

# VIABLE PLACEMAKING

Client: Ms Ruth Khaw

## **Heritage Statement**

19 Kingswear Road, London, NW5 1EU

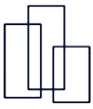
Reference: VP23541

Date: December 2023

[www.viableplacemaking.co.uk](http://www.viableplacemaking.co.uk)

© Copyright Viable Placemaking Ltd

The contents and findings of this document should not be copied or used, either partially or complete, for any purpose other than that which is stated within the document without written consent from Viable Placemaking.



## Contents

Contents.....	1
1. Introduction.....	2
2. Site and Development.....	3
Site Description.....	3
Site History.....	3
Proposed Development.....	3
3. Legislation and Policy.....	4
Legislation.....	4
National Policy Context.....	5
National Planning Practice Guidance.....	6
Historic England.....	7
London Plan.....	8
Local Development Plan.....	9
4. Heritage Assets.....	12
Designated Heritage Assets – Dartmouth Park Conservation Area.....	12
Article 4 Directions.....	15
Non-Designated Heritage Assets.....	15
5. Impact Assessment.....	16
Development Impact Assessment.....	16
High-Quality Design.....	19
6. Conclusion.....	21

## 1. Introduction

- 1.1. This Heritage Statement has been provided by Viable Placemaking on behalf of Ms Ruth Khaw in support of a planning application for a garden room, hardstanding, and garden bedding ('the development') at 19 Kingswear Road, London, NW5 1EU ('the site').
- 1.2. The purpose of this Heritage statement is to provide the Local Planning Authority (LPA), London Borough of Camden, with an opinion on the prospective impact of the development on the heritage assets. This statement should be read in conjunction with the relevant plans, statements, and supporting documents submitted with the planning application.
- 1.3. Section 2 of this Statement provides details of the existing site, the site's planning application history, and the proposed development.
- 1.4. Section 3 shall establish the relevant legislation as well as the national and local policies and guidance pertaining to the development proposals.
- 1.5. Section 4 establishes the Heritage Assets to be considered within this Heritage Statement. It sets out their importance, historic significance and provides a review of their context for the purposes of the Impact Assessment.
- 1.6. Section 5 provides a review of the proposed development, in the context of the relevant heritage assets, against the requirements and objectives of the relevant legislation and policy.
- 1.7. The findings of the Impact Assessment are summarised in Section 6, which provides a high-level summary of the impact of the proposed development on the heritage assets. Section 6 also provides conclusions and recommendations of this Heritage Statement to inform the decision maker of the development's acceptability from a heritage perspective.

## 2. Site and Development

### ***Site Description***

- 2.1. The site is located on the western side of Kingswear Road and currently occupies a residential property with a spacious garden accessed via the site of the property.
- 2.2. Dartmouth Park is located circa 300m due east of the site. The site is located within the Dartmouth Park Conservation Area.
- 2.3. No other heritage assets, other than the Conservation Area, are located at the site or in the locality such that they may be impacted by the development subject of this Heritage Statement.

### ***Site History***

- 2.4. There is no planning history available for the site on the LPA's public access planning application register.

### ***Proposed Development***

- 2.5. The proposed development is for the creation of a garden room, hardstanding, and garden bedding.

### 3. Legislation and Policy

3.1. This section of the Heritage Statement shall set out the relevant legislation as well as the national and local policy and guidance pertaining to the relevant heritage assets. It shall also establish the Government's object of supporting sustainable development.

#### **Legislation**

3.2. The primary legislation relating to Listed Buildings and Conservation Areas is set out within the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act').

3.3. Section 72 (1) of the Act enacts the decision maker's statutory duty in respect to protecting Conservation Areas. It states that "*in the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*"

3.4. The interpretation of the statutory duty for a LPA to give "*considerable importance and weight*" to the importance of a heritage asset is well established, and has been reasserted in the Court of Appeal judgement of *Barnwell Manor Wind Energy Ltd v East Northants DC, English Heritage and National Trust* [2014] EWCA Civ 137.

3.5. The assessment of harm is a matter of planning judgement; however, once the decision maker finds some harm to a heritage asset, the implications of Section 72 (1) is that the harm must be given considerable weight in the planning balance. Therefore, in assessing a scheme, the decision maker must first consider whether the proposed development has an impact on the heritage asset, if so, whether it harms the asset, and finally, if so, whether the benefits of the scheme sufficiently outweigh this harm.

