



Heritage Statement

9 Gainsborough
Gardens,
Hampstead
London
NW3 1BJ

August 2023 | Project Ref 08782A



Project Number: 08782A
File Origin: C:\Users\Chris Griffiths\HCUK Group\8501-9000 - Documents\8701-8800\08782 - 9
Gainsborough Gnds, London\HER\Reports\2023.08.16 – 9 Gainsborough
Gardens_Heritage Statement_v3

No text or imagery within this report has been generated by Artificial Intelligence (AI)

Contents

1. Introduction	1
2. Relevant Planning Policy Framework.....	4
3. Background and Development.....	9
4. Statement of Significance.....	22
5. Heritage Impact Assessment.....	28
6. Conclusions	34

Appendices

- App. 1 Scale of Harm table (HCUK, 2019)**
- App. 2 Proposed Scheme Details (TG Studio)**
- App. 3 Internal Photographs**

Figures

- Fig. 1 Site location / Heritage Asset Map**
- Fig. 2 View of the No. 9 from the north**
- Fig. 3 View of No. 9 from the south**
- Fig. 4 Rocque's Map of 1746**
- Fig. 5 Plan of Hampstead Town and Frognaal of 1762**
- Fig. 6 1866 OS Map**
- Fig. 7 1893-95 OS Map**
- Fig. 8 1910 Lloyd George Domesday Survey Plan**
- Fig. 9 1945 Bomb Damage Map**
- Fig. 10 1955 OS Map**

- Fig. 11 Plan of Henry S. Legg of Estate of Wells and Camnpden Trust of 1876**
- Fig. 12 Plan of Development of Wells and Campden Estate between 1876 and 1895**
- Fig. 13 Drainage plans submitted by C. B. King in 1893**
- Fig. 14 Re-drainage plan submitted by C. B. King in 1910**
- Fig. 15 Drainage plan submitted in 1948**
- Fig. 16 Views of rear basement rooms**
- Fig. 17 Original door detail**
- Fig. 18 View South west towards No. 9 Gainsborough Gardens**
- Fig. 19 View north from Christchurch Hill**

1. Introduction

1.1 This Heritage Statement has been prepared by HCUK Group on behalf of Charles Gai, owner of 9 Gainsborough Gardens, Hampstead, NW3 1BJ (hereafter the 'Site'). The property is a grade II listed building as part of Nos. 9 and 10 (UID 1392570) and is also within the Hampstead Conservation Area – **Figure 1**. The Site falls under the jurisdiction of the London Borough of Camden (LBC).

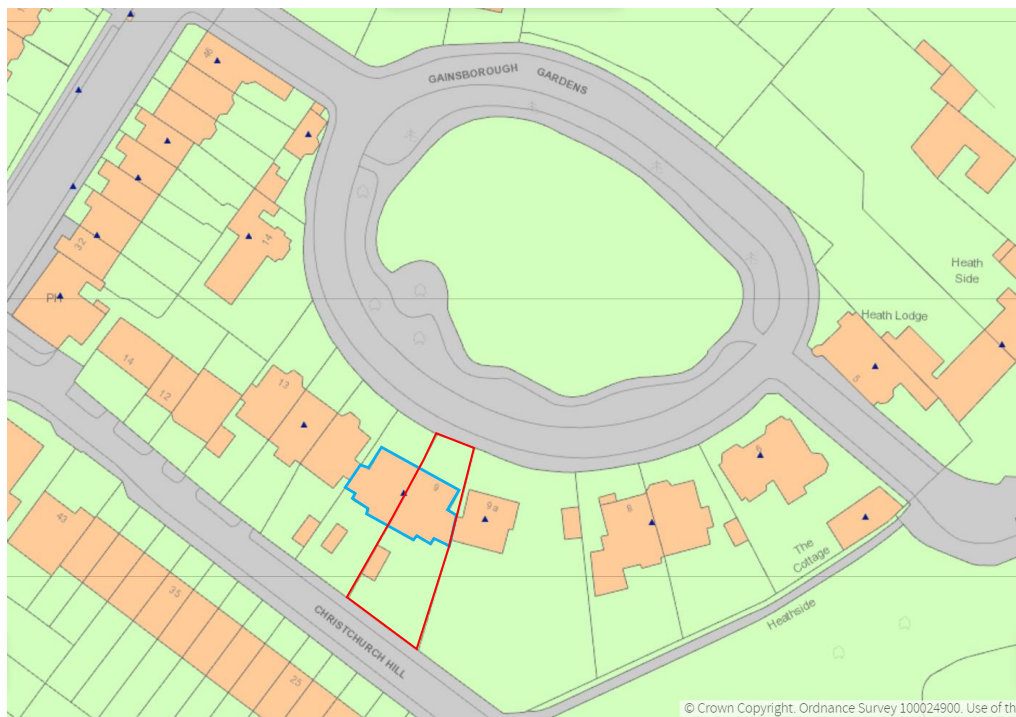


Figure 1: Site location, No. 9 outlined in red (the whole area is within the conservation area), the two properties making up the listed building are outlined in blue. Listed buildings are denoted by blue triangles. Source: Historic England on-line map search, accessed 12/04/2023

Context

1.2 This report accompanies applications for planning and listed building for proposals to make internal and minor external alterations to the property. It is a large semi-detached house built in 1895 (**Figure 2**) during the final phase of development at Gainsborough Gardens. The proposals include a suite of minor changes to upgrade the interior of the house to improve the liveable space, including new bathrooms and utilisation of the loft space as part of the living accommodation.

- 1.3** Surviving original features within the property would be retained and restored, including the surviving historic plan form, skirtings, cornices, staircase joinery, windows and internal doors and ironmongery.
- 1.4** Externally the building is to be fully re-pointed in a traditional hydraulic lime mortar following the careful removal of harmful cement mortar applied in the mid-late 20th century. Minor changes to water disposal and associated pipework is also proposed in conjunction with changes to bathrooms and domestic plumbing. Existing window frames are to be upgraded with conservation type mono-laminate Histoglass to provide superior thermal efficiency. A new garden house to the rear garden is also proposed.
- 1.5** The proposals assessed herein have been subject to and informed by pre-application advice from LBC (ref: 2023/1607/PRE). Pre-application proposals included a greater degree of intervention, more wide ranging in scope and with some removal of historic fabric and concealment of original fireplaces by means of permanent fitted joinery. The current Application Scheme has been amended in line with the pre-application advice issued on 24th May 2023. This is referred to in the text where relevant.



Figure 2: No. 9A, 9 & 10 Gainsborough Gardens viewed from the north west



Figure 3: Rear elevation of No. 9 Gainsborough Gardens

Purpose of this Statement

- 1.6** In line with the requirements of paragraph 194 of the National Planning Policy Framework this report describes the significance of the building and has been informed by a detailed site visit and background research. Following this, the pre-application proposals are assessed against the identified significance with a view to informing discussions with the local authority as to whether or not the proposals would sustain significance or result in any harm to the special interest of the listed building.
- 1.7** The majority of changes are internal and a garden summerhouse is proposed to the rear garden area, which falls within the building's immediate setting. The latter would not be visible from the public realm but the potential to affect the character and appearance of the Hampstead Conservation Area and nearby listed buildings is considered within this report.
- 1.8** The full drawn submission prepared by TG Studio should be viewed alongside this report.

2. Relevant Planning Policy Framework

Legislation and National Planning Policy

- 2.1** Sections 16(2) and 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 require the decision maker to have special regard to the desirability of preserving a listed building and its setting when exercising planning functions. The decision maker must give considerable importance and weight to the desirability of preserving the significance of the listed building, and there is a strong presumption against the grant of permission for development that would harm its heritage significance.¹ The presumption will plainly be lessened if the harm is less than substantial within the meaning in the National Planning Policy Framework (NPPF) as is explained further below.
- 2.2** There is a broadly similar duty arising from section 72(1) of the Act in respect of planning decisions relating to development within conservation areas. The meaning and effect of these duties have been considered by the courts in cases since the legislation came into effect, including the Court of Appeal decision in relation to South Oxfordshire DC v SSE & J Donaldson (March 1991, CO/1440/89). The Court found that section 72 requires attention to be directed to the effect on the conservation area as a whole rather than on particular parts of it.
- 2.1** In the present instance, the Site falls entirely within the Hampstead Conservation Area. As such the duty under Section 72(1) is engaged.
- 2.2** For the purposes of this statement, preservation equates to an absence of harm.² Harm is defined in paragraph 84 of Historic England's Conservation Principles as change which erodes the significance of a heritage asset.³
- 2.3** The significance of a heritage asset is defined in the National Planning Policy Framework (NPPF – July 2021) as being made up of four main constituents: architectural, historical, archaeological and artistic interest. The assessments of

¹ Barnwell Manor Wind Energy Limited v East Northamptonshire District Council and others [2014] EWCA Civ 137.

² South Lakeland v SSE [1992] 2 AC 141.

³ Conservation Principles, 2008, paragraph 84.

heritage significance and impact are normally made with primary reference to the four main elements of significance identified in the NPPF.

2.4 Paragraph 197 of the NPPF underlines the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation,⁴ and reiterates the well-established concept that new development can make a positive contribution to local character and distinctiveness.

2.5 Paragraph 195 indicates that harm should be avoided or minimised and that which remains requires clear and convincing justification (Paragraph 200).

2.6 The setting of a heritage asset can contribute to its significance. Setting is defined in the NPPF as follows:

"The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral."

2.7 The NPPF requires the impact on the significance of designated heritage assets⁵ to be considered in terms of either "substantial harm" or "less than substantial harm" as described within paragraphs 201 and 202 of that document. National Planning Practice Guidance (NPPG) makes it clear that substantial harm is a high test, and case law describes substantial harm in terms of an effect that would vitiate or drain away much of the significance of a heritage asset.⁶ The Scale of Harm is tabulated at **Appendix 1**.

2.8 Paragraphs 201 and 202 of the NPPF refer to two different balancing exercises in which harm to significance, if any, is to be balanced with public benefit.⁷ Paragraph 18a-020-20190723 of National Planning Practice Guidance (NPPG) online makes it clear that some heritage-specific benefits can be public benefits. Paragraph 18a-

⁴ *Conservation* (for heritage policy) is defined in Annex 2 of the NPPF as: "The process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance."

⁵ The seven categories of designated heritage assets are World Heritage Sites, Scheduled Monuments, Listed Buildings, Protected Wreck Sites, Registered Park and Gardens, Registered Battlefield and Conservation Areas, designated under the relevant legislation.

⁶ *Bedford Borough Council v SSCLG and Nuon UK Limited* [2013] EWHC 4344 (Admin).

⁷ The balancing exercise was the subject of discussion in *City and Country Bramshill v CC SLG and others* [2021] EWCA, Civ 320.

