

Appeal Decision

Site visit made on 2 July 2024

by C Livingstone MA(SocSci) (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 September 2024

Appeal Ref: APP/X5210/W/24/3338596

102 Frognal Cottage, Frognal, Camden, London NW3 6XU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Dr Otto Chan against the Council of the London Borough of Camden.
 - The application Ref is 2023/4996/P.
 - The development proposed is described as 'the application seeks consent to extend the existing 2-storey side extension.'
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Decision

1. The appeal is allowed, and planning permission is granted for the extension to existing 2-storey extension at 102 Frognal Cottage, Frognal, Camden, London NW3 6XU in accordance with the terms of the application, Ref 2023/4996/P, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form. However, in the interests of clarity, I have used the wording from the appeal form.
3. The appeal relates to a planning application that was not determined by the Council within the prescribed period. In response to the appeal, the Council has prepared an appeal statement outlining its view that permission should be refused. I have had regard to this statement, and the suggested reasons for refusal within it, in framing the main issue below.
4. A tree report prepared by Tretec, dated February 2024, was submitted as part of the appeal. Interested parties have had an opportunity to review and make comments on evidence submitted as part of the appeal. Therefore, the Council or any interested parties would not be prejudiced if I accept this report.
5. In 2005 planning permission was granted for the erection of a two storey dwelling on the side elevation of the appeal property¹. The approved dwelling, shares similarities with the appeal proposal, which was designed to appear as an extension to 102 Frognal (No 102). This 2005 approval was later renewed in

¹ 2005/1284/P

2010². There is no substantive evidence before me that demonstrates that the previously approved dwellinghouse was initiated. As such the previous permission is not extant and I proceed to determine the appeal on its own merits.

6. An appeal was recently allowed for a two storey side extension on the appeal property³. On carrying out my site visit I noted that this extension was completed.

Main Issue

7. The main issue is the impact of the proposed development on the character and appearance of the host property, including whether it would preserve or enhance the character of appearance of the Hampstead Conservation Area (HCA) and whether it would preserve the setting of the Grade II listed buildings known as 'The Oaks'⁴, 'Bay Tree Cottage'⁵, 'Numbers 104 and 106 and Attached Wall, Railings and Gate to Number 106'⁶, '108 Frognal'⁷, and 'Grove Cottage'⁸.

Reasons

Significance and Setting

8. Frognal forms part of the larger HCA and is identified as sub area five within the HCA Statement (HCAS) which states that the upper end of Frognal was part of a distinct hamlet in the 17th and 18th century. The appeal property is located in this area and is an attractive example of traditional arts and crafts architecture, unlike other properties in the immediate area, it is set back only a short distance from the footway. Its position on the curve of the road, as it slopes upwards from south to north, further enhances its prominence within the street scene. HCAS identifies No 102 as an unlisted house dating from the 1880s and describes details of its design including "tile-hung gable and oriel windows at first floor level."
9. The significance of this part of the conservation area is defined, in part, by the organic pattern of development, which centres around the narrow meandering road. High quality traditional dwellings, in a variety of architectural styles, set in mature gardens border the road on both sides. The relationship between the width of the street and the height of the properties and established garden trees creates an intimate setting; this gives the area a verdant, village feel.
10. There are also several Grade II Listed Buildings in the area around the appeal site, including a pair of adjoining cottages 'numbers 104 and 106 and Attached Wall, Railings and Gate to Number '106' which originally dated from around 1762 and were later refaced in a Georgian style, these properties are set back from the footway within attractive mature gardens, behind traditional black metal railings, which are also included within the listing. The Oaks is located across the road from the appeal site and has been divided into flats, the original building was constructed in the late 18th century and the hipped slate roof with projecting

² 2010/2071/P

³ APP/X5210/D/23/3324781

⁴ 1113065

⁵ 1113075

⁶ 1113080

⁷ 1113083

⁸ 1113084

eaves feature an attractive finely detailed belvedere. This property is positioned within mature gardens, which include large trees and a high boundary hedge which restricts views of the property from the street, only a flank elevation faces the street and is set back from the road. Bay Tree Cottage is located directly across the road from the appeal site, it was originally constructed as a lodge or gardeners' cottage in the early 19th century. This property is also set back from the highway in mature gardens and views of the property are restricted from the street by large mature trees and shrubs within the garden. 108 Frognal and Grove Cottage are attached to numbers 104 and 106 forming an irregular terrace to the north of the appeal site. 108 Frognal dates from the early 18th century and includes fine architectural detailing, Grove Cottage forms the end of the terrace. Both of these properties are also set back within mature gardens, with views of them restricted from the street by a high boundary wall and mature garden trees and shrubs.