### ***National Policy Context***

- 3.6. In December 2023, the Government published the most recent update of the National Planning Policy Framework ('the Framework'). This sets out the Governments overarching planning policies in England and how these are expected to be applied.
- 3.7. At the heart of the Framework is the "*presumption in favour of sustainable development*", set out at paragraph 11. This establishes, for decision-making, that development proposals that accord with an up-to-date development plan should be approved without delay. The Planning, Design and Access Statement which is submitted with the subject planning application shall comprehensively address the relevant planning policies pertaining to the subject development.
- 3.8. Chapter 16 of the Framework sets the relevant policies regarding Conserving and Enhancing the Historic Environment. Paragraph 195 establishes that heritage assets are an "*irreplaceable resource, and should be conserved in a manner appropriate to their significance*".
- 3.9. Paragraph 200 of the Framework states that LPAs should require an applicant to "*describe the significance of any heritage assets affected, including any contribution made by their setting.*" Moreover, it states that "*the level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance*". I.e. – the evaluation of a heritage asset within a planning application should be proportionate to the asset's importance and the prospective impact the proposed development may have on the asset. This Heritage Statement has been prepared in line with this guidance and is considered to appropriately address the relevant heritage assets in the context of the proposed development.

3.10. In addition, in determining planning applications, paragraph 203 of the Framework states that LPAs *should take account of:*

- a) *The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) *the desirability of new development making a positive contribution to local character and distinctiveness.*

3.11. Accordingly, the Framework recognises the need to clearly identify a heritage asset's significance at an early stage and to judge the impact of a development proposal in the context of that significance.

### ***National Planning Practice Guidance***

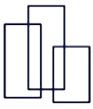
3.12. The national Planning Practice Guidance (PPG) was launched by the Government in 2014 and establishes the reasons why the significance of a heritage asset is important in decision making. It denotes that *"being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals"*<sup>1</sup>.

3.13. The PPG provides useful clarification regarding the meaning of the conservation and enhancement of the historic environment. It denotes that *"conservation is an active process of maintenance and managing change. It requires a flexible and thoughtful approach to get the best out of assets"*<sup>2</sup>.

---

<sup>1</sup> PPG, Historic Environment, Paragraph: 007, Reference ID: 18a-007-20190723

<sup>2</sup> PPG, Historic Environment, Paragraph: 002 Reference ID: 18a-002-20190723



3.14. The PPG also reaffirms the matters denoted at paragraph 197 of the Framework, regarding proportionate consideration by LPAs.

### ***Historic England***

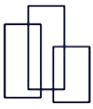
3.15. Historic England have published three Good Practice Advice (GPA) documents which provide useful guidance on plan-making, decision making, and other matters to encourage good decision making for proposals affecting heritage assets.

3.16. GPA 1 – The Historic Environment in Local Plans – and GPA 2 – Managing Significance in Decision Taking in the Historic Environment – provide information to assist LPAs, applicants, and other parties in implementing the historic environment policies set out within the NPPF and related guidance in the PPG. GPA2 denotes that *“these include: assessing the significance of heritage assets, using appropriate expertise, historic environment records, recording and furthering understanding, neglect and unauthorised works, marketing and design and distinctiveness.”*

3.17. GPA 3 – The Setting of Heritage Assets – sets out Historic England’s recommended high-level approach to assessing a development’s impact on a heritage asset, which is included below for clarity and completeness:

- Step 1: Identify which heritage assets and their settings are affected*
- Step 2: Assess the degree to which these settings make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated*
- Step 3: Assess the effects of the proposed development, whether beneficial or harmful, on that significance or on the ability to appreciate it*
- Step 4: Explore ways to maximise enhancement and avoid or minimise harm*
- Step 5: Make and document the decision and monitor outcomes*





- 3.18. In addition to the abovementioned GPAs, Historic England published a series of Historic England Advice Notes (HEANs) which set out detailed, practical advice on how to implement national planning policy and guidance.
- 3.19. As a crucial starting point, HEAN 1 – Conservation Area Appraisal, Designation and Management – denotes that *“change is inevitable, and often beneficial”*.
- 3.20. In addition to the above, HEAN 2 – Making Changes to Heritage Assets – states that *“the main issues to consider in proposals for additions to heritage assets, including new development in conservation areas, aside from NPPF requirements such as social and economic activity and sustainability, are proportion, height, massing, bulk, use of materials, durability and adaptability, use, enclosure, relationship with adjacent assets and definition of spaces and streets, alignment, active frontages, permeability and treatment of setting”*.