018-20190723 of the same NPPG makes it clear that it is important to be explicit about the category of harm (that is, whether paragraph 201 or 202 of the NPPF applies, if at all), and the extent of harm, when dealing with decisions affecting designated heritage assets, as follows:

"Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated."

2.9 Paragraphs 199 and 200 of the NPPF state that great weight should be given to the conservation of a designated heritage asset when considering applications that affect its significance, irrespective of how substantial or otherwise that harm might be.

2.10 According to paragraph 206 local planning authorities should look for opportunities for new development within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

Local Policy

2.11 The New London Plan was formally adopted on 2nd March 2021. The following heritage related policy is relevant:

Policy HC1 - Heritage Conservation and Growth

C - Development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process.

- 2.12** Local policies relevant to Camden include the Camden Local Plan (July 2017) – Policy D2 relating to heritage, which recognises Camden’s wider historic environment and sets out to ensure that its heritage, including but not limited to listed buildings, will be conserved; and Policy D1 relating to design, which requires development to preserve or enhance the historic environment and heritage assets.
- 2.13** Camden Planning Guidance Design (November 2018) – includes Chapter 3 which relates to Heritage.

Guidance Documents

- 2.14** The Hampstead Conservation Area Statement (published in October 2002) has been taken into consideration in the preparation of this assessment.

National Planning Practice Guidance (NPPG)

- 2.15** The National Planning Practice Guidance (NPPG; ref: 18a-018-20190723; updated July 2019) provides advice on enhancing and conserving the historic environment in accordance with the NPPF.
- 2.16** NPPG notes that public benefits can be heritage based for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit. The guidance goes on to note that examples of heritage based public benefits include:
- Sustaining or enhancing the significance of a heritage asset and the contribution of its setting;
 - Reducing or removing risks to a heritage asset; and
 - Securing the optimum viable use of a heritage asset in support of its long-term conservation.

Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (March 2015) (GPA 2)

2.17 This document provides advice on numerous ways in which decision making in the historic environment could be undertaken, emphasising that the first step for all applicants is to understand the significance of any affected heritage asset and the contribution of its setting to that significance. In line with the NPPF and PPG, the document states that early engagement and expert advice in considering and assessing the significance of heritage assets is encouraged. The advice suggests a structured, staged approach to the assembly and analysis of relevant information:

- 1) Understand the significance of the affected assets;
- 2) Understand the impact of the proposal on that significance;
- 3) Avoid, minimise and mitigate impact in a way that meets the objectives of the NPPF;
- 4) Look for opportunities to better reveal or enhance significance;
- 5) Justify any harmful impacts in terms of the sustainable development objective of conserving significance balanced with the need for change; and
- 6) Offset negative impacts to significance by enhancing others through recording, disseminating and archiving archaeological and historical interest of the important elements of the heritage assets affected.

3. Background and Development

Origins of Hampstead

- 3.1** The following historic background is drawn from LBC's Conservation Area Statement for Hampstead (published October 2002) and *Gainsborough Gardens Hampstead and the Estate of the Wells and Campden Trust. An account of their development with houses, 1875-1895*, David A L Saunders, 1974.
- 3.2** Hampstead stands on London's 'Northern Heights' which were formed in the last Ice Age. The Heights, sand and pebble-capped hills, stretch from West Hampstead to beyond Highgate. The hill at Hampstead offered natural advantages to early settlers and the subsequent history of Hampstead's development is permeated throughout by three recurring factors - its topography, the Heath and the attraction of its clean air and water.
- 3.3** The Domesday Survey of 1086 recorded 'Hamestede' as a small farm. The manor was given to the monastery at Westminster by King Ethelred the Unready, which he confirmed in a charter of AD986. In the middle ages the manor had a village with a parish church and was owned successively by the Knights Templar and the Knights Hospitaller.
- 3.4** From the beginning of the 17th century Hampstead began to attract wealthy people from London, especially lawyers, merchants and bankers, who were drawn by the advantages of its elevated position, and the absence of resident landed aristocracy. Protestant dissenters, forbidden to preach within five miles of Charing Cross, also came. It has been suggested that this was the beginning of Hampstead's reputation for free thinking. During the Great Plague, Hampstead was inundated with people fleeing from London and there is a tradition that the lawyers had to hold court under the trees which became known as Judges Walk because all other accommodation was taken.
- 3.5** In 1698 the Gainsborough family gave six swampy acres east of the High Street to 'the poor of Hampstead' and The Wells Trust was established to develop the chalybeate springs as a spa. A Pump Room and a large Assembly Room were built

at the source in Well Walk and the waters were also bottled at the Lower Flask Tavern in Flask Walk for sale in the City. The monumental drinking fountain in Well Walk at the foot of Wells Passage commemorates the spa, as the first Pump Room and Assembly Room were located on the opposite side of the road. The spa stimulated development of this part of Hampstead and villas and boarding houses were built to accommodate temporary residents. A number of these houses built in the 1700s survive. More modest cottages sprang up along Flask Walk. The spa enjoyed a brief revival in the 1730s, with a new Long Room and Ball Room built beside Burgh House. But the spa's proximity to London attracted too many lower-class visitors and Hampstead Wells did not remain fashionable for long.

3.6

By the time the first detailed map of the area by John Roque was published in 1746 (**Figure 4**) the village had a population of over 1400, compared with 600 a century before. Much of the street pattern that exists today is recognisable in Roque's map, though Gainsborough Gardens would not be developed until 150 years later.

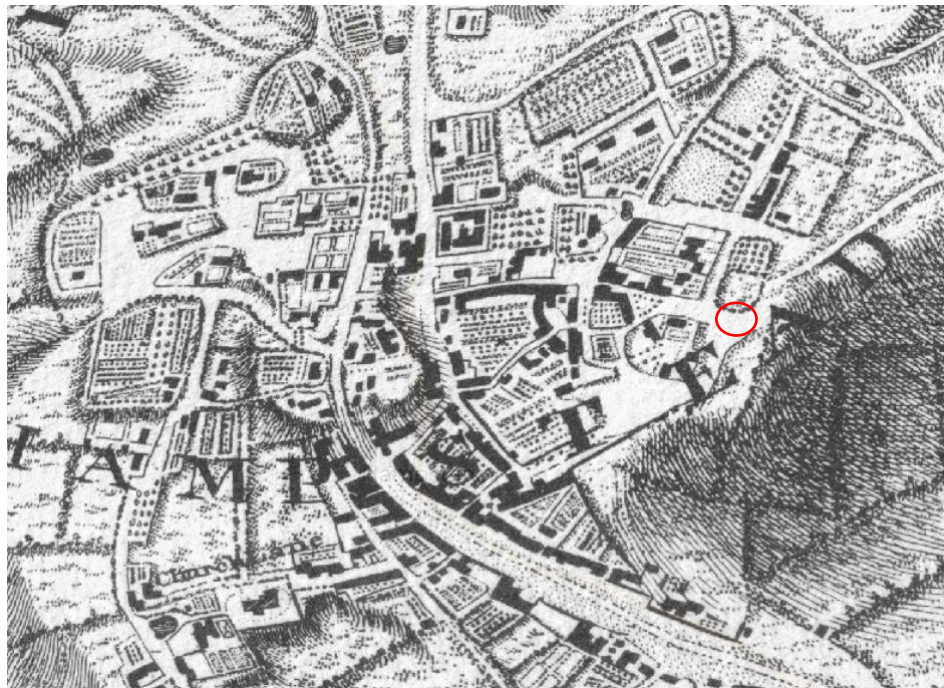


Figure 4: 1746 John Rocque's 10 miles round map of London. The approximate location of the Site is indicated by the red circle. Source: Layers of London

3.7

In 1800, when a workhouse was opened on the south side of New End, the site was *'like the bottom of a punch bowl . . . being every way surrounded by houses and very closely too, all above one another'*.⁸

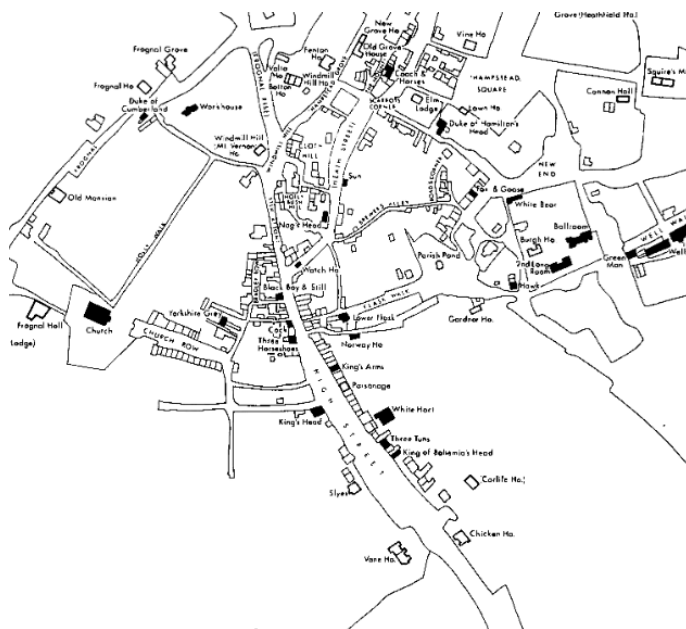


Figure 5: Hampstead Town and Frognal in 1762. Source: A History of the County of Middlesex: Volume 9, Hampstead, Paddington. Originally published by Victoria County History, London, 1989.

3.8

The following series of plans and OS maps from 1866 to 1955 (**Figures 6–10**) records the development of the Gainsborough Gardens and the estate of the Wells and Campden Charity Trust during the second half of the 19th century and subsequently in the surrounding area.

⁸ Park, *Hampstead*, 288.



Figure 6: 1866 OS Map. Reproduced with the permission of the National Library of Scotland. The approximate location of No. 9 Gainsborough Gardens is circled in red.

