



Appeal Decisions

Hearing held on 29 April 2026

Site visit made on 29 April 2026

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 July 2026

Appeal A Ref: APP/X5210/W/25/3369734

111 Frognal, London NW3 6XR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Miss Zoe Chan against the decision of the Council of the London Borough of Camden.
 - The application Ref 2024/0523/P, dated 9 February 2024, was refused by notice dated 23 January 2025.
 - The application sought planning permission for 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 without complying with a condition attached to planning permission Ref 2021/3072/P dated 18 October 2021.
 - The condition in dispute is No 3 which states:
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.
 - The reason given for the condition is: *For the avoidance of doubt and in the interests of proper planning.*
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Appeal B Ref: APP/X5210/Y/25/3369737

111 Frognal, London NW3 6XR

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to vary or discharge conditions of a listed building consent.
- The appeal is made by Miss Zoe Chan against the decision of the Council of the London Borough of Camden.
- The application Ref 2024/0522/L sought to vary condition No 2 and remove condition No 4 of listed building consent Ref 2021/3075/L granted on 18 October 2021.
- The works proposed are 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.
- The conditions in dispute are Nos 2 and 4 which state:

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.*

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.*

- The reason given for condition No 2 is: *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*
 - The reason given for condition No 4 is: *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.*
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Decisions

1. *Appeal A*: The appeal is dismissed.
2. *Appeal B*: The appeal is dismissed.

Preliminary Matters

3. The appellant provided several items of late evidence in advance of the hearing. These comprised a legal note, a statutory declaration from the appellant, and an amended heritage statement.
4. As this evidence had not been seen by third parties, I gave them the opportunity to comment after the hearing. I reserved judgment on whether to accept the heritage statement as late evidence until receipt of the third party comments. The new heritage statement has additions in relation to the updated National Planning Policy Framework (the Framework) and is a slightly more detailed document. It includes a greater number of historic photographs, but these had already been provided as part of other documentation. Nonetheless, this document is clearly relevant to my decision, does not change what is proposed and other parties have had opportunity to comment. As such, I am satisfied that no party would be prejudiced were I to take this late evidence into account.
5. The two appeals concern the same scheme under different, complementary legislation. I have dealt with both appeals together in my reasoning, where appropriate.
6. The appeal site forms part of the Grade II* listed building Frognaal Grove including former stable range. I have therefore had special regard to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). As the site also lies within the Hampstead Conservation Area, I have also had regard to Section 72(1) of the Act.

7. Included in the proposed plan P1.P rev 13 is a swimming pool, however both parties now agree that this does not form part of the appeal scheme.

Background and Main Issues

8. Planning permission 2019/6089/P (the original approval) granted planning permission for 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.
9. This permission was varied by a subsequent grant of planning permission 2021/3072/P (the 2021 approval) following an application made under Section 73 of the Town and Country Planning Act 1990 (as amended) (S73). This varied condition 3 of 2019/6089/P, approving revised plans. This type of application is possible as a condition was imposed on the original approval, specifying the approved plans.
10. The original approval was granted alongside listed building consent for works which fell under the same description (Ref 2019/6100/L). The application for planning permission subject to Appeal A was made under S73A and seeks a further revision to the plans approved by 2019/6089/P. This seeks permission for the development as it has been constructed, without complying with the earlier approved plans condition. The key changes comprise internal changes, including to walls, doors, staircases and layout of WC's, alterations to the position of ground floor front window, reduction in height of the restored chimney, increase in size of front dormers, wooden decking to the rear installed instead of green roofs, increase in ridge height and firebreak, raising of the eaves and moving the roof forward, increase in height to rear extension, increase in size of the rear dormer and provision of lime render finish to rear lower ground floor.
11. The listed building consent granted alongside the original approval included an approved plans condition. Whilst such conditions are not usually imposed on listed building consents, as they are generally imposed on the related planning permission, I am not directed to any legal provisions preventing the imposition of such a condition.
12. A further listed building consent (Ref 2021/3075/) was granted alongside the 2021 approval for a variation to those approved plans. This granted a new listed building consent with a varied approved plans condition.
13. Appeal B follows the refusal of the Council to grant a further variation to the approved plans condition that would permit the works that have been carried out alongside the development that comprises Appeal A. An appeal against a refusal of a variation or discharge of a condition previously imposed on a grant of listed building consent is possible under section 20(1)(b) of the Act. Appeal B is on this basis.
14. References in my below decision to the original approval and the 2021 approval refers to both the grants of planning permission and listed building consent unless expressly stated.