### **London Plan**

- 3.21. The site falls within the Greater London Authority Area and is, therefore, subject to the London Plan, a statutory spatial development strategy for Greater London prepared by the Mayor of London in accordance with The London Authority Act 1999 (as amended).
- 3.22. The London Plan 2021 emphasises the importance of conserving and enhancing the historic environment, which is carried down from the abovementioned national policy and guidance.
- 3.23. Policy HCl denotes that *“development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets’ significance and appreciation within their surroundings”*.

### ***Local Development Plan***

3.24. The primary document in the Council's adopted local development plan is the Camden Local Plan, which was adopted on 3 July 2017 (the "Local Plan"). While it is acknowledged that this report is dated by comparison to the London Plan and the Framework, we shall continue to consider it unless it has been superseded by more recent policy, in line with planning case law and guidance.

3.25. Policy D1 of the Local Plan states that the Council will seek to secure high quality design which respects local context and character and which preserves or enhances the historic environment and heritage assets.

3.26. Policy D2 pertains specifically to heritage and reaffirms the abovementioned principles to protect, preserve, and enhance heritage assets and their settings, including conservation areas.

3.27. The policy denotes that the Council will not permit the loss or substantial harm to a heritage asset and the proposal shall be evaluated against the benefits.

3.28. With specific regard to Conservation Areas, Policy D2 states that *"in order to maintain the character of Camden's conservation areas, the Council will take account of conservation area statements, appraisals and management strategies when assessing applications within conservation areas.*

*The Council will:*

*e. require that development within conservation areas preserves or, where possible, enhances the character or appearance of the area;*

*f. resist the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area;*

*g. resist development outside of a conservation area that causes harm to the character or appearance of that conservation area; and*

*h. preserve trees and garden spaces which contribute to the character and appearance of a conservation area or which provide a setting for Camden's architectural heritage.*

3.29. Additionally, the site is located within the Dartmouth Park Neighbourhood Plan Area and is, therefore, subject to the Neighbourhood Plan, which was adopted on 2 March 2020.

3.30. Policy DC1 of the Neighbourhood Plan seeks to enhance the sense of place and balance the built and natural environment in the area.

3.31. Policy DC2 pertains specifically to the preservation or enhancement of the character of the Dartmouth Park Conservation Area. This should be read in conjunction with the Conservation Appraisal, which is considered in the next Section of this Heritage Statement.

3.32. Policy DC3 seeks to ensure all developments demonstrate good quality design which remains in keeping with the character of the area through its scale, mass, density, choice of materials and overall appearance, in line with Policy D1 of the Local Plan. This includes consideration for any heritage features of the Conservation Area, as per paragraph 3.34 within the justification for Policy DC3.

3.33. Finally, Policy DC4 of the Neighbourhood Plan seeks to support proposals for small residential developments where these respect the character of the area and amenity of neighbouring properties.

3.34. The policy states specifically at paragraph DC4(g) that development should be supported where the development *"in the case of developments in back gardens, relates to the domestic use of the existing property (e.g. sheds,*

*conservatories and greenhouses) and does not occupy an excessive part of the garden or result in the loss of garden space which contributes to the character of the local area.”*

3.35. Thus, it is considered that Local Plan and Neighbourhood Plan are broadly in accordance with the London Plan and the Framework. These shall all be considered within the Impact Assessment at Section 5 of this Heritage Statement.

## 4. Heritage Assets

### ***Designated Heritage Assets – Dartmouth Park Conservation Area***

4.1. As denoted above, the site falls within the Dartmouth Park Conservation Area. This Conservation Area is a designated heritage asset and, therefore, is given significant weight within the determination process, in line with paragraph 202 of the Framework.

