external / visible elements which contribute to the adverse impacts previously identified remain.• Impact on 113 – The additional 1m to the depth of the upper ground floor extension would be visible from no.113 and create an overbearing impact which would adversely impact the amenity enjoyed by no.113.• Impact on 109 – the side wall of no.109 (also Grade II* listed) has been underpinned without listed building consent, justification or party wall agreement. The additional projection will also be more prominent and visible in views from upper floor windows at no.109 and visible from the garden. The extension would also result in a more significant degree of light spillage across the garden towards no.109.• Impact on significance of 111 – The further extension of 1m would result in a disproportionate extension.• Lack of detail and limited information on the drawings. Concern that the tree in the rear garden is not shown in the correct location.• Drawings appear to show a rooflight which was not on approved drawings, and which would result in light pollution.• Anthony Caro (previous owner) was careful not to change the property too much or lose the character of the house but the new owners have had little respect for the integrity of the original building. <p><i>Officer Response</i></p> <ul style="list-style-type: none">• <i>Please refer to section 3 for full assessment of proposed design and impact on the designated heritage asset.</i>• <i>Please refer to section 5 for assessment of basement impact.</i>• <i>A rooflight was approved as part of the previously approved scheme, but is shown in more detail on the revised drawings.</i>• <i>The submitted drawings are sufficiently detailed for the purposes of the application, and detailed drawings and samples shall be secured by condition.</i>• <i>Following concerns raised regarding the tree location, detailed measurements of the tree location were taken and shown on the revised drawings.</i> <p>13 letters of support were received, summarised as follows:</p>					

	<ul style="list-style-type: none"> • The existing building was in a poor state of repair and the previous works were unsympathetic to the historic building. • The current owners have an in depth understanding of the building and want to restore the house to its former glory. They have tried to create the most suitable designs for the listed building. • The works are modest and would benefit the listed building. • The original building was structurally unstable, ugly and poorly converted in the 1960s. The house was falling apart, decaying and had serious problems. • The applicants are seeking to renovate the house with natural materials, reinstate more original and historic features and remove damaging modern fabric and alterations made in the 1960s. • Letter from the grandson of Anthony Caro and Sheila Girling, the previous owners of the property who considers the works to be justified. • The whole of the north end of the house is unoriginal and extensions here have no harm on the listed building.
Historic England	<p>On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation advisers, as relevant.</p> <p>Authorisation to Determine an Application for Listed Building Consent as Seen Fit received from Secretary of State 02/06/2021.</p>
CAAC/Local groups comments:	<p>No response received from Hampstead CAAC or Hampstead Neighbourhood Forum.</p>

Site Description

The site is a stable block range dating from approximately 1740, attributed to Flitcroft and listed Grade II*, adapted by noted New Brutalists the Smithsons for sculptor Caro in the 1960s.

The façade retains its general form, although the doors and windows have been replaced (apart from one sash window) and the brickwork has been painted. Flat box dormers were previously inserted in the roof to replace originals. The interior has been extensively modernised, including the conversion of some of the attics to rooms with a box-back mansard, however, appreciation of the site's original function, as a stable block, has been retained in the single-room plan.

Planning permission and listed building consent were granted in March 2020 for the extension and refurbishment of the building (see history section below) and works to implement this permission have commenced on site.

To the rear, a large garden slopes towards the house, terminating in flights of concrete steps, herbaceous borders and a small concrete terrace. Two garden sheds sit to the rear of the garden, although planning permission and listed building consent have recently been approved for their demolition and replacement with a new outbuilding.

The site is located on the western side of Frognal, a quiet residential road accessed from Frognal Rise. It is within the Hampstead Conservation Area and Hampstead Neighbourhood Forum Area.