15. The main issues for both appeals are therefore whether the appeal scheme preserves the Grade II* listed building of Frognal Grove including former stable range, or any features of special architectural or historic interest which it possesses, and whether the proposal preserves or enhances the character or appearance of the Hampstead Conservation Area (the CA) and, as such, whether the conditions imposed on planning permission Ref 2021/3072/P and listed building consent Ref 2021/3075/L continue to serve a useful purpose.

Reasons

Special Interest and Significance

Listed Building

16. Frognal Grove was a mansion and estate with a stable block built by Henry Flitcroft around 1750. Following conversion and subdivision in the 1950s, the estate now comprises four adjoining residential properties made up of the former main house, its stable block and gardener's cottage.
17. Constructed by a renowned Palladian architect, the main house comprised a square three storey dwelling with attic under a hipped mansard roof and wooden cupola. The building was later extended in the mid nineteenth century by another notable architect, George Street. Whilst it has been altered over time, including during the period after subdivision, its formal composition, proportions and detailing express the polite architectural language of the period and demonstrate the application of classical design principles to this context.
18. This classical language remains present across the building range (numbers 105 to 111) through the proportions and symmetry of the principal elevations in particular. Furthermore, the variation in scale, materials and ornamentation reflect the differing roles of principal and service buildings as a coherent grouping. Historically and evidentially, it provides insight into the development and evolution of a country estate for an emerging professional class which collectively demonstrates the restrained classical language associated with Henry Flitcroft.
19. Overall, Frognal Grove's special interest and significance is therefore derived from a combination of its classical architectural composition, its aesthetic quality, historic and evidential value, associations with notable architects, as well as the layout, scale and arrangement of the group as a whole, and the site's evolution over time.
20. Since conversion, the main house and its southern wing have become No 107 and No 105 respectively. Its nineteenth century side extension and rear bay, together with the southern section of the former stable block are today known as No 109. No 111, the appeal property, is the former stable and gardener's cottage.
21. As the estate was subdivided, the northern part of the former stable and the gardener's cottage were acquired by Anthony and Sheila Caro in the late 1950s, following which they converted them into residential accommodation. The conversion incorporated a number of alterations carried out by the Caros' brutalist architect friends, the Smithsons. These included the removal of historic dormers and the replacement of original stable doors and windows on the front elevation with casement windows. More extensive changes were carried out to the rear, comprising the construction of a new extension, excavation to lower garden

ground levels, removal of the existing roof to facilitate a box-back addition, and further alterations to the arrangement of windows and doors. It is common ground that these changes were harmful to the listed building and have adversely affected its special interest and significance.

22. Nevertheless, the appeal building still makes a strong contribution to the asset as a whole, in particular through its façade and overall form. Including its southern part at 109 (the southern bay), the former stable is a linear building with a low-slung roof that is dwarfed by the nineteenth century extension of the main house attached to the south. Its central and southern pediments are one of the defining features of the façade and the building exhibits a simplicity and symmetry that reflects both its ancillary nature and the classical composition that is present throughout the listed building.
23. The cill banding set below the Diocletian windows to the central and southern pediments and the eaves line of the roof to each side of the pediment appear to have been carefully aligned, providing a linear flow across the elevation and accentuating the simple linear proportions and symmetry. It is the simple classical composition of the appeal property and southern bay that alludes to its long association and shared history with Flitcroft's main house and is a key component of its contribution to the special interest and significance of the listed building as a whole.
24. Based on the photographic evidence, my understanding is that since subdivision, the southern bay and the appeal building have remained legible as a single ancillary building, despite evidenced works to the roof from Caro's time onwards. On the basis of the evidence before me, the eaves of the appeal property and that at the southern bay remained broadly consistent with the cill banding on the pediments prior to the carrying out of the works that form the appeal scheme.