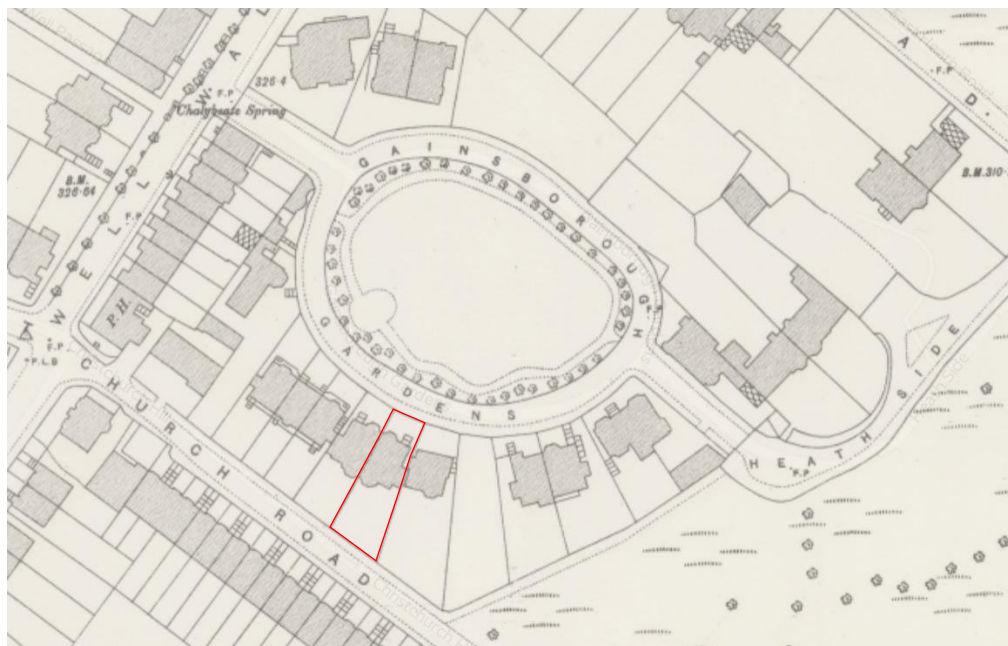


Figure 7: 1893-96 OS Map. Source: Layers of London

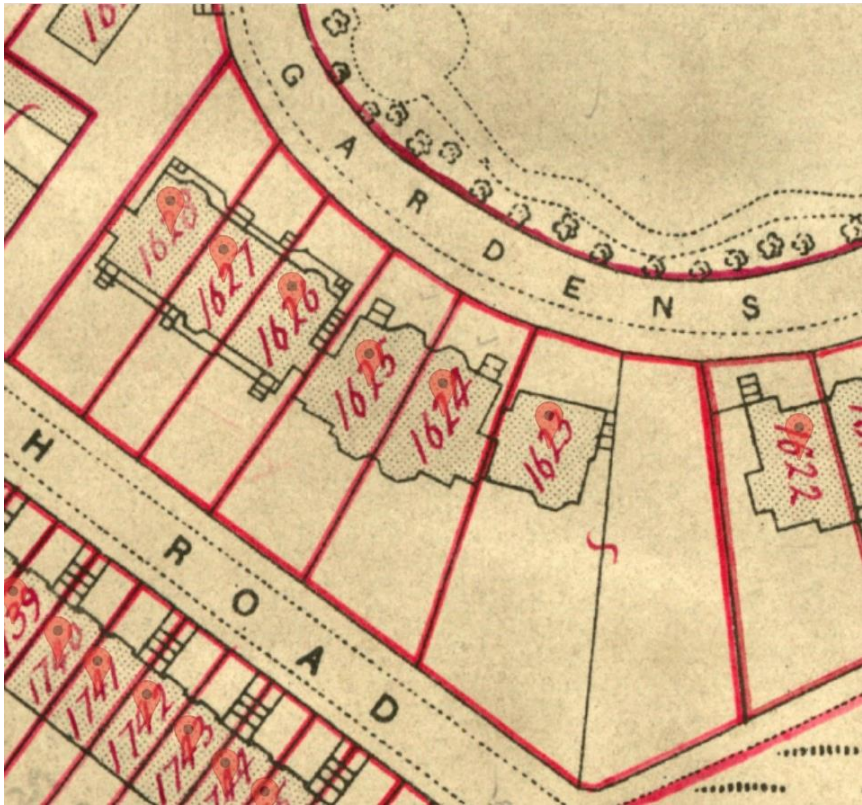


Figure 8: 1910 Lloyd George Domesday. Source: The Genealogist

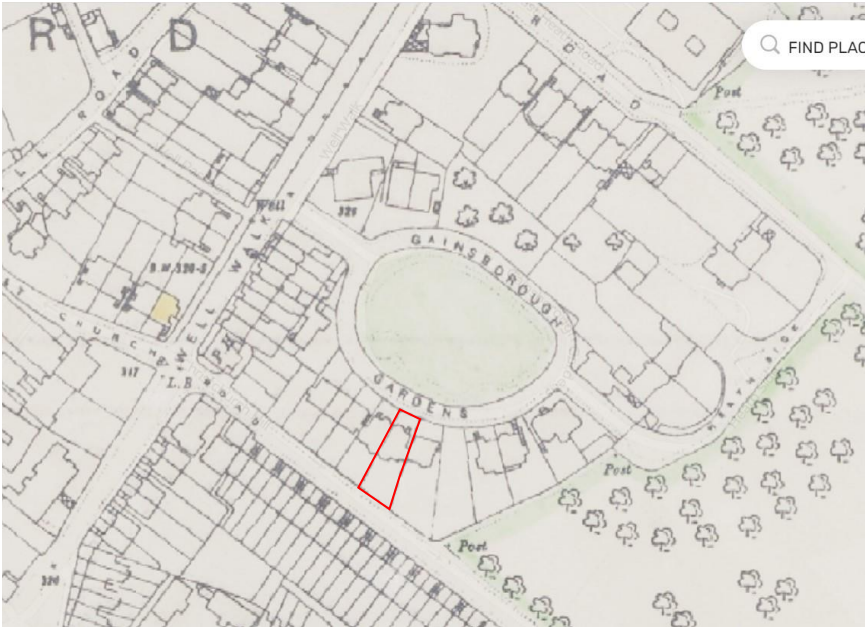


Figure 9: 1945 Bomb Damage Map. Source: Layers of London

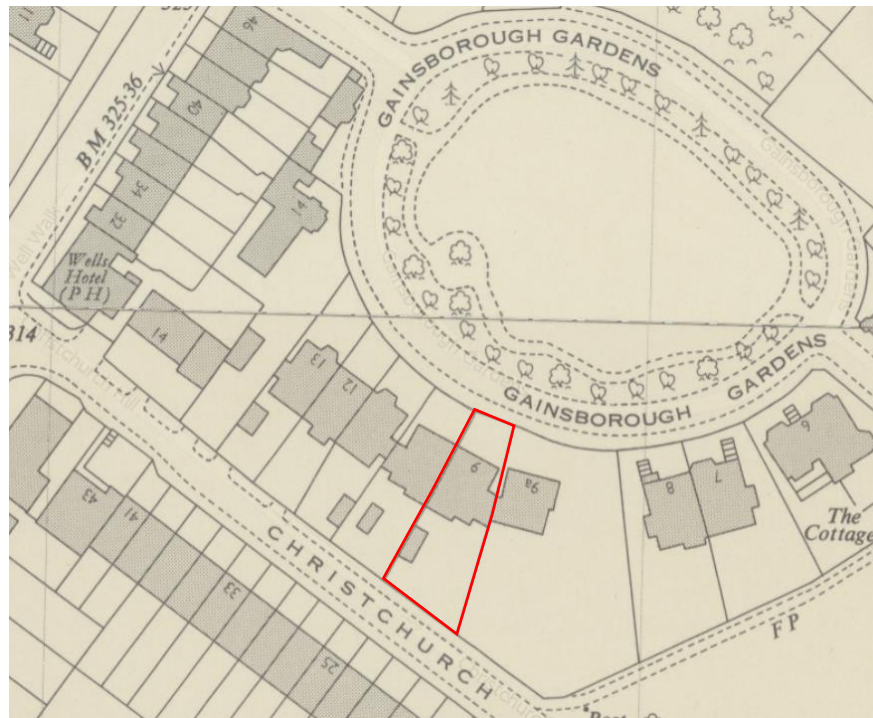


Figure 10: 1955 OS Map. Source: Layers of London

Gainsborough Gardens

3.9 The estate stands at the north-eastern fringe of Hampstead and at the edge of Hampstead Heath. It is about eight acres in extent. Six of those acres represent the original Wells Charity estate, which contained the once highly popular springs. As noted above, the estate was a gift to support the poor of the parish, made in 1698 by Baptist, Earl of Gainsborough, through his mother Susannah, Countess of Gainsborough – he being an infant at the time.

3.10 In 1875 the trustees decided to develop, completely, with houses. The wells had long since ceased to be a source of income, and the northward thrust of London's development made the time right for this decision. So in that year the Trustees appointed a new Clerk to manage their affairs, and a surveyor-architect. They also formed among themselves, The Committee for Developing the Charity Estate; its members were Messrs. Joseph Tatham, B.N. Smith, Milton Stone, R. Ware and R. Hackworth.

3.11 Edward Bond was the newly appointed Clerk to the Trust in 1875. It was then simply the Wells Charity, the merger with the Campden Charity coming in 1879.

Henry Simpson Legg was shortly afterwards appointed as consultant 'receiver and surveyor'. Legg had since 1865 held the office of District Surveyor for Mile End, an experience which must have made him adept in the first task for the Trust, which was to report upon the buildings existing on the estate. After that he was called upon to direct, and in some cases to design, development throughout the estate.

3.12 Legg's initial plan of 1876 (**Figure 11**) shows a much more intense and regimented development of the land than what eventually transpired. Soon after the 1875 survey and report, the Trustees moved to expand the estate by purchasing the garden of Sunnybank, a house which adjoined their land at the north east corner. While the area that was to become Gainsborough Gardens lay in abeyance, the western side of the estate was developed in earnest in 1878.

3.13 The first of any moves toward building on the estate was to sell to the Hampstead builder C. B. King (ultimately the builder of Nos. 9-10 Gainsborough Gardens) the lease of Sunnybank's garden and of the adjoining Limes garden. Over the years 1878-82 King constructed ten houses there, four facing Christ Church Hill, two in Well Walk and four in Well Road. There is no sign of an architect in the lease documents or the parish records or the Trustees' papers, and the buildings themselves suggest an amateurish following of current fashions.

3.14 During the five years it took to build the houses their designs progressed from a kind of stripped Gothick to the increasingly modish Olde English. The half-timbering is obviously applique and the turned wood balusters are brusquely invented Victorian forms.

3.15 Construction in Gainsborough Gardens itself had to await formation of the road and construction of a sewer. Legg's plan for a brick and pipe sewer was tabled on 8th June 1882 and approved two weeks later. The first leases within The Gardens were taken up in June 1883.

