

Application ref: 2022/3856/P
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Development Management
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Studio EC
11 Hawthorndene Close
Bromley
BR2 7DT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Householder Application Granted

Address:
4 Frognal Close
London
NW3 6YB

Proposal:

Erection of part 1, part 2 storey side and rear extension; use of roof of ground floor rear extension as a roof terrace enclosed by balustrades; alterations to first floor rear window fenestration; installation of new rooflight and solar panels to main flat roof.

Drawing Nos: Site Location Plan; L(PL)4FRG-101A; L(PL)4FRG-102A; 2017.001 Rev. C; 2017.002 Rev. C.

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 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 The development hereby permitted shall be carried out in accordance with the following approved plans Site Location Plan; L(PL)4FRG-101A; L(PL)4FRG-

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

- 3 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 policies D1 and D2 of the London Borough of Camden Local Plan 2017 and policies SD4 and SD5 of the Redington Frognal Neighbourhood Plan 2021.

- 4 Prior to the commencement of any works on site, details demonstrating how trees to be retained shall be protected during construction work, to include an up to date tree survey in accordance with BS5837:2012, shall be submitted to and approved by the local planning authority in writing. Such details shall follow guidelines and standards set out in BS5837:2012 "Trees in Relation to Construction". 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 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 and policies SD1 and BGI2 of the Redington Frognal Neighbourhood Plan 2021.

- 5 Prior to first use of the first floor roof terrace hereby approved, detailed drawings at a scale of 1:10 including materials and finish of the 1.8 metre high obscure glazed privacy screening to be erected to the southern side abutting 3 Frognal Close shall be submitted to and approved in writing by the local planning authority and shall be permanently retained.

Reason: To safeguard the appearance of the premises and the character of the immediate area and in order to prevent unreasonable overlooking of neighbouring premises, in accordance with the requirements of policies A1, D1 and D2 of the London Borough of Camden Local Plan 2017 and policies SD4 and SD5 of the Redington Frognal Neighbourhood Plan 2021.

- 6 No part of the flat roof area above the first floor of the dwelling shall be used as a roof terrace, and any access onto this area shall be solely for maintenance purposes.

Reason: In order to prevent any detrimental impacts of overlooking of the neighbouring premises in accordance with the requirements of policy A1 of the London Borough of Camden Local Plan 2017.

Informative(s):

1 Reasons for granting permission.

The proposal is a re-submission of application ref. 2018/1786/P which was allowed on appeal (ref. APP/X5210/D/18/3212645) on 06/03/2019 and has since expired. The proposed side and rear extension was also previously granted planning permission on 14/02/2018 (ref. 2017/5271/P). There have been no material changes in circumstances relating to the site context or local planning policy since these decisions.

The proposed part two storey, part single storey side and single storey rear extensions would be constructed in materials to match the existing building with the footprint of the proposed side extension being similar to that of the existing single storey side extension. The rear extension would be full-width and would extend 3m from the existing rear building line, which would allow for the retention of a generous proportion of the garden area. The extensions would sit comfortably with the host building being subordinate in scale and designed to relate architecturally to its proportions and appearance. The extensions would not be visible from the public realm and would have a limited impact on the visual amenity of the surrounding area.

The proposed replacement windows would replace the existing non-original windows on all the elevations of the building. The intended metal ultra-slim framed replacements are deemed to be acceptable and would be similar to those of the original house.

Whilst the rear extension and first floor fenestration changes would lead to an increased glazing component to the rear elevation, the property would still retain the integrity of its original fenestration alignment, dark brick materiality and clear view of the raised brick design of the first floor rear elevation. Although the Council previously objected to the proposed installation of glazed balustrades and privacy screening to form a first floor roof terrace above the proposed rear extension, these objections were overturned by the Planning Inspector in the previously allowed appeal at the site (referenced above), the appeal decision for which stated that the additional glazing of the balustrades would have little or no impact on the host property. In light of this decision, the proposed glazed balustrades are considered to be acceptable in terms of their design and impact on the character and appearance of the host building.

Alterations at second floor roof level to include the removal of redundant water tank housing and the installation of PV panels to the rear of the flat roof and a new rooflight would not be visible from the public realm and are considered acceptable.

Special regard has been attached to the desirability of preserving the setting of the neighbouring listed building, and the desirability of preserving or enhancing the character or appearance of the conservation area, under s.66 and s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

Overall, the proposals would preserve the character and appearance of the Redington Froggnal Conservation Area and would have no adverse impact on the setting of the neighbouring listed building at No.5 Froggnal Close to the north-east of the site.

The proposed windows, rear and side extensions are appropriately designed and located sufficiently distant from neighbouring properties so as not to result in any adverse impact on residential amenity in terms of loss of light, outlook, overlooking or privacy. The proposed rear roof terrace at first floor level is considered acceptable subject to the installation of an obscure glazed privacy screen to the south-eastern edge, to prevent overlooking into the habitable rear windows of No. 3 Frogna Close. The approval of these details will be secured by condition. A further condition will be attached to ensure that the flat roof at 2nd floor level is not used as a roof terrace.

- 2 Whilst no trees are proposed for removal, the submitted Tree Survey is a number of years out of date and so details of tree protection measures including an updated Tree Survey will be secured by condition.

No objections have been received prior to the determination of the application. The planning and appeals history of the site has been taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies A1, A3, D1 and D2 of the Camden Local Plan 2017 and policies SD1, SD2, SD4, SD5, SD6, BGI1, BGI2 of the Redington Frogna Neighbourhood Plan 2021. The proposed development also accords with the London Plan 2021 and the National Planning Policy Framework 2021.

- 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 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.
- 5 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.

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:

<https://www.gov.uk/appeal-householder-planning-decision>.

Yours faithfully

A handwritten signature in black ink, appearing to read 'DPope', is positioned above the printed name and title.

Daniel Pope
Chief Planning Officer