Relevant History

2021/0409/P & 2021/0406/L - Variation of planning permission ref: 2019/6089/P and listed building consent ref: 2019/6100/L granted 03/03/2020 for the erection of basement room beneath garden, erection of single storey rear extension at upper ground level and reinstatement of historic gabled rear elevation; replacement front dormer windows; internal and external refurbishment (summary); Namely, changes to internal layouts, changes to footprint of rear extensions at ground and lower ground floor level, replacement of rear wall, installation of railings and planters to rear, and changes to new window design. Refused and warning of enforcement action 17/05/2021 for the following reasons:

- The development, by reason of the cumulative impact of the size of the rear extensions at upper ground and lower ground floor level, the proposed materials, and garden railings and planter boxes, harms 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.
- In the absence of a basement impact assessment, it has not been satisfactorily demonstrated that the basement has not harmed the structural stability of the building or neighbouring properties or adversely affected the structural, ground and water conditions of the area, contrary to policy A5 (Basements) of the Camden Local Plan 2017 and policy BA1 (Basement impact assessments) of the Hampstead Neighbourhood Plan 2018.

2019/6089/P & 2019/6100/L - Demolition of non-original extensions including rear dormer, uPVC greenhouse and boiler house; excavation of rear garden and erection of basement room beneath garden; erection of single storey rear extension at upper ground level and reinstatement of historic gabled rear elevation; replacement front dormer windows; internal and external refurbishment including removal of non-original partition walls and staircase, alterations to front and rear fenestration and reinstatement of timber stable doors. Granted 03/03/2020.

2020/5992/P & 2020/5993/L - Demolition of rear garden sheds, erection of replacement outbuilding and creation of new access gates to rear boundary wall. Granted 15/09/2021.

2004/2563/P & 2005/0330/L - Retention of higher replacement gates at front boundary and new trellis on existing front boundary brick wall, plus retention of replacement metal gates at rear entrance facing

Oak Hill Way. Granted 18/03/2005.

3364 - The erection of a two storey addition to the rear of 111 Frognal, Hampstead. Granted 08/08/1960.

Relevant policies

National Planning Policy Framework 2021

London Plan 2021

Camden Local Plan (2017)

A1 – Managing the impact of development

A2 – Open space

A3 – Biodiversity

A5 – Basements

D1 – Design

D2 – Heritage

Hampstead Neighbourhood Plan 2018

DH1 – Design

DH2 – Conservation areas and listed buildings

NE2 – Trees

NE4 – Supporting biodiversity

BA1 – Basement Impact Assessment

Supplementary Planning Policies

Camden Planning Guidance

Amenity CPG 2021

Basements CPG 2021

Biodiversity CPG 2018

Design CPG 2021

Home Improvements CPG 2021

Trees CPG 2019

Hampstead Conservation Area Statement 2001

1. Background and Proposal

1.1 Planning permission and listed building consent were previously approved under references 2019/6089/P and 2019/6100/L (granted 03/03/2020) for the following works:

- Demolition of non-original extensions including rear box back extension, uPVC greenhouse and boiler house;
- Excavation of rear garden and erection of basement room beneath garden;
- Erection of single storey rear extension at upper ground level;
- Reinstatement of historic sloping roof, rear dormer and gable;
- Installation of replacement front dormer windows;
- Internal and external refurbishment including removal of non-original partition walls and staircase, alterations to front and rear fenestration and reinstatement of timber stable doors.

1.2 Planning permission was granted subject to a number of conditions including:

- Condition 4 requiring details of the basement engineer to be submitted for approval;
- Condition 5 requiring details of the design of building foundations in so far as they may affect trees on or adjoining the site, to be submitted for approval; and
- Condition 6 requiring details demonstrating how trees to be retained shall be protected during construction work to be submitted for approval.

1.3 Listed building consent was granted subject to conditions including condition 4 requiring detailed drawings or samples of the following:

- Plan, elevation and section drawings of all new doors and windows at a scale of 1:10 with typical moulding, architrave and glazing bar details at a scale of 1:1. Historic windows and doors shall be single-glazed (part a).
- Ceiling plans depicting proposed lighting plan, including no recessed spotlights (part b).
- Samples and manufacturer's details of new facing materials including roof tiles shall be provided on site (part c).
- Sample panel of 1m x 1m of facing brickwork, demonstrating the proposed colour, texture, face-bond and pointing shall be provided on site (part d).
- Details of service runs for all new bathrooms/kitchens, demonstrating the relationship of new pipework with historic fabric (part e).