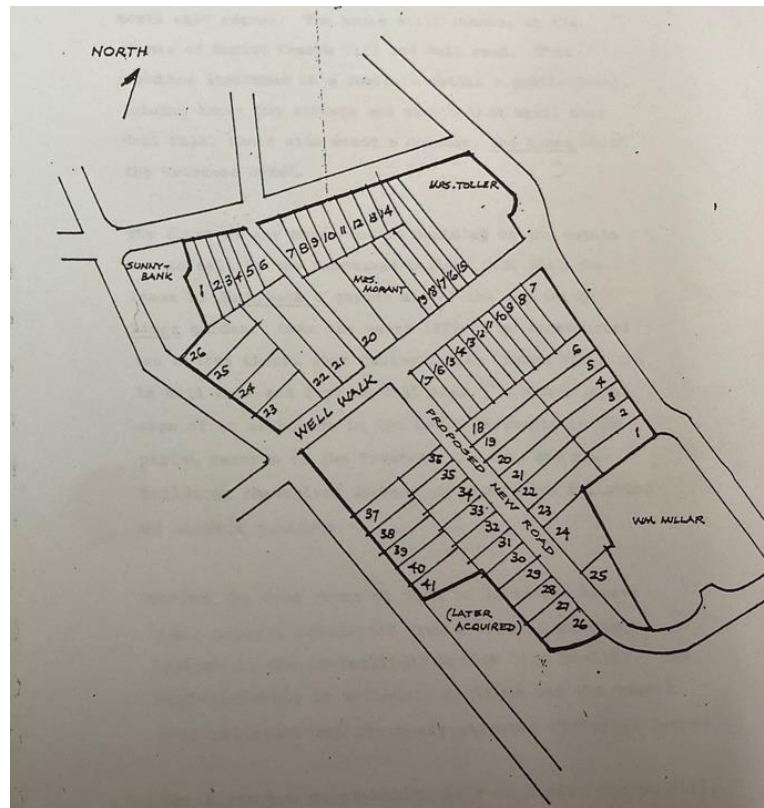


Figure 11: From a plan of Henry S Legg dated 1876 showing the original proposal for the development of the estate. Source: Camden Local Records office (Holborn Library), Gainsborough Gardens Hampstead and the Estate of the Wells and Campden Trust. An account of their development with houses, 1875-1895, David A L Saunders, 1974, p. 10

3.16 During this first phase of development the celebrated church architect Ewan Christian built a house for himself in 1881 at the corner of Well Walk and East Heath Road, just to the north of Gainsborough Gardens. He named it Thwaithead after a Windermere estate in his mother's family. Today it bears the name Klippan and is grade II listed.

3.17 Building began at last in Gainsborough Gardens itself, some nine years after the decision to develop the estate. The sewer for the Gardens having been constructed, the first houses, the pair numbers 3 and 4 were built in 1884 for Henry Borne Timewell, tailor of Sackville Street. The architect for these houses was Edward John May, a resident of Shaw's Bedford Park and an advocate of the aesthetic movement and principles of design which lead to the creation of the world's first garden suburb in 1875.

- 3.18** Next came The Lodge in 1885, followed by No. 6 and Nos. 7-8, all designed by H. S. Legg and completed by 1888. No. 9A was erected in 1891 and is famous as the house built for C. E. Maurice, the brother in law of Octavia Hill, founder of the National Trust with whom he incubated the emerging conservation movement. The Nook (No. 5) was built by C.B. King in 1893 and Nos. 11-14 were all designed by Horace Field and completed by 1895.
- 3.19** Last of all among the Gainsborough Gardens houses came the pair at Nos. 9 and 10 at the hand of builder C. B. King. King submitted drainage plans in May 1893 (**Figure 13**) and another set were approved in 1910 (**Figure 14**) and 1948 (**Figure 15**). As in every other case of his work, no architect has been identified. The probability is that he was their designer. Also very likely is that he financed their construction. The initial occupants were, respectively, Mrs J. N. Kenyon and Mr William Hart.

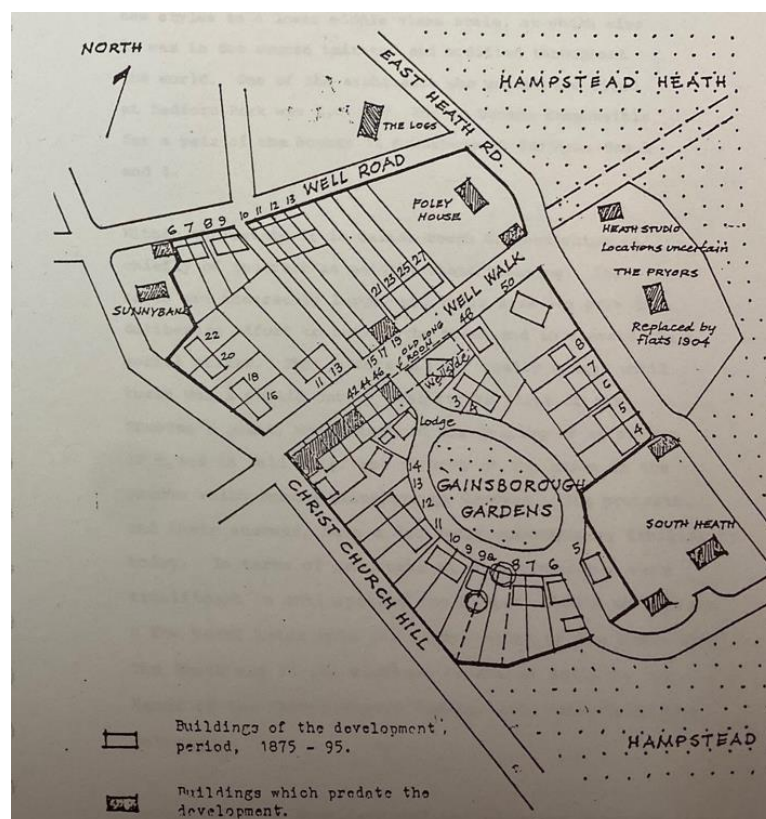


Figure 12: Plan showing the development of the Wells and Campden Estate during the 1875-95 period. Source: Gainsborough Gardens Hampstead and the Estate of the Wells and Campden Trust. An account of their development with houses, 1875-1895, David A L Saunders, 1974, p. 2

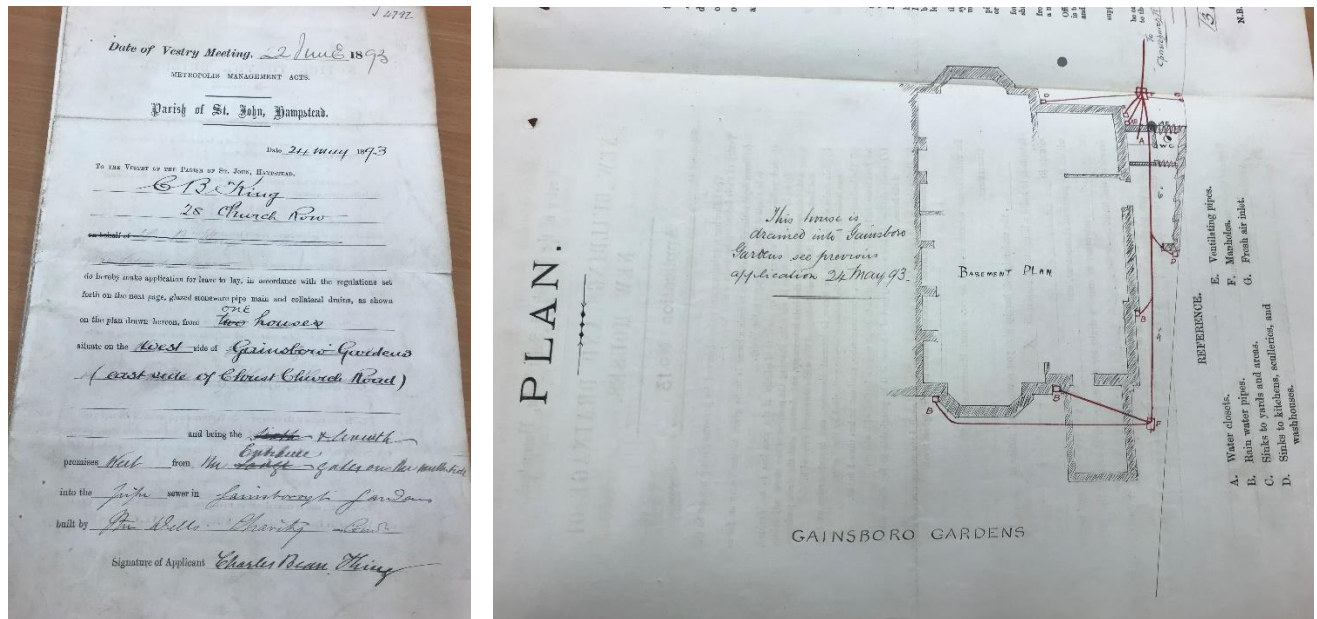


Figure 13: Drainage Plan submitted by C. B. King in May 1893. Source: Camden Records Office

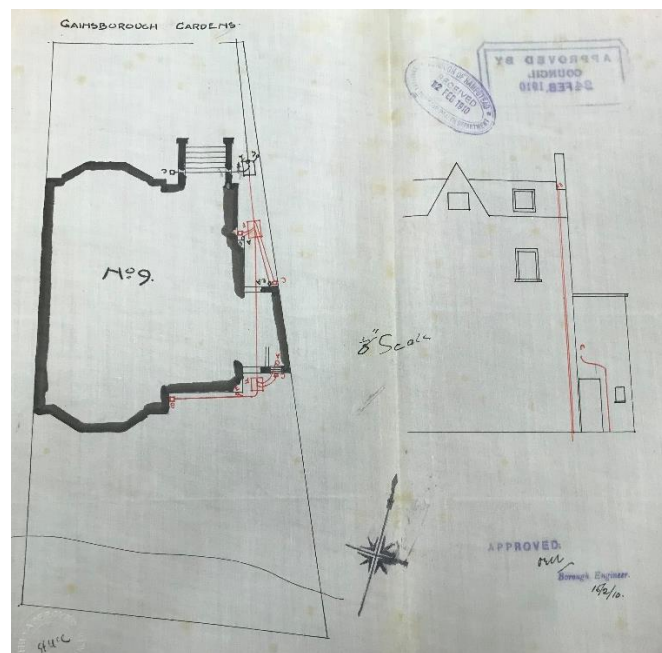


Figure 14: Re-drainage plan submitted by C B King in 1910. Source: Camden Records Office

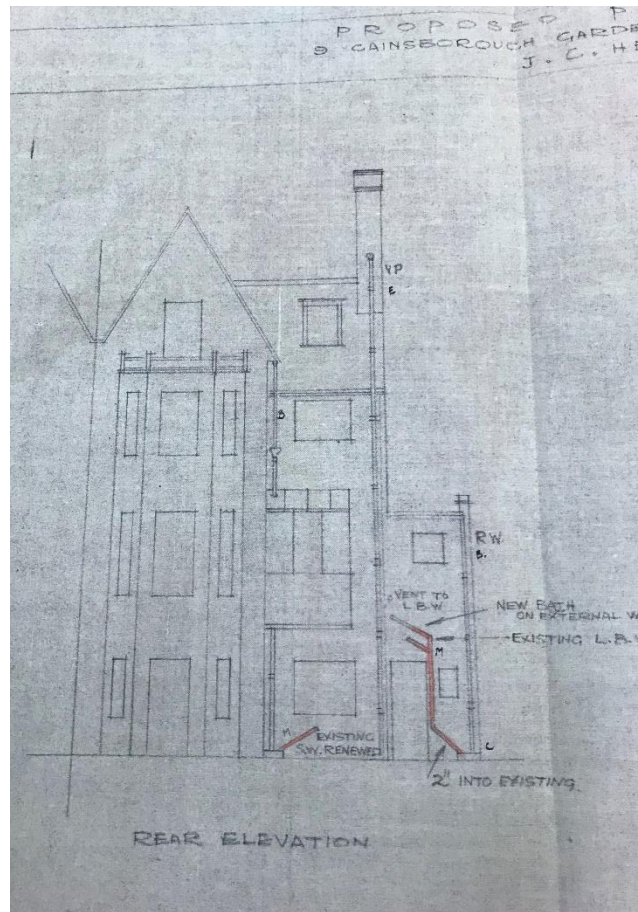


Figure 15: Drainage Plan submitted (elevation) submitted in 1948. Source: Camden Records Office