4.2. The Conservation Area was first designated on 4 February 1992 and has evolved in the subsequent years. An extract of the area from the Council's Dartmouth Park Conservation Area map is included below:

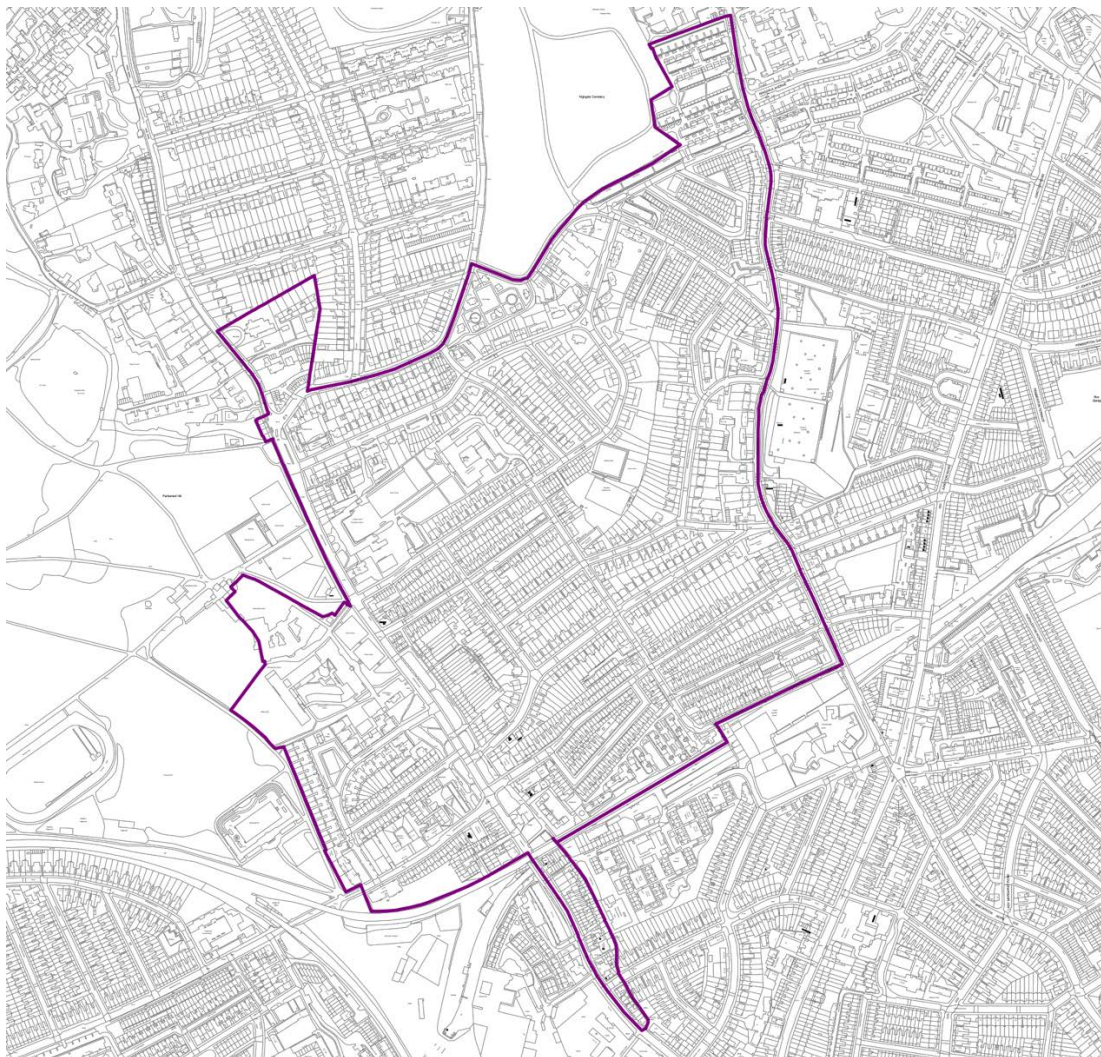
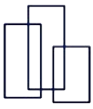
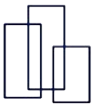


Image 1: Conservation Area map  
(Extracted from Council website)



- 4.3. On 22 January 2009, the Council adopted the Dartmouth Park Conservation Area Appraisal and Management Statement, which comprehensively considered the importance of this designated heritage asset and how development will be considered, managed, and determined to ensure the preservation and or enhancement of the Conservation Area.
- 4.4. It is noted, that the Conservation Area Appraisal and Management Statement prefaces, at paragraph 1.4, that *“it is important to note that whilst the appraisal seeks to provide a summary of the special interest and character and appearance of the conservation area, it would be impossible to identify all of the detailed characteristics and appearance of every street and area or highlight every facet that contributes to the area’s special interest. Accordingly, future development proposals must be considered in the context of this character appraisal and a thorough assessment at the time of the specific character and appearance of that part of the conservation area.”*
- 4.5. The Conservation Area lies below the highlands of Hampstead and Highgate and Parliament Hill on land falling towards the River Thames. The Conservation Area is predominantly defined by two important local roads – Highgate Road on the western edge and Dartmouth Park Hill, to the east of the site.
- 4.6. The Conservation Area has a variety of architectural styles from the late 18<sup>th</sup> century to present day. The majority of the area is in residential use, and this is true of Kingswear Road, where the site is located.
- 4.7. The Conservation Area’s growth and evolution largely mirrors with that of the expansion and growth of London, both geographically and also in the increase in population.