1.4 Permission is sought for various amendments to the approved scheme which also seek to address the reasons for refusal attached to the previous variation of condition applications (references 2021/0409/P and 2021/0406/L). These amendments have been partially implemented on site and therefore retrospective consent is now sought. The amendments to the approved and refused schemes include the following:

- Changes to the approved basement extension at lower ground floor to increase it from a maximum length of 6.9m and width of 4.2m to 7.9m long and 4.7m wide. The refused scheme included an additional extension of 2.3m x 2.4m to the northern boundary which was created due to a change in the foundations. The refused scheme would have increased the gross internal area (GIA) of the basement room from approximately 22sqm to 52sqm. The current proposals retain the new foundations, but the additional area created would be backfilled so that it could not be used as habitable space. The revised proposals would increase the GIA of the basement room from 22sqm to 28sqm.
- Changes to approved upper ground floor rear extension to increase it from approximately 6.6m wide and 4.6m long to 6.26m wide and 5.56m long, to increase the overall footprint by 2sqm.
- Extension of lower ground floor 'boot room' by 1m.
- Replacement of rear wall adjoining lower ground and upper ground rear extensions and associated replacement of floor joists.

- Change to glazing bar pattern of front sash window to be more in keeping with original window design.
- Slight increase in the size of two approved garden basement windows.
- Internal alterations to the positions of proposed walls, stairs, windows and doors.
- The refused scheme included the installation of railings and planters around the lower ground floor courtyard which were considered unacceptable and have been removed from the proposals.
- The refused scheme included changes to materials including the introduction of a green glazed brick to external walls facing courtyard which were considered unacceptable and have been removed from the proposals.

1.5 Detailed drawings have also been provided of the proposed internal lighting and service plans so that condition 4 (parts b and e) of the listed building consent (ref: 2019/6100/L) can be removed.

1.6 Condition 5 (details of building foundations) of the planning permission (ref: 2019/6089/P) has already been approved, but minor revisions have been made, and as such, a revised drawing has been submitted with the current application so that this condition can also be removed.

2. Assessment

2.1 The principal planning considerations are considered to be the following:

- Design and Heritage
- Neighbouring amenity
- Basement excavation

3. Design and Heritage

Policy Framework

3.1 The Council's design policies are aimed at achieving the highest standard of design in all developments, including where alterations and extensions are proposed. Policy D1 of the Local Plan requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area; and Policy D2 states that the Council will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings.

3.2 Policy DH1 of the Hampstead Neighbourhood Plan expects proposals to respect and enhance the character and local context of the relevant character areas, and to respond and contribute positively to the distinctiveness and history of the character areas through their design and landscaping. Policy DH2 requires development proposals to protect and/or enhance buildings (or other elements) which make a positive contribution to the conservation area, as identified in the relevant Conservation Area Appraisals and Management Strategies.

3.3 Camden's Local Plan is supported by CPG documents 'Design', 'Home improvements' and the Hampstead Conservation Area Statement.

3.4 Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Listed Buildings Act") provide a statutory presumption in favour of the preservation of the character and appearance of Conservation Areas, and the preservation of Listed Buildings and their settings. 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.

3.5 The duties imposed by the Listed Buildings Act are in addition to the duty imposed by section

38(6) of the Planning and Compulsory Purchase Act 2004, to determine the application in accordance with the development plan unless material considerations indicate otherwise.

The National Planning Policy Framework 2021 (NPPF)

- 3.6 The NPPF requires its own exercise to be undertaken as set out in chapter 16 - Conserving and enhancing the historic environment. Paragraph 195 requires local planning authorities to identify and assess the particular significance of any heritage assets that may be affected by a proposal. Paragraphs 199-202 require consideration as to the impact of a proposed development on the significance of a designated heritage asset, including an assessment and identification of any harm/the degree of harm. Paragraph 202 states:

‘Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.’