Conservation Area

25. The CA possesses an exceptional combination of characteristics that contribute to its distinct and special qualities. A key defining feature is the contrast between the dense, urban core of Hampstead and the more spacious, open nature of its outer areas. The historical evolution of this part of London remains legible with the eighteenth century village buildings discernible amongst Victorian streets and twentieth century development. Key characteristics include varied roofscapes, historic boundary treatments, mature trees, intimate public spaces and a strong sense of enclosure and discovery.
26. The variety of spaces, the high quality of the buildings, set amongst sloping topography and the development over time all make a significant contribution to its character and appearance. The CA is further characterised by its historic setting on the edge of open heath, and its illustration of patterns of suburban expansion over time that have gradually enveloped formerly rural buildings. Frognaal Grove is one such rare pocket of rural space and through its significant plot depth, landscaped grounds, and boundary treatments it contributes to the aesthetic and historic value of the CA. Its legibility as a former estate that has retained a distinctly rural character thus reinforces the character and appearance of the CA.

Proposals and Effects

Listed Building

27. Front Roof

28. The works to the front roof are a combination of an increase in ridge height, an increase in eaves height and an outward extension, leading to the roof extending outwards by a considerable distance, or around 0.45 metres¹. This increase in height, projection and volume, has led to a significant divergence in the appearance and form of the roof along the length of the former stable, seen alongside the southern bay, adversely affecting its special interest and significance. This clear deviation in roof form across this part of the listed building is highly evident both standing in the garden of the appeal property, from the garden of 109, and when viewed from neighbouring properties.
29. The eaves line has been noticeably raised with an extra fascia appearing beneath the line of the guttering. As such, the guttering and eaves now sits markedly above the level of the cill banding of the Diocletian window that is shown on historic photos and plans, including the most recent 2021 approval. This significantly disrupts the composition of the façade and the linear flow across the elevation, resulting in a disjointed and inconsistent appearance across the full elevation of the former stable as it was originally designed. On the site visit I saw that the guttering and eaves of the southern bay still aligned with the cill of the Diocletian window. I am therefore not convinced by the appellant's argument that the line of eaves through the cill of the Diocletian window only appears in '*true elevation*'.
30. The increased roof height has resulted in the eaves being infilled with a brick stock that does not match the historic brickwork directly below. On the site visit I saw that whilst the elevation has been painted, the different texture of two courses of brickwork compared with the historic brickwork is clearly evident, and draws further attention to the raised eaves.
31. As a result of the increase in roof height and volume, the firebreak wall (or upstand) between No 109 and No 111 has also increased in height. Viewed from No 109, this is a highly dominant feature of the building, extending several courses high, projecting out significantly higher than the roof here. This results in increased definition between these two adjoining sections that were formerly the same building, adversely affecting the appreciation of the asset as a single building as part of a wider estate, to the detriment of its special interest and significance.
32. I appreciate that there have been substantial works to the roof over the years, some of which may have led to some variation between the appeal property and the southern bay. I also acknowledge that there is limited surviving fabric within the roof and that there is little evidence that historic fabric from the roof has been lost as part of the appeal scheme, given the substantial changes that occurred in the 1950s and 1960s. Nonetheless, the evidence indicates that despite this, at the time of the 2021 approval, there was a consistency across the façade of the former stable range that has been lost through the works carried out as part of the appeal scheme.

¹ Based on measurements taken by the Council.

33. The plans approved as part of the 2021 approval show an increase in ridge height. This is shown only on the elevation drawings of the front elevation, does not appear in section drawings and is not mentioned in any supporting documentation. It is also not mentioned in the Council's report assessing that scheme. As such, whilst there is a dispute between the parties regarding the interpretation of these consents, the height increase shown on the 2021 approval is nevertheless noticeably lower and less extensive than that shown on the plans as part of the appeal scheme. Furthermore, the approved plans show no change to the eaves and there is no indication of the outward projection of the roof that has also occurred.
34. In this regard, I am not convinced that the annotation on the drawing showing section G-G, forming part of the 2021 approval, referencing insulating the roof is an indication that the roof would project outwards as shown. This is because insulation in roofs can take many forms and generally does not require the increase in volume that has taken place as part of the appeal scheme works.
35. Whilst a further annotation on the plans refers to an alteration to upstand to '*accommodate for approved change in roof height*', the drawing does not show it as imposing as that which has been constructed as part of the appeal scheme, either on the front façade or in section. As such, whilst I have had regard to the height changes as part of the previous approval, for the reasons set out above, these were significantly less harmful and more consistent with the southern bay than the roof changes that form part of the appeal scheme.
36. Whilst the appellant argues that, on the basis of the 2021 approval, the appeal scheme seeks '*further minor adjustments*', in my experience, it is such minor changes that incrementally erode the significance of historic buildings, in this instance adding to the fragmentation in the appearance of the former estate and attached range of buildings.
37. I appreciate that national guidance produced by Historic England does not preclude changes to the ridgeline, nor does it openly guide against insulating above the rafters, which has caused the outward projection referred to above. However, there is an expectation that such works are carried out sensitively and are appropriate in the historic context in which they sit. Given that the outward projection and the further increase in ridge height, alongside the accompanying change to the eaves, has caused a further divergence along the former stable range, disrupting the legibility of the former estate as a whole, the alterations that have been carried out have not been done so sensitively and are harmful to the special interest and significance of the listed building.