11. The listed buildings are positioned within large gardens which, along with their boundaries, forms their immediate setting and creates a degree of separation from the highway. In the context of the appeal before me the site relates positively to the experience of the listed buildings within the wider street scene. It therefore makes a positive contribution to the setting of the listed buildings and , thereby, the understanding of their significance. The Frognal section of the HCA derives much of its character and appearance from the listed buildings and their gardens which, along with the appeal property, make an important contribution to its historical and architectural significance.

Effect of the Proposal

12. The proposal is for the erection of an extension on the flank elevation of the existing two storey extension, it would follow the building line of this extension, which is stepped back from the front elevation of the original property. The extension would have a double pitched roof, a tiled gable to the front and rear, and masonry to the remaining external elevations. The architectural detailing of the proposed extension references the host property but does so with sufficient subtlety to ensure that it would not compete with its eye-catching and embellished front elevation. Moreover, its large oriel windows and unique double pitched and tiled gable would remain the most dominant element of the property when viewed from the street. The extension would also be significantly lower than the host property and shallower in depth. Hence, it would be subservient in terms of its overall scale and massing.
13. The additional extension would result in a property that would infill most of the remaining width of the plot. However, the varied pattern of development and architecture is a defining feature within the HCA, while there are examples of properties set in larger gardens, there are other examples of properties that occupy the entire width of their respective plot. As such, the width of the resultant building would not be harmful in itself. The garden area to the rear of the property would remain undeveloped and this would retain an open aspect and would be sufficient to meet the amenity requirements of the occupants of No 102.
14. The existing extension is of a simple blockish design and the flank elevation is entirely blank. This contrasts with the host property which is highly detailed and visually interesting. The proposed extension would add articulation that would

reflect the host property more closely. The existing extension, with its simple built form, would read as a link between the host property and proposed extension. The established garden trees would remain, and these coupled with the high boundary wall would screen the extension from views within the street scene retaining the leafy and historical character of the area. In light of these factors the proposed extension would preserve the character and appearance of the HCA.

15. As noted above, the appeal property also forms the wider setting of several Grade II listed buildings nearby. The curve of the road, and the immediate setting is such that the proposed extension would not be clearly visible from the front of these properties, which are set within established mature gardens. The original front elevation of the property would retain its visual prominence within the street scene and the existing boundary wall and mature trees would screen a large proportion of the extension from both wider and more localised views. As such the appeal proposal would preserve the setting of these listed buildings and the contribution the appeal property currently makes to their significance.
16. In conclusion I find that the proposed development would respect the character and appearance of the host property to the extent that it would preserve the character and appearance of the HCA and the setting of the Grade II listed buildings known as 'The Oaks', 'Numbers 104 and 106 and Attached Wall, Railings and Gate to Number 106'. '108 Frognal' and Grove Cottage. Hence, there would be no conflict with s72(1) and s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies D1 and D2 of the Camden Local Plan 2017 or Policies DH1 and DH2 of the Hampstead Neighbourhood Plan 2018-2033. When read together, these policies seek to ensure high quality design in development and to preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings. There would also be respect for the National Planning Policy Framework insofar as it relates to achieving well-designed places and conserving and enhancing the historic environment.

Other Matters

17. A single letter of objection was submitted from the occupants of 20 Frognal Gardens (No 20) raising concerns regarding the effect of the extension on the outlook from their property. I note that the Council raised no concerns in this regard. As there is a significant separation distance between the appeal property and No 20, with intervening boundary treatments and mature landscaping I find no reason to disagree with the Council in this respect.

Conditions

18. I have considered the conditions put forward by the Council and the appellant's comments on them. They meet the tests set out at paragraph 56 of the Framework, and I have included them with some minor editing of the suggested wording for precision and enforceability.
19. I have attached conditions specifying the timescale for the initiation of the development and specifying the approved plans in the interests of certainty. A condition requiring the installation and retention of the proposed privacy screen has been attached to protect the living conditions of neighbouring occupants in terms of privacy.

20. Conditions regarding proposed external materials and the protection of trees within the appeal site have also been attached to protect the character and appearance of the HCA.

Conclusion

21. For the reasons given above the appeal should be allowed.

C Livingstone

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing Nos: EX-001, EX-010, EX-100, EX-101, EX-102, EX-300, EX-301, EX-302, PL-100, PL-101, PL-102, PL-300, PL-301 and PL-302.
- 3) No development above ground level shall take place until details of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority (this should include bricks, roof tiles, windows and terrace railings). The development shall be carried out in accordance with the approved details.
- 4) Prior to the extension hereby permitted first being brought into use, details of the design and materials of construction of a privacy screen to be fitted to the rear terrace shall be submitted to and approved in writing by the local planning authority. The screen shall only be installed in accordance with the approved details and retained thereafter.
- 5) All the trees shown on the report by Tretec, dated February 2024, as "to be retained" shall be protected by strong fencing, the location and type to be previously approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made.