- 3.20** Census records affirm that by 1901 No. 9 was occupied by a scout barrister, Owen Tornpeen, his wife, two daughters, and mother-in-law and no less than five servants.
- 3.21** Lloyd George's Domesday of 1910 records Charles Bean King still as the owner with the house tenanted to Jas Charles Maxwell Garnett for 14 years from 1910.
- 3.22** In 1939, two retired sisters, Caroline and Anne Playne, both in their 80s, lived at No. 9 along with five domestic staff, some of whom may have been lodgers.
- 3.23** Latterly the house had been the London home of the prolific spy novelist John le Carré, nee Cornwell. He remained in occupation until his death in 2020.

3.24 The 1955 OS Map (**Figure 10**) indicates a garden building of some size to the rear of No. 9 Gainsborough Gardens. This structure was possibly a summerhouse, similar in size to the one proposed as part of the present submission.

3.25 Today the building remains largely unaltered to the interior, except at basement level where a new floor has been laid on the original joists and partitions removed to create a more open plan arrangement, but with down-stands and nibs retained to preserve some legibility of historic plan form (**Figure 16**).



Figure 16: Views to rear part of basement where walls have been removed to create a more open plan arrangement

3.26 At second floor level the partition between the two main bedrooms beneath the loft hatch appears to have been altered to create a lobby and behind this the area for the kitchenette in the rear bedroom.

3.27 To the upper floors, original joinery in the form of skirtings, architraves, dado rails and doors remains, along with the original open well staircase, plaster cornices and fireplaces to all but one or two rooms. The ironmongery to the doors is inconsistent but there is a recurring type of door knob and keyhole cover with gadrooned detailing (**Figure 17**).



Figure 17: Original door with matching ironmongery

- 3.28** The external joinery is largely original but replacement windows are present, mostly in keeping with the style of the original. A notable exception is the basement French doors to the garden which is entirely modern as evidenced by the router rounded profiles.
- 3.29** The glazing appears to be mostly float glass, though some mouth blown glass remains to the occasional small panes of the upper sashes which have glazing bars.

4. Statement of Significance

- 4.1** The determination of the significance of the relevant heritage assets is based on statutory designation and/or professional judgement against the four headings of 'interest' identified within the NPPF / NPPG: architectural, historical, archaeological, and artistic interest. In addition to its physical presence the significance of a heritage asset can also be derived from its setting.
- 4.2** It is recognised that not all parts of a heritage asset will necessarily be of equal significance. In some cases, certain aspects or elements could accommodate change without affecting the Government's objective, which includes the conservation of heritage assets, and which seeks to ensure that decisions are based on the nature, extent and level of significance of heritage assets.
- 4.3** Change is only considered to be harmful if it erodes an asset's significance. Understanding the significance of any heritage asset affected (paragraph 194 of the NPPF) is therefore fundamental to understanding the scope for and acceptability of change.

Nos. 9 & 10 Gainsborough Gardens (grade II)

- 4.4** The building was added to the National Heritage List for England on 23rd April 2008. The statutory list description provides the following details:

"Pair of semi-detached houses, 1895 by CB King, local builder. Built speculatively as part of the development of Gainsborough Gardens. The interior of No. 10 has been refurbished.

MATERIALS: Red brick in Flemish bond with tile-hung upper floor and gables, using alternate bands of plain and fishscale tiles. Plain-tile roofs. Red-brick and moulded timber dressings.

PLAN: Symmetrical pair, each of 2 bays and of 2 storeys, attics and basement. The central bays are gabled above a 2-storey flat-roofed canted bay. The outer bays have shallow porches over the entrance, and half-hipped dormers. There is a transverse central stack and end stacks. At the rear canted bays rise from the basement which is at ground level to first floor. Dormers are flat roofed.

EXTERIOR: Each has a part-glazed, small-paned and fielded panelled door under shallow-pitched tiled porch on moulded brackets supported on brick pilasters. Doors and windows to the brick section are in plain brick openings under cambered red brick arches. Windows in tile hung sections have flat moulded timber cornices. Windows are horned sashes, the upper sash small-paned, except for the gable windows which have a part-glazed door leading onto the balcony and flanked by narrow margin lights. Tall French windows at the rear with small paned upper lights open on to a shallow balcony with cast iron balustrade, that to No. 9 is original. Continuous moulded brick bands, both above the ground-floor windows, and forming a cill band to first-floor windows. Internal brick stacks have moulded collars and caps.

INTERIOR: Both have an open-well stair, part closed string, part open, with plain tread ends, turned newels on square bases, with small drop finials, and turned balusters, two per tread. Doors are of four panels. No. 9 has fine chimneypieces: that in the drawing room has a simple panelled frieze and mantelshelf supported on Ionic columns; that in the dining room is of robust moulded cast iron with tile slips. First-floor chimneypieces are in grey marble with cast-iron fireplaces complete with grates, and floral tiled slips. Upper-floor chimneypieces in No. 10 are similar but possibly introduced later. Both have deep moulded cornices to plain ceilings.

Materials echo those used throughout the Gardens, but in form they depart from the informality of H S Legg's work to anticipate the formality of Field's neo-Georgian. CB King also built No. 5 Gainsborough Gardens in 1893.

REASON FOR DESIGNATION DECISION Nos 9 and 10 Gainsborough Gardens is designated at Grade II for the following principal reasons:

** Quality of design and materials * Survival of internal plan and features of note, particularly No. 9 * Strong group value with other houses in Gainsborough Gardens * Strong contribution to the overall planning interest of Gainsborough Gardens, with particular importance as a screen building."*

4.5

With reference to the four categories of interest defined by the NPPG, the significance of 9 Gainsborough Gardens can be described as follows.

- 4.6 Architectural Interest:** The building's significance derives from its architectural and historic interest as a late 19th century high class suburban semi-detached dwelling. It is of bespoke design by local builder C B King, and conceived as part of a self-consciously picturesque set piece modelled on R. N. Shaw's Bedford Park, in Chiswick of the 1870s (started 1875). Gainsborough Gardens was laid out between 1882 and 1895 on land belonging to the Wells and Campden Charity Trust. Plots were developed speculatively under the close scrutiny of the Trust and their Surveyor HS Legg. The houses at 9-10 were built in 1895, being the last phase of building in the Gardens and are contemporary with Nos. 11-13.
- 4.7** Externally very little has been altered, though several window frames to the rear elevation (e.g. the French doors at lower ground and ground floor level) have been renewed.
- 4.8** Internally, there is an unusually high survival rate of original chimneypieces, the majority of which are of cast metal, with original hearths and grates. Others have grey marble surrounds. The exception is to the front basement room fireplace, which is of black granite and appears to be an import. Some elements of the marble backing to the large Arts and Crafts fireplace to the rear ground floor room also look to be modern insertions.
- 4.9** Some fireplaces to the smaller rooms at first and second floor level have been enclosed by joinery or interrupted by joinery partitions.
- 4.10** Plasterwork to original walls and ceilings, which is the vast majority, is traditional fibrous lime based plaster laid onto split laths.
- 4.11** The internal doors appear to be original, with one or two discrepancies in the thickness and plenty of variation in the ironmongery. The gadrooned doorknobs are the likely to be the original type as they seem to be the most common type found in the house. The ground floor retains ceramic doorknobs, push plates and keyhole covers to each door, but these may be of a later date as this type of detail was more common during the inter-war period.
- 4.12** The flooring is original throughout (though sanded down in most rooms so looks very new), except in the basement where a general refurbishment has been carried out, probably prior to 2008 when the building was listed, hence there is no planning

record of this alteration. The first floor rear room floor boards and skirting joinery is also modern / non-original.

- 4.13 Historical Interest:** The houses in Gainsborough Gardens possess significant group value and are an important 'landmark' in the history of the conservation movement. Gainsborough Gardens was laid out amid steps to limit expansion onto Hampstead Heath and the preservation of Parliament Hill Fields, an achievement attributed to CE Maurice who built and lived at No. 9A. He was married to the sister of Octavia Hill, philanthropist and founder of the National Trust.
- 4.14** The history of Gainsborough Gardens is prominent in the history of the protection of open spaces, particularly in Hampstead where the seeds of national awareness were sown. The whole scheme and individual houses are well documented, giving an important record of the development of the Gardens. The outcome is a scheme of significant historic and architectural importance and particular aesthetic quality, based on a fine balance between building and open space both of which survive almost intact.
- 4.15** No. 9 also has some interest of a contemporary nature, being the former home of the prolific author John Cornwell, a.k.a. John le Carré, up until his death in December 2020.
- 4.16 Archaeological Interest:** Where physical evidence remains of changes to the building, and in the surviving historic fabric, there is archaeological or evidential interest that retains potential for detailed understanding of the development of the property over time.
- 4.17 Artistic Interest:** There interior features of architectural interest, notably the cast metalwork fireplaces and ornamental plasterwork is of some artistic value.

Setting and Contribution to Significance

- 4.18** The building's setting comprises the architectural set piece of Gainsborough Gardens as a whole (**Figure 18**) and the rear garden area, which forms part of the building's domestic curtilage. There are filtered views of the property from Christchurch Hill to the south and this also contributes to an appreciation of the listed building in its well-preserved historic context, particularly in a winter setting (**Figure 19**). The setting thus contributes very positively to the building's

significance and provides an important lens through which the heritage asset can be seen, appreciated and understood.



Figure 18: View of Gainsborough Gardens looking south west towards No. 9



Figure 19: View north from Christchurch Hill taken in March 2018

Hampstead Conservation Area

4.19 Hampstead was designated a Conservation Area (with North End, the Elms, Vale of Health, Downshire Hill) on 29 January 1968. The reasons given for its designation were:

- the large number of listed buildings of architectural interest, the historical association of these buildings in terms of former residents and of the village in the context of the history of London as a whole;
- the street pattern of the original village which is retained and is reflected in the fragmentation of the street blocks and close and irregular grouping of the old buildings;
- the striking topography which gives rise to the complex of narrow streets and steps characteristic of the village and provides an important skyline when viewed from other parts of London;
- the proximity of the unique open space of Hampstead Heath and its integration with the village on the northern side. (LB Camden, Planning & Development Committee - 30 October 1967, Report of the Planning Officer).