Front dormer windows

38. The front dormers that existed at the time of the original approval were modern twentieth century box dormers. These were proposed to be replaced by dormers that were reflective of those shown in the 1940s photographs that form part of the appellant's evidence. These comprised a shallow elongated dormer to the left of the central pediment and a small, pitched roof dormer to the right. Those approved as part of the original and 2021 approval sought to replicate those pre-existing dormers and both parties considered that their installation in place of the box dormers was a heritage benefit.

39. The two dormer windows that have been installed are considerably larger than those shown on the plans as part of the previous approvals. The elongated dormer to the left of the pediment forms a substantial addition, significantly greater in both height and width than the approved scheme. In my view, it is comparable in scale and proportion to the twentieth-century box dormer that was previously removed, if not larger. Furthermore, it encroaches into the area of the roof that lies immediately adjacent to the central pediment, much closer than pre-existing dormer, competing with and dominating this feature, adversely affecting the architectural composition and the significance of the listed building as a result. For these reasons the left dormer would no longer constitute a heritage benefit and would adversely affect the special interest and significance of the listed building.
40. The pitched roof dormer is noticeably wider and generally chunkier in appearance than that which formed part of the original approval, the 2021 approval, or the 1940s dormer it seeks to replicate. Nonetheless, in isolation, it represents an improvement over the twentieth century box dormer that has been removed, being smaller and more reflective of the traditional pitched roof dormer that previously existed.
41. However, in combination with the other roof works the two front dormers together add considerable bulk and volume to the roof of the listed building, diverging further from the attached southern bay, to the detriment of the special interest and significance of the listed building.
42. The appellant has made reference to the London Borough of Camden Home Improvements Supplementary Planning Guidance (2021) which offers guidance as to criteria that can make a dormer acceptable in design terms, including in Conservation Areas. However, guidance cannot envisage every scenario, and this guidance specifically states that it does not relate to listed buildings. As such, this carries little weight in my assessment.

Rear extensions, rear dormer, and rear kitchen crown roof

43. As well as the works to the front façade, the appeal scheme also seeks consent for the works that have been carried out to the rear elevation. The rear dormer has been constructed wider than originally granted with a greater maximum height and its crown roof can be seen projecting above the ridgeline from the front of the site. This is an unusual feature that interrupts the ridgeline and, alongside the other features described above, adds to the somewhat complicated appearance of the roof.
44. Nonetheless, I note that this element is shown on the original approval, projecting above the ridgeline in a similar manner. Whilst slightly higher, the harm in this instance, arises from its visibility above the ridgeline rather than its specific height. As it is shown as visible on the approved plans, the relatively small height increase, in isolation has not resulted in any further harm.
45. Similarly, the uppermost section of the rear gable to the extension to the right of the rear elevation, constructed in the place of the 1990s UPVC conservatory is also seen projecting above the ridgeline. I note that this also was approved as part of the original approval and, whilst not listed in the appellant's amendments list, the change in height between the approved and the 'as constructed' is marginal. As in the case of the crown roof, I therefore conclude that there is no discernible increase in harm from the appeal scheme.

46. When viewed from the rear elevation, both the rear dormer and the rear extension are in proportion with this elevation. Mindful of the more limited contribution of this elevation to the special interest and significance of the listed building, I am satisfied that there would be no harm in that regard. I am also mindful that the extension and dormer window still represent visual improvements compared to the existing situation in 2019.