Application site and assessment of significance

- 3.7 The application site is a former stable building, part of a larger estate by Flitcroft, listed grade-II*. It is one of four adjacent properties at nos. 105 – 111 Frognal comprising the former house (Frognal Grove) and its stable block and gardener’s cottage, now four semi-detached properties. The four properties form part of a group listing, first listed in 1950 for their architectural and historic interest as well as their group value.
- 3.8 Frognal Grove was a country house built by Henry Flitcroft in 1750. The estate, including the main manor house, outbuildings and gardens, was sold for conversion in 1953. Three dwellings were formed from the main house and a fourth from the stables and gardener’s cottage (the site).
- 3.9 The original stable block built by Flitcroft in the 18th century was largely rebuilt and extended to the north in the mid/late 19th century by GE Street. As part of the 1950s subdivision of the estate, the stable block was divided in two and its courtyard separated. The southern bay of the stables now forms part of no.109 Frognal which includes part of the stable and the late 19th-century extension of the house. No. 111 Frognal comprises the former cottage (northern range) and the northern part of the stable block which contains two pedimented gabled bays (southern and northern transepts) either side of the central range.
- 3.10 The site was bought by Anthony and Sheila Caro in the late 1950s. The Caros converted the stables and gardeners cottage into residential accommodation and carried out a number of alterations including removal of historic dormers and the removal of stable doors and windows and replacement with casement windows to the front elevation. More significant changes were made to the rear including a new rear extension, excavation of garden ground level, removal of roof and erection of new box back extension, and changes to windows and doors.
- 3.11 As mentioned above, it is the building’s historic and architectural interest which is considered to contribute to its significance. Its architectural interest derives from the surviving historic fabric and what remains of the original front façade, its simple layout as a loft above a stable, and its single-cell-deep plan form, attesting to its former use.
- 3.12 The building’s historic interest derives from its relationship with the larger Frognal Grove estate, its historic association with Henry Flitcroft and GE Street, and the more recent association with the Caros.

Hampstead Conservation Area

- 3.13 The application site is located within Sub Area 5 (Frognal) of the Hampstead Conservation Area.

3.14 As described in the Conservation Area Statement, Hampstead has an exceptional combination of characteristics that provide the distinct and special qualities of the Conservation Area - the variety of spaces, quality of the buildings, relationships between areas, all laid upon the dramatic setting of the steep slopes, contribute to the character of the area. The contrast between the dense urban heart of Hampstead and the spaciousness of the outer areas is one of its major characteristics. It also demonstrates its historic development with the 18th century village still evident, adjacent to the streets created in the Victorian era, as well as many 20th century contributions. The Conservation Area character is therefore derived from the wide range of areas within it, each of which makes an important and valuable contribution to the Conservation Area as a whole.

Assessment of proposals

3.15 The consented scheme was considered, on balance, to provide an overall heritage benefit to the significance of the host Grade II* listed building. Modest rear extensions were granted above and below ground, and the proposals included a number of heritage improvements which included the re-creation of a missing gabled transept and partial reinstatement of the roof pitch to the rear; the removal of the modern rear extension to reveal the full width of the 19th century transept; the reinstatement of traditional dormers to the front elevation; removal of harmful modern glazing and installation of more sympathetically designed windows and doors; and the partial restoration of the original landscaping scheme.

3.16 The previously refused scheme was considered to change the details, proportions and scale of the scheme to a degree that the benefits were no longer in balance with the harms, and as such, was refused for the following reasons:

- a. The development, by reason of the cumulative impact of the size of the rear extensions at upper ground and lower ground floor level, the proposed materials, and garden railings and planter boxes, harms 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.
- b. In the absence of a basement impact assessment, it has not been satisfactorily demonstrated that the basement has not harmed the structural stability of the building or neighbouring properties or adversely affected the structural, ground and water conditions of the area, contrary to policy A5 (Basements) of the Camden Local Plan 2017 and policy BA1 (Basement impact assessments) of the Hampstead Neighbourhood Plan 2018.