4.20 When designated the area was named Hampstead Village Conservation Area. As it has been extended beyond the original village it is now known as Hampstead Conservation Area.

4.21 Since the original designation, there have been several extensions to the Conservation Area on 1.10.77, 1.4.1978, 1.6.1980, 1.6.85, 1.11.1985, 1.2.1988, 1.11.1991. The Site falls within Sub-Area 2 – Christ Church / Well Walk, which is part of the original conservation area designated in 1968.

4.22 The Site contributes notably and positively to the special character and appearance of the conservation area as part of the Gainsborough Gardens group. Besides the houses, all of which are grade II listed, The gardens are listed in the London Squares Preservation Act 1931 and in the UDP as Wooded Private Open Space.

5. Heritage Impact Assessment

- 5.1** This chapter of the report assesses the impact of the proposed alterations on the significance of the listed building comprising Nos. 9-10 Gainsborough Gardens. It equates to Step 2 of GPA2, which has a close connection with Step 1, and should be read in conjunction with the preceding chapter.

Summary of the Proposals

- 5.2** The drawn submission and Design and Access Statement prepared by TG Studio provides full details of the proposal (see **Appendix 2**). The scheme comprises:

External

- Removal of modern cement pointing (by hand) and re-pointing in a traditional hydraulic lime mortar to match the original construction. The pointing finish is to be flush and brush stippled to compact the face and slightly expose the aggregate. The specification of the proposed replacement mortar and methodology is provided separately.
- Re-glazing of existing window frames in mono-laminate Histoglass to achieve a significant upgrade of the building's thermal efficiency / long term sustainability. External face of new glazing to be formed in cylinder glass.
- New summerhouse to be erected in the rear garden.

Lower ground

- Removal of down stands and pillar to the rear kitchen room to create an open plan layout but with the splayed corner chimney breast retained in line with LBC's pre-application advice;
- Lowering of floor to create level access to the main part of the lower ground floor, re-using original floor joists and replacement of modern rear French doors in timber to match original joinery detailing. Existing doors to be retained and heads to existing openings to be dropped / in-filled. Non-original fireplace to front basement room to be lowered to new level;

- New opening through east wall to access utility / mud room, closing of existing door but with evidence of opening retained;

Ground

- Glass partition to inner entrance hall / stair hall opening to form draught lobby, to be framed in timber in line with LBC's pre-application advice;
- New partition to be inserted within existing study to create new WC following removal of existing WC to north side of study, partition and door to be re-used where possible;

First Floor

- New opening between front and rear rooms at first floor level to centre of the wall – *enfilade*, with front room adapted as a master en-suite. Sauna and shower 'pods' installed either side of the new opening and existing cupboard to be switched to north side of chimney breast. Floor to be retained at existing level in line with pre-application advice and bath to be raised up on a podium to accommodate falls for greywater drainage. Bank of sinks to east wall to have podium deck for drainage which will be accommodated within the existing floor void in the walk-in wardrobe room before exiting the building via new external pipework installed on the east return elevation in line with LBC's pre-application advice.
- Existing bathroom to become a walk-in dressing room accessed from the landing only, existing doors to be retained in situ;
- Walk-in dressing room to be accessed from bedroom 1 at first floor level;

Second floor and attic

- Kitchenette at second floor level to be removed to insert a new paddle staircase to access the lift. The latter is to be made habitable as a small recreation room. New partition with pocket door to replace modern concertina doors;
- Double width opening to be inserted between Bedroom 2 and room to east to create a walk in dressing room;
- Existing Velux rooflight to be replaced with metal framed conservation rooflight; and,

- Generally – at all levels, new joinery / wardrobes to be fitted against walls stopping short of cornicing. Fireplaces will be retained in situ, and will not be concealed by fixed joinery in line with LBC’s pre-application advice.

Assessment of Impact

5.3 With reference to **Appendix 1**, along with the most important considerations relating to the impact of the proposals on the setting of the heritage assets discussed within this Statement (which include, location and siting, form and appearance, effects and permanence⁹), value-based judgements on the impact of the proposals on significance have been set out below.

5.4 The proposals seek to improve the domestic provision of this 5-bedroom semi-detached house through modernisation of the bathrooms, wiring, plumbing, thermal insulation and utility of the attic space. A small summerhouse is proposed to the rear garden area, similar to the scale and siting of a garden outbuilding which previously existed here c. 1955. The scheme has been prepared with a view to sustaining the heritage values of the listed building considered as a whole.

Internal Alterations

5.5 The removal of the remnant partitions at lower ground floor level (down stands and pillar) will not involve the removal of historic fabric but a slight erosion in plan form. The retained corner chimney breast will retain legibility of historic function and the substance of historic fabric and on balance this intervention would not result in any noticeable harm to the building’s special interest.

5.6 The lowering of the floor will re-use original floor joists and will create level access to all areas of the basement, resulting in a neutral impact. The new opening to the utility room is likewise a minor change which will have a neutral impact.

5.7 The replacement of the rear French doors with better quality joinery detailing to match the original doors will result in a minor enhancement.

5.8 At ground floor level, the inserted joinery to the rear reception room (east wall), will occur either side of an original fireplace, the fireplace itself being retained

⁹ Historic England’s guidance on setting GPA3

visibly but allowing for moveable furniture to be placed in front of it. These are fully reversible changes that would have a neutral impact on the building's significance.

5.9 The changes to the entrance hall and study wing would likewise have a neutral effect on the building's special interest.

5.10 At first floor level, the principal change is to the front bedroom which is to be a master en-suite. The retained floor level and historic joinery (wardrobes) will ensure that the original proportions of the room and historic character is preserved. The new installations (sauna, shower, bath and bank of basins) are fully reversible and will not adversely impact the appearance of the space and would be neutral in terms of their impact on the building's special interest.

5.11 At second floor and attic level, the proposed new staircase to access the attic would require removal of a small number of floor joist sections, but would make good use of the attic space. Allied with the replacement rooflight to a conservation type, this is a positive intervention that will result in a minor heritage benefit. The existing loft hatch is to be closed, with joists / floorboards re-used to minimise any loss of historic fabric.

5.12 The new opening between bedroom 2 and the new dressing room will result in some loss of fabric, but would preserve the legibility and hierarchy of plan form and special interest of the listed building. The shape of this opening has been adjusted in line with LBC's pre-application advice to accommodate the sloping skelings to this part of the house.

External Alterations

5.13 The external re-pointing of the listed building in hydraulic lime mortar would be of significant material benefit to the building, ensuring its proper conservation and improving its general appearance. In conjunction with associated changes to and greywater disposal pipework, this aspect of the proposal would achieve a consequential heritage benefit.

5.14 The proposed external changes involve the retro-fitting of mono-laminate Histoglass units into existing window frames. The majority of the glass to the building is modern and the proposed upgrading of window glazing will not result in any noticeable change in the building's appearance. The use of cylinder 'Histoglass'

would indeed improve the building's appearance and the new French doors to the rear elevation at lower ground level would enhance. The principal benefit of the more thermally efficient glazing is to the long term sustainability of the home and enhancement of the building's long term conservation as a family residence. This aspect of the proposal therefore also has an environmental benefit which, in conjunction with the other heritage benefits of the proposal is an overall public benefit.

- 5.15** The proposed summerhouse to the rear garden area is wholly in keeping with the style and appearance of the listed building as a higher status house and follows the precedent established in the 1950s of a garden outbuilding. Such buildings are traditional accoutrements of suburban London houses and the proposed design would have a complementary effect on the listed building's setting and character and appearance of the Hampstead Conservation Area. The effect on the significance of both heritage assets would be neutral.

Summary of effects on Heritage Significance

- 5.16** In summary, the proposals involve a negligible loss of a small amount of historic fabric, but are sympathetic to the building's heritage values. There will be no loss of features of special interest and any erosion of historic character is of a reversible nature (e.g. new bathroom fittings and self contained 'pods').
- 5.17** There will be an overall significant improvement to the building's external envelope, and general appearance that will enhance the heritage asset and conservation area. The new summerhouse / garden room to the rear garden is of appropriate design and scale. The replacement conservation rooflight to the attic room is a minor enhancement. The proposals will appreciably enhance the architectural interest of the conservation area and the building's aesthetic role within the Christ Church / Well Walk sub-area.
- 5.18** No harm has been identified in the above assessment, but any potential harm would be less than substantial and very much at the low end of that spectrum. To that end the heritage benefits of the proposal would, by way of an internal heritage balance¹⁰, ensure that any harm is outweighed and thus preserve the heritage

¹⁰ *R (Palmer) v Herefordshire Council [2016] EWCA Civ 1061* established that where proposed development would affect a listed building or its settings in different ways, some positive and some negative, the decision maker may

values of the heritage assets identified in section 4. The proposed scheme is therefore acceptable in heritage terms in line with paragraph 197 of the NPPF.

5.19 There would be 'preservation' for the purpose of the decision maker's duty under section 16(2), 66(1) and 72(1) of the 1990 Act. Paragraphs 201 and 202 of the NPPF are not engaged and the Scale of Harm tabulated at **Appendix 1** does not apply. There would be no conflict with any local or regional policies relating to built heritage.

legitimately conclude that although each of the effects has an impact, taken together there is no overall adverse effect on the listed building or its setting.

6. Conclusions

- 6.1** This Heritage Statement has been prepared by HCUK Group on behalf of the applicant regarding internal and external alterations (including a new summerhouse) to No. 9 Gainsborough Gardens (the 'Site'). The Site comprises half of the grade II listed building at Nos. 9-10 Gainsborough Gardens within the Hampstead Conservation Area.
- 6.2** This report provides sufficient information on relevant assets in order for the local planning authority to gauge the suitability of proposed development in heritage terms, in compliance with paragraphs 194 and 195 of the NPPF. This document provides an overview of the historic development of the Site and its surroundings, a proportionate assessment of the significance of potentially affected heritage assets and an appraisal of the effects of the proposed scheme which is illustrated at **Appendix 2**.
- 6.3** Further to the detailed assessment undertaken in Section 5 of this Report, it is concluded that the proposals will preserve the special interest of the grade II listed building and the special character and appearance of the Hampstead Conservation Area, resulting in no residual harm. The group value of the Gainsborough Gardens houses, all of which are grade II listed, would also be preserved for the purpose of the Section 16(2) and 66(1) statutory duties.
- 6.4** The significance of Hampstead Conservation Area will be preserved for the reasons set out in Section 5 and for the purpose of the decision maker's duty under Section 72(1) of the 1990 Act. There will be no harm to any heritage assets (designated or otherwise) and paragraphs 201-203 of the NPPF are therefore not engaged.
- 6.5** Furthermore, the use of high-quality materials and design will reinforce the positive visual impact of the internal and external alterations proposed. This will ensure the long-term effect of the scheme is consistent with the NPPF's primary objective of achieving sustainable development.
- 6.6** Paragraph 206 of the NPPF recommends that *'Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better*

reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.' In this case, the proposed development would enhance the character and appearance of the Hampstead Conservation Area in compliance with paragraph 206.