Other internal and external works

47. The appeal scheme proposes a number of changes to the approved plans to which the Council has no objections. These predominantly relate to minor internal layout changes², the relocation of a sash window to its pre – 2019 position (A11), the provision of an external handrail to the rear (A12) and provision of a metal powder coated fascia to the rear extension (A14). Given their location, extent and nature, these works have had a neutral effect on the listed building.
48. Moreover, the simplification of the planform through the removal of internal subdivision to the living area (A5) and the provision of lime render, a more authentic material finish, to the rear (A13) would constitute minor enhancements to the listed building to which I shall turn to later in my planning balance. Additionally, the window at A11 would represent a visual improvement over the original window. This would also constitute a minor enhancement and heritage benefit.
49. I therefore conclude that these elements of the appeal scheme would preserve the listed building and its special interest. They would not therefore harm the significance of the heritage assets and would not conflict with the Framework or with the relevant development plan policies outlined below. I note that the Council concluded similarly in relation to these matters.

Conservation Area

50. The harm that I have identified to the listed building set out above, principally to the front façade, would predominantly be screened by the boundary walls with only the upper parts of the front roof of the former stable being visible from outside the appeal site. Given the limited visibility and lack of context it is not possible to appreciate the extent of the harm that has occurred from this viewpoint.
51. However, harm to the CA is not predicated on its visibility from the public realm, as this may change. Moreover, the harm from the divergence in roof form and disruption to the architectural composition across the length of the former stable is easily visible from several neighbouring properties, including No 109 itself. Whilst not widely or publicly visible, the harm to the special interest of the listed building as a whole, as set out above, would nevertheless in a small, yet meaningful way, incrementally erode the character of the CA. In that regard it would fail to preserve the character and appearance of the CA as a whole.
52. The other internal and external works that have preserved the special interest of the listed building, as set out above, would overall, for the same reasons, result in a minor enhancement to the CA, that I shall consider in my balance below.

² Identified by the appellant on the proposed plans as Amendments A1, A2, A3, A4, and A5.

Conclusion – Listed Building and Conservation Area

53. Overall, through the divergence in roof form and eaves height, the appeal scheme has accelerated the fragmentation of the listed building group, adversely affecting the legibility of No 109 and No 111 as a single ancillary building associated with a former estate. It has also significantly eroded the symmetry and linear flow of the former stable, disrupting its careful yet simple architectural composition that alludes to its association with Flitcroft and the listed building as a whole.
54. Whilst I accept that the building has seen incremental changes over the years, the sum of the harm arising from the appeal scheme, in my view, goes beyond minor incremental change and for the reasons set out above, significantly undermines the special interest and significance of the listed building as an asset of the highest significance. In that regard the proposal would fail to preserve the Grade II* listed building of Frognal Grove including former stable range, adversely affecting its special interest. It would also fail to preserve the character and appearance of the CA.
55. Overall, for these reasons, the proposal would be contrary to the clear expectations of sections 16(2), 66(1) and 72(1) of the Act and the provisions within the Framework which seek to conserve and enhance heritage assets. For the same reasons the proposal would cause harm to the significance of these designated heritage assets.

Public Benefits and Balance

56. When considering the impact of a proposed development on the significance of a designated heritage asset, the Framework sets out that great weight should be given to the asset's conservation. It makes clear that the more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Having regard to my above reasoning, collectively I consider the harm to designated heritage assets to be a high level of 'less than substantial' harm as set out in the Framework. Paragraph 215 advises that this harm should be weighed against the public benefits of the proposal.
57. As I have stated above, some elements of the scheme would generate heritage benefits. The heritage benefits forming part of the original permission and set out by both parties included the removal of the UPVC conservatory, improvements to planform, stable doors, reinstatement of extension and the Diocletian windows installed as part of the original approval. The appeal scheme in particular, allows reinstatement of historically appropriate fenestration to the rear sash window, simplification of planform, the use of a lime render to the rear elevation and the removal of soil stacks from the front elevation. These changes have generally resulted in a clearer expression of the building's original architecture and use of materials which together have resulted in an enhancement. However, none of these benefits are entirely dependent upon the works to the roof that have resulted in the harm that I have set out above. Such benefits could be provided through a more sensitive scheme, as evidenced by the existence of the original approval. This limits the weight I have attributed to these benefits. Nonetheless, the sum of the heritage benefits still carries moderate weight.
58. The appellant has supplied evidence that the appeal scheme has resulted in improved thermal performance and compliance with modern Building Regulations.