3.17 The predominant concerns as noted in the refusal report were as follows:

- The proposals involved extra excavation and the creation of an additional room and two bathrooms in the lower-ground floor. This was considered to be harmful to the building's historic character as a modest former stable with a shallow, one-room plan. The new basement room would have been over double the width and length of the original building and this increase in scale would be harmful to the building's spatial character.
- The upper-ground-floor rear extension would have been lengthened by 1m which was considered to increase its impact upon the setting of the listed host building when seen from neighbouring property no.113, in comparison to the consented scheme which would have been screened by a historic wall and mature vegetation.
- The proposals included railings and planter boxes around the area of sloping lawn to the rear garden. This was considered to increase the visual impact of the feature, which was originally considered acceptable on the grounds that it would be soft-landscaped and screened by plants alone. The integral planter boxes would have significantly increased the

area of the vertical surface on each side of the slope, and the enlarged vertical surfaces were proposed to be faced with glazed green bricks which were not considered appropriate in this historic context.

- 3.18 In order to overcome these concerns, it is no longer proposed to create an additional room and two bathrooms in the lower ground floor, and this area would now instead be backfilled so that it could not be used as habitable space and the lower ground floor plan would not be significantly extended. The increase in the floor area would only be 6sqm larger than previously approved rather than the 30sqm increase previously proposed.
- 3.19 The previously proposed railings and planter boxes have been removed from the proposals so that the landscaping would remain as previously approved.
- 3.20 Although the current proposals retain the enlargement of the upper ground floor extension by an additional 1m, further visuals and justification has been provided by the applicant which has allowed for a more thorough assessment and comparison to the approved scheme to be made. The reason for refusal was related to the cumulative impact of the size of the rear extensions at upper ground and lower ground floor level, and the harmful impact the enlarged lower ground floor had on the plan form of the historic building. The current proposals now only seek an increase to the depth of the previously approved rear extensions by 1m which is not considered a significant increase when compared to the previously approved scheme. The removal of the more significant lower ground works is considered to overcome this reason for refusal.
- 3.21 There was previously and there remains no objection to the changes to the design of the new garden basement windows as this would not represent a significant change from the approval or impact the significance of the building. Likewise, there is no objection to the amended design of the front sash window glazing bar pattern as this would match the design of the existing windows.
- 3.22 The proposals include amendments to the detailed finishes of the new elements of basement extension, including an exposed timber structure and clay tile finish. Given these finishes would be applied to new building elements, there is no objection to their use.
- 3.23 The replacement of existing floor joists is considered acceptable, given that it appears the floor joists were not historic. It also appears that the rear wall between the transepts which has been removed was modern 20th century fabric. As such, its replacement with a new rear wall in the same position is considered acceptable.
- 3.24 There is no objection to the proposed minor amendments to the staircase dimensions and position given this is a new addition and is non-original.
- 3.25 According to the applicant's morphology plan, the minor alterations to plan form affect only modern fabric and the majority of the works impact only non-historic fabric. Investigation of the surviving structure and photos taken during works appear to support the position that both demolished floor decks and the removed partitions were modern fabric. Given this, there is no objection to the like-for-like reconstruction of the pre-existing plan form (i.e. that existing when the applicants acquired the property in 2017), the reconstruction of the roof as was (using the original tiles and slates), and the reinstatement of the ground floor at what is surmised to have been its original level.
- 3.26 The proposed lighting and servicing diagrams have been reviewed by the Council's Conservation Officer and confirmed to be acceptable. The proposed lighting would include traditional downlights and ceiling pendants with no modern spotlights which is welcomed.

Conclusion

- 3.27 The NPPF states that in determining applications, local planning authorities should take

account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness (para.197). When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para.199).

3.28 The proposals are considered to represent minor alterations to the approved scheme which would not result in harm to the significance of the listed building.

3.29 The building's architectural interest derives from the surviving historic fabric and what remains of the original front façade, its simple layout as a loft above a stable, and its single-cell-deep plan form, attesting to its former use. The building's historic interest derives from its relationship with the larger Frognal Grove estate, its historic association with Henry Flitcroft and GE Street, and the more recent association with the Caros. The minor increase in the length of the rear extensions by an additional 1m would not cause any greater impact to the listed building such that they would now cause harm to its significance. There is limited historic fabric remaining internally and the internal alterations would predominantly affect modern fabric.