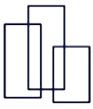
4.8. The Conservation Area has been divided into ten sub-areas. The subject site is located in sub-area 6, The Brookfield Estate, which is an area of flats and many two-storey, cottage-style maisonettes designed to look like a garden suburb.

4.9. The layout of the roads and overall character of the area has a rural feel which is emphasised by the hedges and trees which populate the area.

4.10. The style of many of the properties includes red-brick two storey blocks with the upper floor painted white and brown roof-tiles, as per the below image of a neighbouring property on Kingswear Road. This is complimented by oak and wooden detailing, included front gates and garden details.



Image 2: Dwelling in the site locality  
Source: Viable Placemaking Site Visit



- 4.11. The Conservation Area Appraisal and Management Statement recognises that due to the layout of the estate and the large gaps between buildings there many views through to the rear gardens. However, this is not a concern for the proposed development. Additionally, none of the ‘negative features’ noted within this report are considered to apply to the subject development.
- 4.12. New development in the Conservation Area should be of a high quality design, appropriate scale and form and utilise materials which are in keeping with the character of the area. This includes minor developments, such as the subject scheme, to ensure the character of the conservation area is preserved or enhanced.
- 4.13. The Management Statement denotes, with regard to gardens and front boundary treatment, that *“front and rear gardens within the residential streets make an important contribution to the streetscape and character of the residential area. The Council will resist the loss of soft landscaping and original boundary walls and railings”*. This is considered to have limited application to the proposed development as this is for a garden room.

#### **Article 4 Directions**

- 4.14. While an Article 4 Direction is present within the Conservation Area, this pertains to 33 York Rise regarding the painted sign on the north flank wall and is, therefore, not applicable to the subject development.

#### **Non-Designated Heritage Assets**

- 4.15. No non-designated heritage assets have been considered within this Heritage Statement.



## 5. Impact Assessment

5.1. This section shall assess the potential impact of the subject development in order to ascertain whether the subject application would have an unacceptable impact on the Conservation, in the context of the above policy.

### ***Development Impact Assessment***

5.2. Viable Placemaking conducted a site visit in December 2023 in order to understand the development and the prospective impact on the character of the area, in the context of the wider Conservation Area.

5.3. We acknowledge that, as per the Planning Design and Access Statement submitted with this application, that the development is part-retrospective as some of the work on the hardstanding has been prepared, per the below image. Notwithstanding, Viable Placemaking will consider the impact of the entire proposed development on the heritage asset.



Image 3: Partially Installed Hardstanding  
Source: Viable Placemaking Site Visit

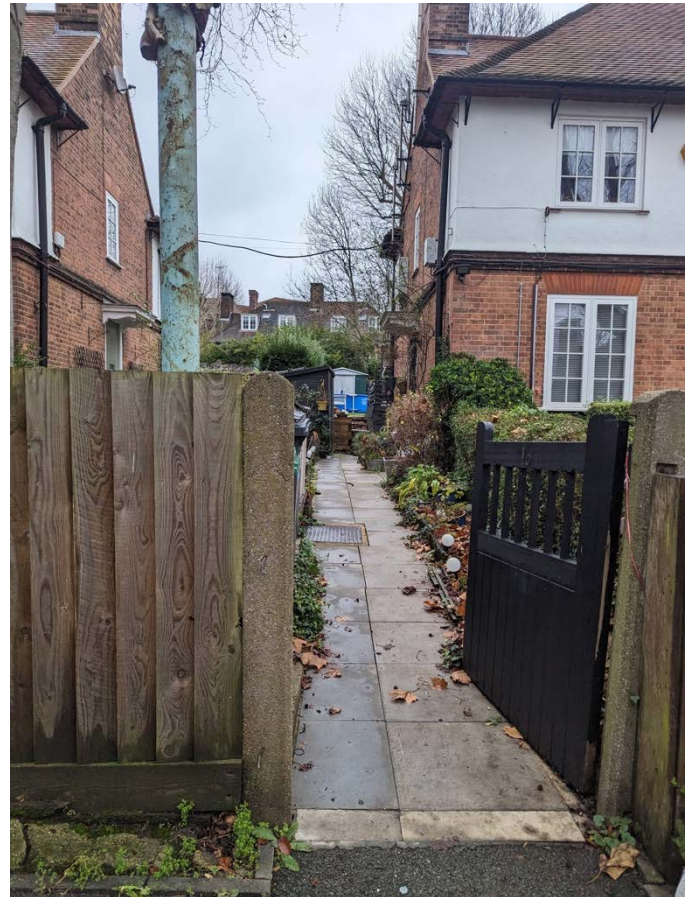
5.4. Firstly, it is asserted that many properties in the site locality have small wooden and clad buildings in their gardens and curtilage. This addition of a small ancillary building to the main dwellinghouse is entirely normal within the site locality, both on Kingswear Road and in the surrounding streets within the Conservation Area, per the below images.