- 6.7** The Proposed Development complies with all local and regional policies relating to the historic environment and the Council is invited to consider the proposals favourably in compliance with paragraph 206 of the NPPF.

Appendix 1

Scale of Harm (HCUK, 2019)

The table below has been worked up by HCUK Group (2019) based on current policy and guidance. It is intended as simple and effect way to better define harm and the implications of that finding on heritage significance. It draws on various recent appeal decisions and reflects the increasing importance being put on the contribution of setting to significance and the need to create a greater level of clarity within the finding of less than substantial harm (see the NPPF, paragraphs 200-202). This has been proving more and more necessary and the table below goes some way to reflect the most recent updates (2019) to the guidance set out within the NPPG¹¹

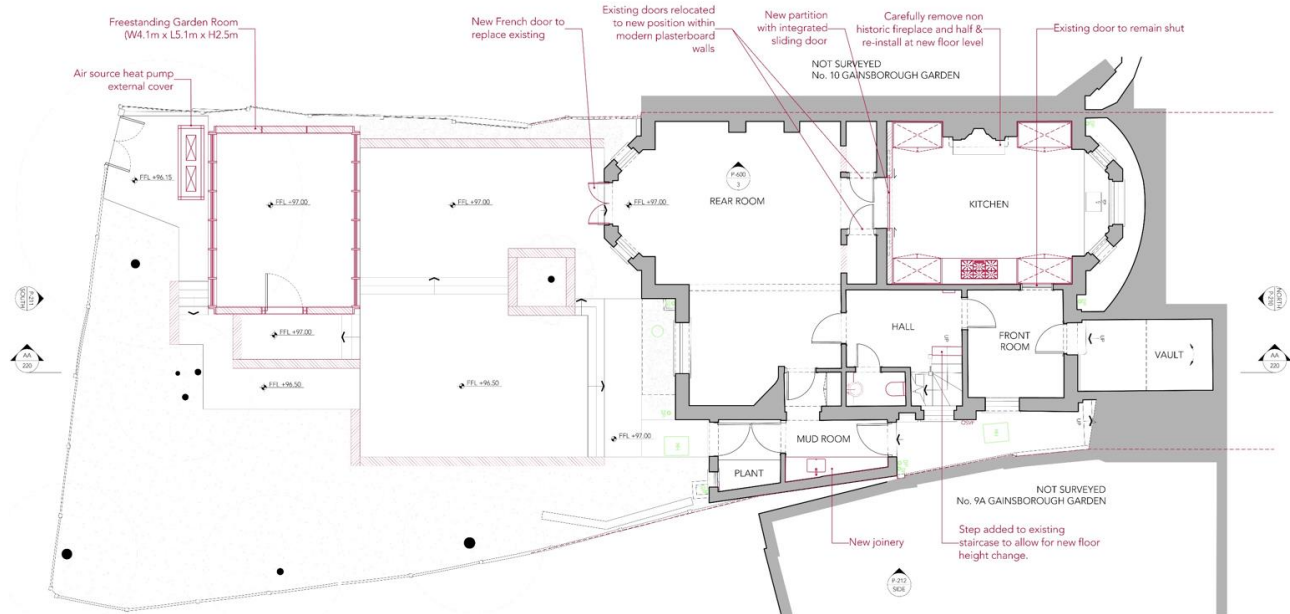
Scale of Harm	
Total Loss	Total removal of the significance of the designated heritage asset.
Substantial Harm	Serious harm that would drain away or vitiate the significance of the designated heritage asset
Less than Substantial Harm	High level harm that could be serious, but not so serious as to vitiate or drain away the significance of the designated heritage asset.
	Medium level harm, not necessarily serious to the significance of the designated heritage asset, but enough to be described as significant, noticeable, or material.
	Low level harm that does not seriously affect the significance of the designated heritage asset.

Heritage Collective, 2019

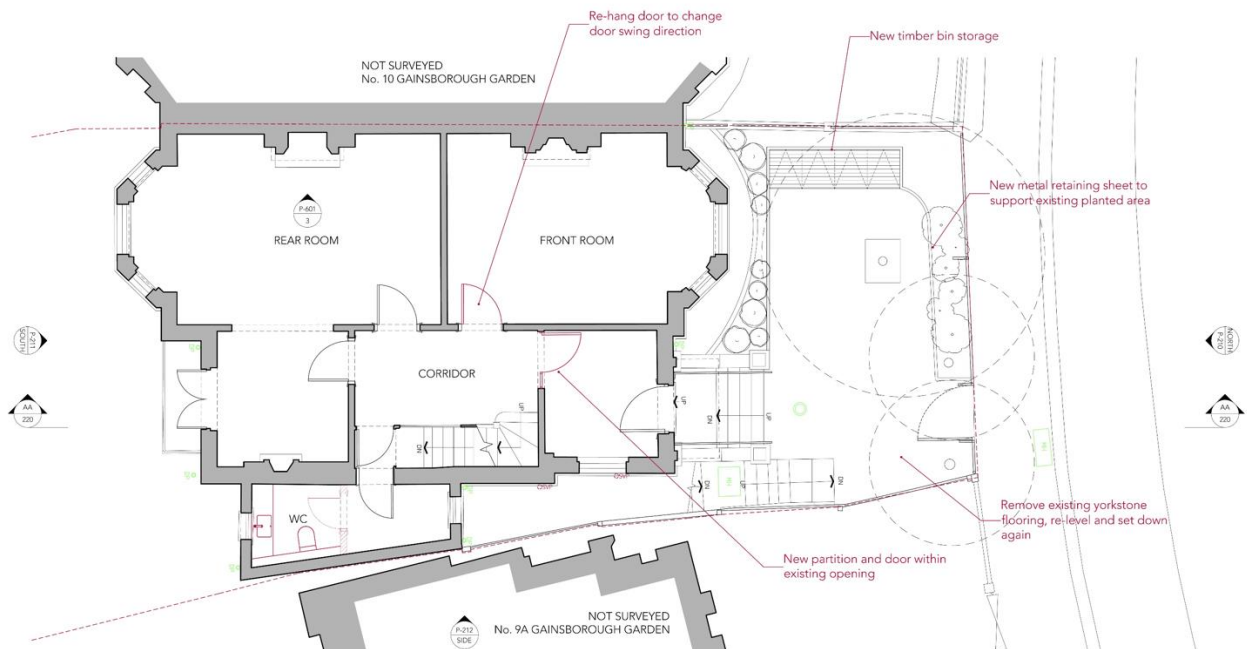
¹¹ See NPPG 2019. Section: 'How can the possibility of harm to a heritage asset be assessed?'. Paragraph 3, under this heading notes that '*within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated.*'

Appendix 2

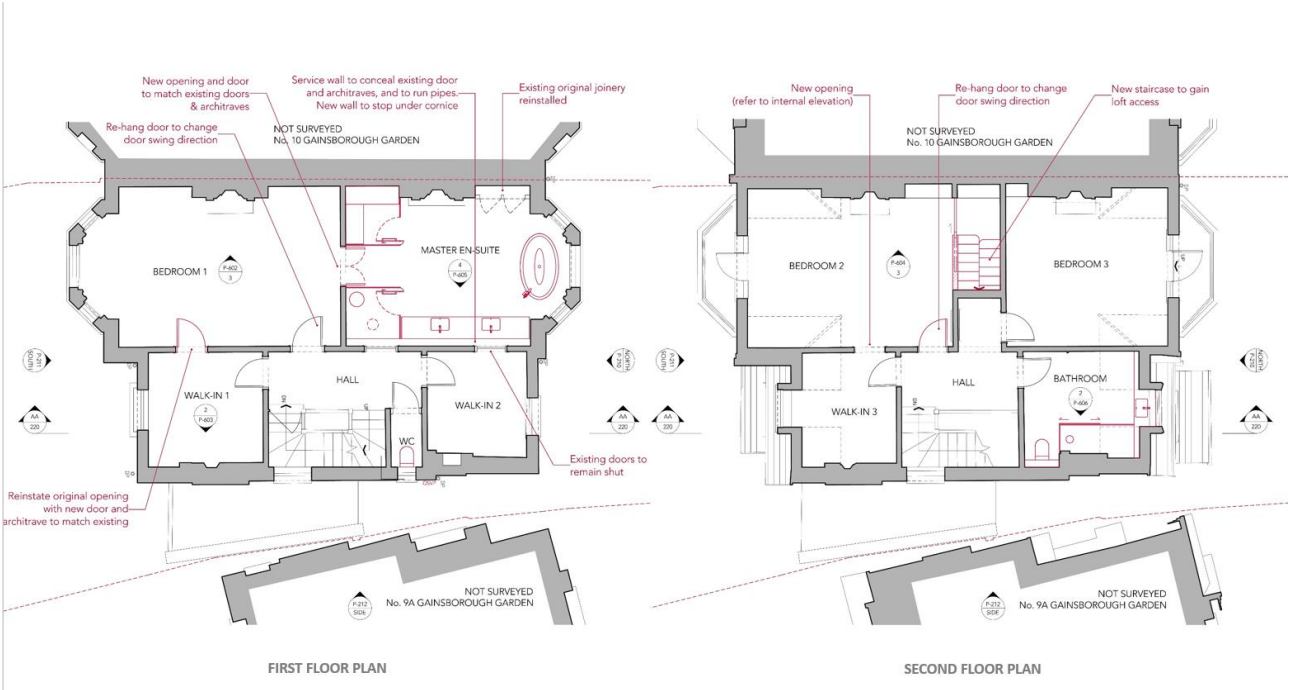
Proposed Scheme Details (TG Studio)