3.30 The external alterations to the front elevation would be minor, and an improvement on the approved scheme as the revised window fenestration design would be more in keeping with the existing windows. To the rear, although larger than approved, the rear extensions would be in keeping with the approved design, and would not impact the character of the conservation area. The Conservation Area character derives from the wide range of areas within it, each of which makes an important and valuable contribution to the Conservation Area as a whole, and the proposed development would not harm this.

3.31 As such, the proposals would preserve or the significance of the listed building and the character and appearance of the Hampstead Conservation Area in accordance with policies D1 and D2 of the Local Plan and policies DH1 and DH2 of the Hampstead Neighbourhood Plan.

4. Neighbouring Amenity

4.1 Policy A1 of the Local Plan seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered and would not harm the amenity of neighbouring residents. This includes privacy, outlook, noise, daylight and sunlight.

4.2 The consented scheme was considered to have limited impact on the amenity of the closest residential occupiers at nos. 109 and 113 Frognal. Although the proposed rear extension at upper ground level would have projected an additional 4.5m compared to the existing rear extension, it would have been largely obscured from views from neighbouring property no. 113 by the existing brick boundary wall and greenery. The rear extension is now proposed to project an additional 1m beyond what was previously approved. Although the increased size of the rear extension would be visible from the neighbouring property, it is not considered so harmful to the amenity of residents in terms of loss of outlook or daylight, so as to form an additional reason for refusal on this basis.

4.3 The extension of the boot room to the southern boundary by an additional 1m would not impact neighbouring amenity due to its location at lower ground level.

5. Basement excavation

5.1 Policy A5 (Basements) states that the Council will only permit basement development where it is demonstrated that it will not cause harm - structurally, in amenity terms, environmentally or in conservation/design terms.

- 5.2 Policy BA1 of the Hampstead Neighbourhood Plan states that all basement developments are required to complete a basement impact assessment (BIA). For developments whose conditions require investigations beyond the screening stage, attention should be given to the additional steps outlined in paragraph 5.12 of the Neighbourhood Plan.
- 5.3 Due to the excavations proposed as part of the consented scheme, a BIA screening report was submitted which demonstrated that there would be no impacts to slopes or surrounding structures and highways, that there would be no impacts to subterranean groundwater flows in the local and wider area, and that the site does not lie in a flood risk area and the proposals would reduce the impact of surface water flows on the sewer network. The report was audited by independent structural engineers Campbell Reith who confirmed that the scoping and assessment stages of the BIA were not required for this scheme and that the submitted BIA screening report complied with the requirements of the Council's Basements CPG.
- 5.4 The advice of Campbell Reith was sought to determine whether the current proposals would require a revised BIA or would likely raise additional issues which would not have been considered as part of the previously considered BIA screening report. Campbell Reith confirmed that when assessing the approved scheme, they were not concerned about potential stability issues with neighbouring properties, as the development was in the centre of the site away from the site boundaries. However, now that the basement has been extended closer to the boundaries, there could potentially be additional stability issues.
- 5.5 The previously refused scheme did not include a revised BIA, and in the absence of this information, the proposals were considered contrary to policy A5 of the Local Plan and policy BA1 of the Hampstead Neighbourhood Plan and this formed an additional reason for refusal.
- 5.6 The current application has now provided an updated BIA which has been audited by Campbell Reith. The changes to the approved basement development comprise changes to the footprint at the sides and rear of the property at ground and lower ground level such that underpinning and construction of new retaining walls was required along or adjacent to Party Walls with neighbouring buildings.
- 5.7 Campbell Reith confirmed that the revised proposal has no additional impacts to the hydrogeological and hydrological environments, and in that regard the previous BIA and Audit report are considered to address those elements of assessment.
- 5.8 The revised BIA presents insufficient assessment of potential ground movements and damage impacts to neighbours, which, had they been presented prior to the works being undertaken, would have necessitated the requirement for supporting calculations. As the Application is retrospective and the works have been completed, statements in regard to the Party Walls made by the Supervising Engineer have been used as the basis of assessing impacts to stability and neighbouring properties.
- 5.9 The Supervising Engineer states that a Party Wall Agreement exists between 111 and 113 Frognal and that no damage has been sustained or reported under that Party Wall Agreement. The Supervising Engineer states that a Party Wall Award has been prepared in regard to 109 and 111 Frognal. Although at the time of writing the Party Wall Award was not in force, it stated that a Schedule of Condition had not recorded any damage to the neighbouring property or boundary walls. On the basis that no contradictory statements have been received from the neighbours' Party Wall Surveyors within the consultation period, it has been accepted that any impacts sustained on neighbouring properties have been negligible and Campbell Reith confirm that the BIA accords with the intentions of policy A5 and CPG Basements.