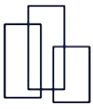
Images 4 – 5: Buildings in Gardens on Kingswear Road

Source: Viable Placemaking Site Visit

- 5.5. Accordingly, garden buildings which are not detrimental to the character of the area are considered to be acceptable in the setting of the Conservation Area.
- 5.6. It is considered the proposed garden room is of a high quality design and is, therefore, acceptable in terms of its impact on the character of the Conservation Area.
- 5.7. Additionally, it is highlighted that multiple properties in the site vicinity have also installed hardstanding in their front and rear gardens.



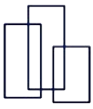
Images 6 – 7: Hardstanding  
Source: Viable Placemaking Site Visit



- 5.8. Accordingly, hardstanding, which does not clearly contrast with the character of the host dwelling or character of the area is not considered to be unacceptable from a heritage perspective.
- 5.9. It is considered the hardstanding subject of this development is of a high quality design and is, therefore, acceptable in terms of its impact on the character of the Conservation Area.
- 5.10. Finally, it is asserted the garden bedding shall not have any impact on the Conservation Area.
- 5.11. It is considered that the proposed development provides a positive contribution to the character and appearance of the subject site and that of the Conservation Area.
- 5.12. This Heritage Statement has reviewed the proposed development in the context of the relevant policies and legislation. This includes, but is not limited to, Chapter 16 of the Framework, London Plan Policy HC1, Local Plan policies D1 and D2, and policies DC1, DC2, DC3 and DC4 of the Neighbourhood Plan. In this context, the proposed development is considered to be acceptable.

### ***High-Quality Design***

- 5.13. The specific acceptability of the development in line with the relevant policies on general character of the area and amenity, as opposed to Heritage, shall be addressed within the Planning, Design and Access Statement, as is appropriate for a planning application.
- 5.14. Notwithstanding the above, it is considered that the subject development is of high-quality design, in line with the aims of the Local Plan, London Plan, and Chapter 12 of the Framework.



5.15. Additionally, the proposed development is set back from Kingswear Road in such a way that it certainly does not have a detrimental impact on the character of the area or that of the Dartmouth Park Conservation Area.

5.16. Accordingly, the high-quality appearance of the development should be considered by the LPA within their determination of the process. It is asserted that the high-quality design and improvements to the enjoyment dwelling as a result of the development are a benefit to the existing and prospective future occupants.

## 6. Conclusion

- 6.1. This Heritage Statement has been prepared to accompany a planning application for a garden room, hardstanding, and garden bedding at the site. This should be read alongside the Planning, Design and Access Statement to which it accompanies, which shall comprehensively evaluate the principle of development and other material considerations pertaining to this scheme.
- 6.2. The prospective impacts of the development have been reviewed in line with the relevant legislation, national policy and guidance as well as the policies of the London Plan and local Development Plan.
- 6.3. This Heritage Statement has sought to ascertain the acceptability of the impact of the proposed development on the Dartmouth Park Conservation Area.
- 6.4. The Impact Assessment at Section 5 of this Statement concluded that while the development does have an impact on the setting of the Conservation Area, it is not considered to be unacceptable in the wider context of the character of the Conservation Area.
- 6.5. Accordingly, the development would preserve the character and appearance of the Conservation Area, in accordance with the requirements of the Framework, the London Plan, and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.