Whilst this is a significant environmental benefit, it has not been demonstrated that some of the harmful changes attributed to this benefit, such as insulating above the rafters, resulting in the outward extension of the roof, could not have been delivered through less intrusive means. This limits the weight I can attribute to them.

59. I have seen that shortly after acquiring the appeal property, which had stood vacant for some time, the appellant experienced problems with condensation, damp and an associated insect infestation. I am satisfied that the improvement in breathability of the building is therefore a public benefit in terms of safeguarding the long-term future of the listed building and ensuring its continued viability as a dwelling. However, it has not been demonstrated that this is dependent upon the harmful elements of the scheme and there is no evidence that these benefits could not be delivered through a less harmful scheme. Moreover, despite the period of vacancy and the deterioration evidenced, there is little evidence that the optimum viable use as a dwelling was at risk. This benefit carries limited to moderate weight.
60. The provision of the firebreak has, based on the evidence before me, improved fire safety, which is a public benefit, notwithstanding that its overall height and dominance appear to be a direct result of the other harmful alterations to the roof.
61. The Framework requires me to give great weight to the conservation of heritage assets. Furthermore, mindful of the status of the listed building, an asset of the highest significance, the Framework is clear that the more important the asset, the greater the weight should be.
62. Whilst I find that the sum of public benefits carries moderate weight in favour of the appeal scheme, this is not sufficient to outweigh the considerable importance and weight I attach to the identified harm to the significance of the designated heritage assets.
63. The proposal would fail to preserve the Grade II* listed building of Frognaal Grove including former stable range, or any features of special architectural or historic interest which it possesses. It would also fail to preserve the character and appearance of the CA. This would be contrary to the requirements of sections 16(2), 66(1) and 72(1) of the Act and the provisions within the Framework which seek to conserve and enhance heritage assets. The harmful impact would also be contrary to Policies D1 and D2 of the Camden Local Plan (2017) and policies DH1 and DH2 of the Hampstead Neighbourhood Plan 2025-2040 which, amongst other things, together, seek to ensure new development is of a high quality design that is respectful of local context and preserves or enhances the historic environment, including heritage assets.
64. In finding harm arising from the appeal scheme that is not outweighed by public benefits, I therefore also conclude that condition 3 of planning permission Ref 2021/3072/P and conditions 2 and 4 of listed building consent Ref 2021/3075/L continue to serve a useful purpose and are reasonable and necessary in that regard.

Other Matters

65. I have considered the appellant's suggestion of a split decision in relation to the undisputed elements of the scheme that do not form part of the Council's reasons for refusal. However, clearly any alterations that were to be allowed in this way would need to be readily severable from the works that have resulted in harm,

namely those to the roof. Such is the nature of the scheme before me is that many of the alterations for which approval is sought, are in some way linked to the roof works, to a lesser or greater extent.

66. Moreover, owing to the nature of the submission, under S73, as variations of an earlier approval, the only mechanism to do this would be through the use of conditions. In this case, given the plans show all the proposed works, many of which are not mentioned in the description of development, I have concluded that conditions would not be an appropriate mechanism to separate or control those works which I have concluded have resulted in a neutral effect or an enhancement to the heritage assets. Whilst I sympathise with the appellant in this regard, given the lack of a dispute, I would note that these matters could be easily resolved through the submission of separate applications for listed building consent and/or planning permission.

Conclusion

67. *Appeal A*: The proposed development would conflict with the Act, the development plan and the Framework. There are no material considerations of sufficient weight that would lead me to conclude otherwise. Therefore, for the reasons given, I conclude that Appeal A should be dismissed.
68. *Appeal B*: For the above reasons and having regard to all matters raised I conclude that Appeal B should be dismissed.

Paul Martinson
INSPECTOR

APPEARANCES

Appellants:

Emma McBurney	Planning Consultant
Zoe Chan	Appellant
Charles Rose	Heritage Consultant
Charles Streetam	Counsel on behalf of appellant
Raheem Turawa Watson	Building Inspector
Manus Bane	Energy Consultant

Council:

Katrina Lamont	Senior Enforcement Officer
Nick Baxter	Senior Conservation Officer
David McKinstry	Conservation Officer
Elizabeth Beaumont	Appeals Enforcement Team

Third Parties:

Victoria Porter	Town Legal (representing occupiers of Nos 109 and 113)
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