6. Conclusion

- 6.1 In conclusion, the proposed works are considered to preserve the significance and setting of the

listed building and the character and appearance of this part of the Hampstead Conservation Area. Although basement excavations have been carried out which extend beyond the scope of the approved scheme and audited BIA, additional details have been provided and confirmed to be in accordance with policy A5 and the Basement CPG by independent engineers Campbell Reith. As such, the proposals are considered to accord with the requirements of policies D1, D2, A1 and A5 of the Camden Local Plan and policies DH1, DH2 and NE4 of the Hampstead Neighbourhood Plan and it is recommended planning permission and listed building consent are granted subject to conditions.

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 11th October 2021, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

Application ref: 2021/3075/L
Contact: Laura Hazelton
Tel: 020 7974 1017
Email: laura.hazelton@camden.gov.uk
Date: 30 September 2021

Development Management
Regeneration and Planning
London Borough of Camden
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Judd Street
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Orcadian Planning
Windy Nook
Chorleywood Bottom
Herts
WD3 5JB

DRAFT

Dear Sir/Madam

DECISION

Planning (Listed Building and Conservation Areas) Act 1990

Listed Building Consent Granted

Address:
111 Frognal
London
NW3 6XR

DECISION

Proposal: Variation of condition 2 (approved drawings) of listed building consent ref: 2019/6100/L granted 03/03/2020 for the erection of basement room beneath garden, erection of single storey rear extension at upper ground level and reinstatement of historic gabled rear elevation; replacement front dormer windows; internal and external refurbishment (summary); Namely, changes to internal layouts, changes to footprint of rear extensions at ground and lower ground floor level, replacement of rear wall, changes to new window design, replacement floor joists, amendment to stair position.

Drawing Nos:

Superseded: P2.LG rev.08, P2.UG rev.08, E1.CC rev.08, S1.DD rev.08, E2.EE rev.08, S2.FF rev.08, S3.GG rev.08, P1.P rev.08.

Amended: P2.LG rev.11, P2.UG rev.11, E1.CC rev.09, S1.DD rev.11, E2.EE rev.11, S2.FF rev.11, S3.GG rev.11, P1.P rev.11.

The Council has considered your application and decided to grant listed building consent subject to the following condition(s):

Conditions And Reasons:

- 1 The development hereby permitted must be begun no later than the end of three years from the date of the original permission (ref 2019/6100/L) dated 3 March 2020.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: MP rev.06, P2.LG rev.11, P2.UG rev.11, E1.CC rev.09, S1.DD rev.11, E2.EE rev.11, S2.FF rev.11, S3.GG rev.11, P1.E rev.08, P1.P rev.11, 01 rev E, LP rev 02, SP.LG rev 02, SP.UG rev 03, Method statement for heritage chimney repair, Tree survey and Arboricultural method statement dated October 2019, Design, access and heritage statement prepared by Chan & Eayrs, Archaeological desk-based assessment dated November 2019, Basement Impact Assessment by Rose Associates dated 26th May 2021, Letters from Rose Associates dated 26th January 2021 and 13th July 2021, Heritage appraisal addendum dated 20 June 2021.

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.

- 3 All new work and work of making good shall be carried out to match the existing adjacent work as closely as possible in materials and detailed execution.

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.