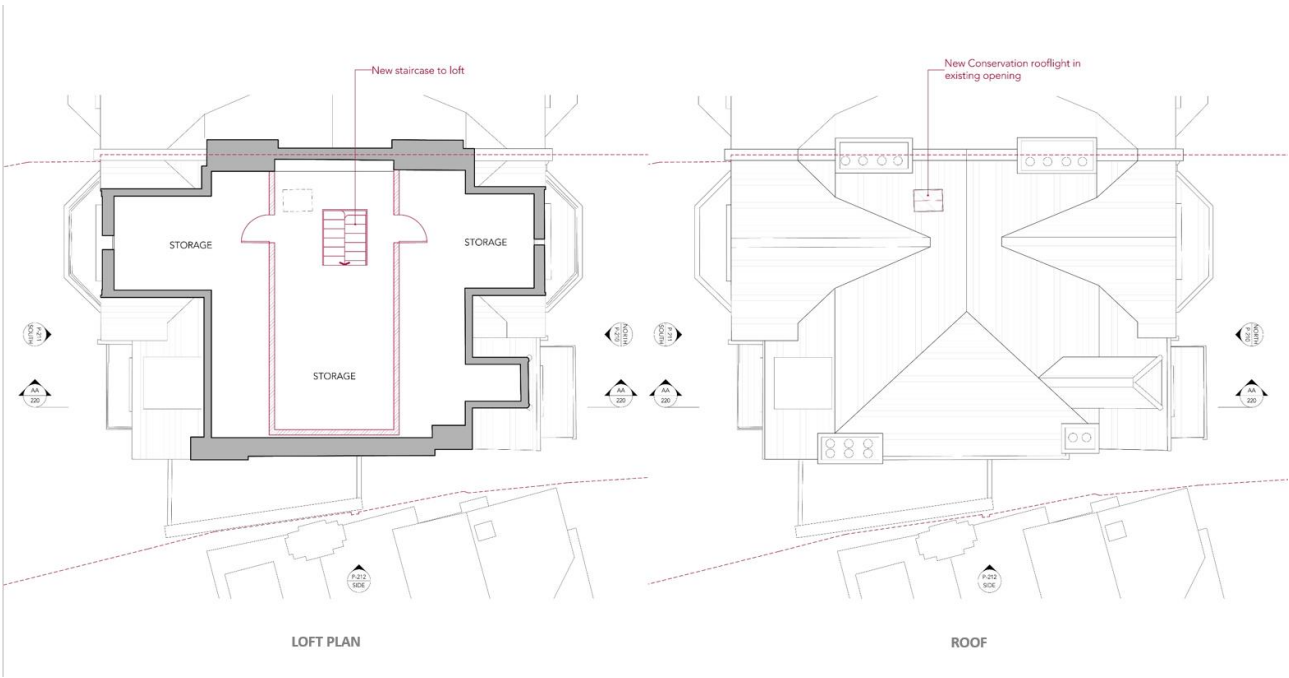
Proposed Lower Ground Floor



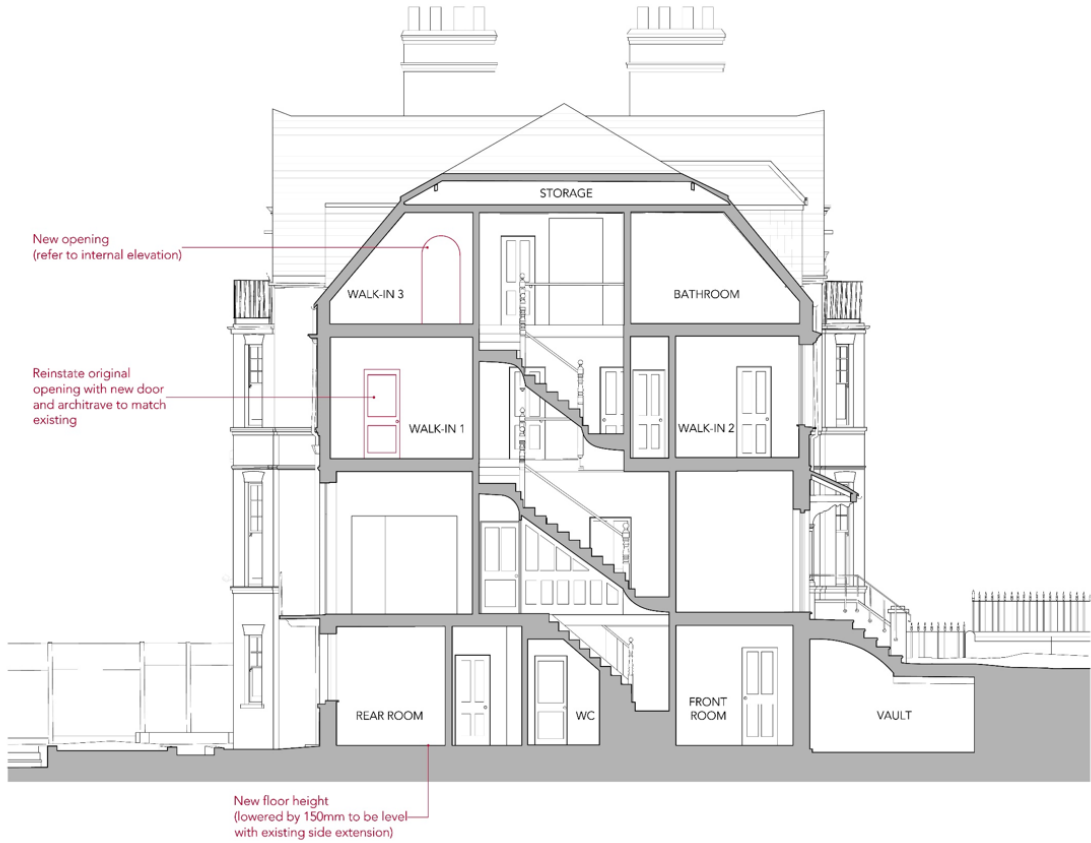
Proposed Ground Floor



Proposed First and Second Floor



Proposed Attic Level and Roof



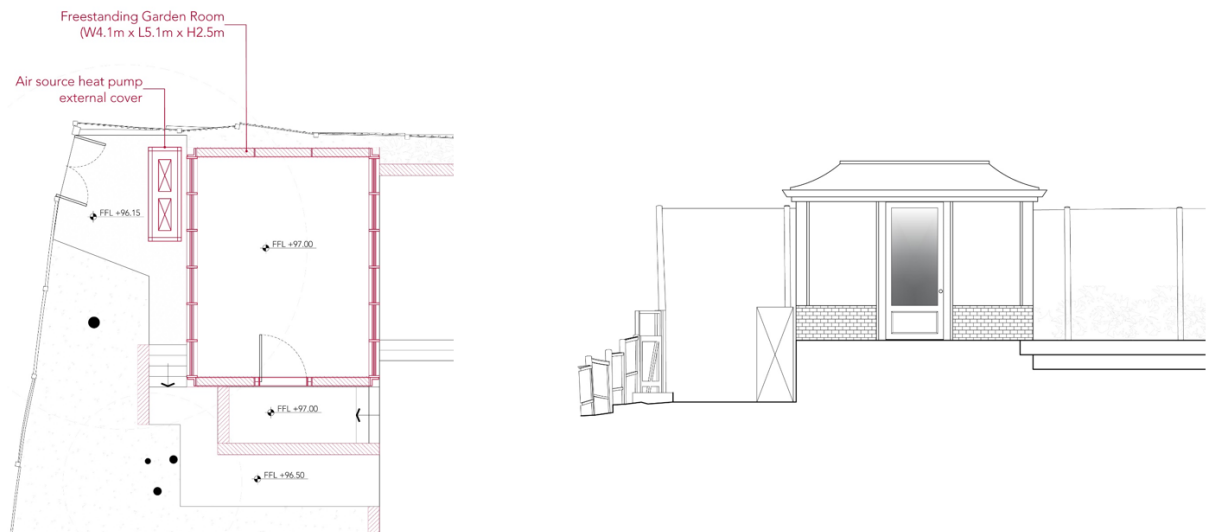
Proposed Section



Proposed Side elevation / section showing Garden Room



Proposed Rear Elevation



Proposed Garden Room

Appendix 3

Interior Photographs



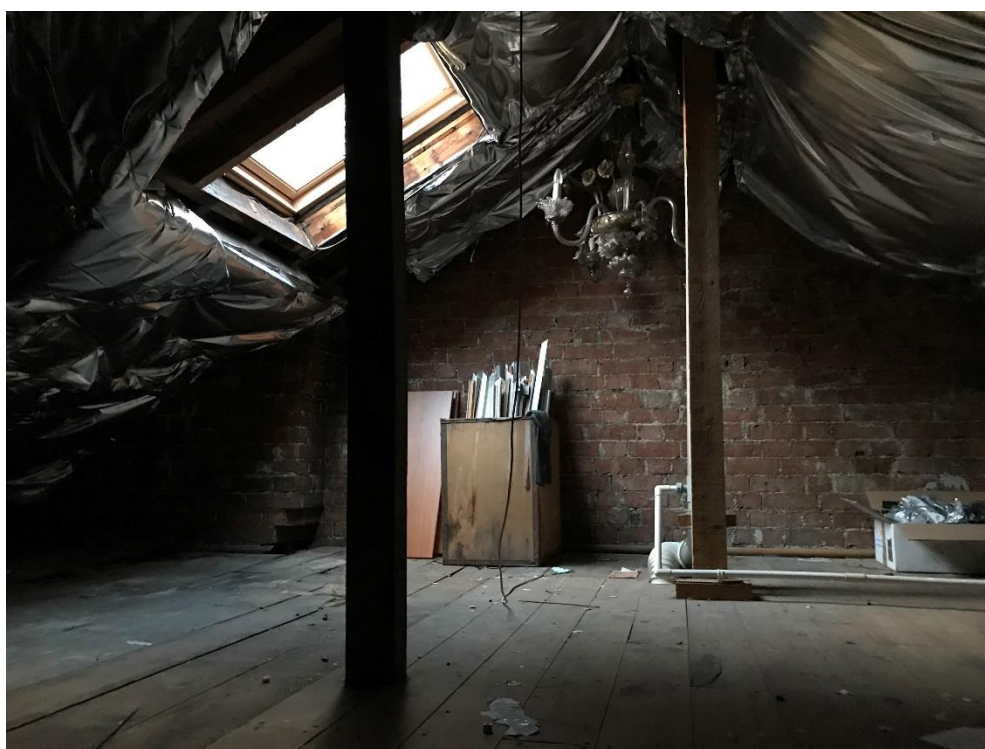
Rear reception room (ground)



Rear reception room (view east)



Front Reception room (ground)



Existing attic space



Second floor fireplace



First floor fireplace



Modern French doors to lower ground floor

Standard Sources

<https://maps.nls.uk>

<https://historicengland.org.uk/listing/the-list>

www.heritagegateway.org.uk

<http://magic.defra.gov.uk>

www.history.ac.uk/victoria-county-history

The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3 (Second Edition). Historic England (2017 edition)

Planning (Listed Buildings and Conservation Areas) Act, 1990

National Planning Policy Framework, 2019

National Planning Practice Guidance, 2019

Conservation Principles, Policies and Guidance, Historic England (2008)

Other Sources

Gainsborough Gardens Hampstead and the Estate of the Wells and Campden Trust. An account of their development with houses, 1875-1895, David A L Saunders, 1974.