- 4 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 before the relevant part of the work is begun:

a) Plan, elevation and section drawings of all new doors and windows at a scale of 1:10 with typical moulding, architrave and glazing bar details at a scale of 1:1. Historic windows and doors shall be single-glazed.

b) Samples and manufacturer's details of new facing materials including roof tiles shall be provided on site.

c) Sample panel of 1m x 1m of facing brickwork, demonstrating the proposed colour, texture, face-bond and pointing shall be provided on site.

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 and policy DH2 of the Hampstead Neighbourhood Plan 2018.

- 5 All historic plaster shall be retained. Where plaster is damaged, it shall be repaired with lime plaster.

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 and policy DH2 of the Hampstead Neighbourhood Plan 2018.

Informative(s):

- 1 You are advised that any works of alterations or upgrading not included on the approved drawings which are required to satisfy Building Regulations or Fire Certification may require a further application for listed building consent.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2021.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

Chief Planning Officer

DECISION

Application ref: 2021/3072/P
Contact: Laura Hazelton
Tel: 020 7974 1017
Email: laura.hazelton@camden.gov.uk
Date: 30 September 2021

Development Management
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Orcadian Planning
Windy Nook
Chorleywood Bottom
Herts
WD3 5JB

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Variation or Removal of Condition(s) Granted

Address:

**111 Frogna
London
NW3 6XR**

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

Drawing Nos:

Superseded: P2.LG rev.08, P2.UG rev.08, E1.CC rev.08, S1.DD rev.08, E2.EE rev.08, S2.FF rev.08, S3.GG rev.08, P1.P rev.08.

Amended: P2.LG rev.11, P2.UG rev.11, E1.CC rev.09, S1.DD rev.11, E2.EE rev.11, S2.FF rev.11, S3.GG rev.11, P1.P rev.11.

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun no later than the end of three years from the date of the original permission (ref 2019/6089/P) dated 3 March 2020.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 and D2 of the London Borough of Camden Local Plan 2017 and policies DH1 and DH2 of the Hampstead Neighbourhood Plan 2018.

- 3 For the purposes of this decision, condition no.3 of planning permission 2019/6089/P shall be replaced with the following condition:

REPLACEMENT CONDITION 3

The development hereby permitted shall be carried out in accordance with the following approved plans: MP rev.06, P2.LG rev.11, P2.UG rev.11, E1.CC rev.09, S1.DD rev.11, E2.EE rev.11, S2.FF rev.11, S3.GG rev.11, P1.E rev.08, P1.P rev.11, 01 rev E, LP rev 02, SP.LG rev 02, SP.UG rev 03, Method statement for heritage chimney repair, Tree survey and Arboricultural method statement dated October 2019, Design, access and heritage statement prepared by Chan & Eayrs, Archaeological desk-based assessment dated November 2019, Basement Impact Assessment by Rose Associates dated 26th May 2021, Letters from Rose Associates dated 26th January 2021 and 13th July 2021, Heritage appraisal addendum dated 20 June 2021.

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

- 4 Rose Associates shall 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, in accordance with the appointment letter approved under reference 2020/3181/P. Should there be a subsequent change or reappointment, the replacement shall be a suitably qualified chartered engineer with membership of the appropriate professional body and details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Any subsequent change or reappointment shall also be confirmed forthwith for the duration of the construction works.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policies D1, D2 and A5 of the London Borough of Camden Local Plan 2017 and policy BA1 of the Hampstead Neighbourhood Plan 2018.

- 5 Tree protection measures shall be installed in accordance with the Tree survey and arboricultural method statement by Tretec dated July 2020 approved under

reference 2020/3181/P. The protection shall then remain in place for the duration of works on site, unless otherwise agreed in writing by the local authority.

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 and policies NE2 and NE4 of the Hampstead Neighbourhood Plan 2018.

Informative(s):

- 1 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, 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.
- 2 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at www.camden.gov.uk) 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.

- 3 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).
- 4 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.
- 5 This approval under Section 73 of the 1990 Act effectively varying the relevant condition of the previous planning permission is subject otherwise to the same terms, drawings, conditions as attached to the previous planning permission. This includes condition 1 providing for a 3 year time period for implementation which for the avoidance of doubt commences with the date of the original decision (and not this variation).

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2021.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

Chief Planning Officer

DRAFT

DECISION