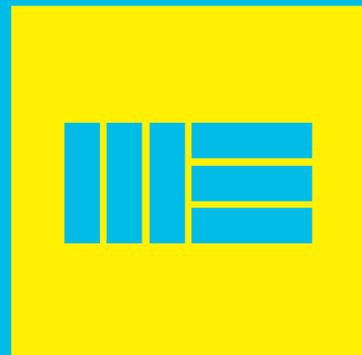


# HERITAGE, TOWNSCAPE AND VISUAL IMPACT ASSESSMENT

**39A FITZJOHN'S AVENUE & LAND ADJACENT TO 46 MARESFIELD GARDENS, NW3**

**FEBRUARY 2024**



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**Written by: XXXX**

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# 1.0 INTRODUCTION

**39A FITZJOHN'S AVENUE & LAND ADJACENT TO 46 MARESFIELD GARDENS, NW3**

# INTRODUCTION

1.1 Montagu Evans have been instructed by 39 Fitzjohn's Avenue Ltd (the 'Applicant') to provide consultancy services and produce this Heritage, Townscape and Visual Impact Assessment (the 'HTVIA') in support of an application for 'Full Planning Permission & Demolition in a Conservation Area' for the redevelopment of 39a Fitzjohn's Avenue and the development of 'Land adjacent to 46 Maresfield Gardens', NW3 ('the Site').

## THE SITE

1.2 The Site is located within the London Borough of Camden (hereafter referred to as 'LB Camden'), which is the planning authority.

1.3 The Site comprises land that historically formed part of the wider plot belonging to 39 Fitzjohn's Avenue. This Site constitutes 65% of a broader masterplan (the "Wider Site") that also includes land of 39 Fitzjohn's Avenue and is delineated by Fitzjohn's Avenue to the east, Maresfield Gardens to the west, Nutley Terrace to the south, and adjacent residential plots to the north.

1.4 For the avoidance of doubt, the development of 39 Fitzjohn's Avenue does not form part of this application and benefits from an extant planning permission will be dealt with via a separate planning process.

1.5 The Application Site measures an area of approximately 0.40ha, and extends between Fitzjohn's Avenue and Maresfield Gardens. The only built development on the Application Site is 39a Fitzjohn's Avenue, a post-war residential building erected as an extension to No.39. The remainder of the Site comprises a swathe of vacant, neglected land consisting of a dense mix of scrubland and vegetation, mature self-propagated trees, hardstanding, and irregular boundary treatments.

1.6 The Site is described in more detail within the Design and Access Statement prepared by Sergison Bates Architects and the Planning Statement by Montagu Evans. **Figure 1.1** outlines the boundary of the Site. An aerial view of the Site is provided at **Figure 1.2**.

1.7 The Site does not contain any statutorily listed buildings but is located within the Fitzjohn's/Netherhall Conservation Area. There are also several designated heritage assets in the vicinity. Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act') will therefore be engaged by the Proposed Development.



Figure 1.1 Site Plan.



Figure 1.2 Aerial View. Source: Google (base map)

## THE PROPOSED DEVELOPMENT

1.8 A description of the proposals (the 'Proposed Development') may be summarised as:

*"Substantial demolition and redevelopment of 39a Fitzjohn's Avenue and the development of Land at Maresfield Gardens to provide residential (Class C3) accommodation, alongside hard and soft landscaping works, boundary treatment works, and other associated works."*

1.9 The Proposed Development is described in detail with the Design and Access Statement prepared by Sergison Bates Architects.

1.10 In summary, the parts of the Proposals that are relevant to this assessment are:

- The optimisation of a brownfield site within the Fitzjohn's/Netherhall Conservation Area to provide modern residential accommodation;
- Substantial redevelopment of 39a Fitzjohn's Avenue to provide a four-storey (plus basement) residential building;
- Erection of a contemporary five-storey (plus basement) residential building on the undeveloped land adjacent to Maresfield Gardens;
- Delivery of a landscape strategy across the Site, including a mix of hard and soft landscaping elements;
- Improvements to boundary treatments enclosing the Site.

## PRE-APPLICATION CONSULTATION

1.11 The NPPF recognises at Paragraph 39 that:

*'Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre application discussion enables better coordination between public and private resources and improved outcomes for the community.'*

1.12 The proposals are the result of close consultation during design development between the Applicant's design team and LB Camden.

1.13 In essence, the Proposed Development has sought to respond to the feedback received throughout the design development process from both the Council and the Council's Design Review Panel. This has included refinements to the height, scale, and massing of the proposed development to be more sensitive to the local townscape and heritage receptors.

## PURPOSE OF THE REPORT

- 1.14 The purpose of the HTVIA is to provide an assessment of the impact of the Proposed Development on heritage, townscape and visual receptors.

## BUILT HERITAGE

- 1.15 The Site is located within the Fitzjohn's/Netherhall Conservation Area. There is, therefore, the potential for the Proposed Development to have a direct impact on the character and appearance of the Conservation Area. The heritage assessment will consider, primarily, whether the Proposed Development will preserve or enhance the significance of the CA.
- 1.16 In its current form, the green character of the Site makes a minor positive contribution to the wider verdancy of the CA. However, the existing vegetation is not managed positively as part of any scheme and much of it is self-propagated.
- 1.17 The nearest listed buildings located at 48 Maresfield Gardens and St Mary's School on Fitzjohn's Avenue, approximately c.25 metres north of the Site. Additional listed buildings are located within a 250m radius of the Site. There is the potential for visual changes to the settings of these identified heritage assets. The heritage assessment will consider if these visual impacts may affect the ability to understand and appreciate the heritage significance of these buildings as well as any potential impacts on the contribution of setting to significance.

## TOWNSCAPE

- 1.18 The surrounding townscape of the Site is primarily residential with commercial uses located on Finchley Road to the west. The Site is located within a historic inner-London suburban area. The local townscape is defined by a series of suburban blocks laid out on a regular grid of streets. The Site is positioned on the end of the urban block and is bounded by three roads, Fitzjohn's Avenue to its east; Nutley Terrace to its south; and Maresfield Gardens to its west. Fitzjohn's Avenue forms the main north-south spine through the immediate townscape, while Nutley Terrace and Maresfield Gardens are secondary routes.
- 1.19 In its current form, the Site makes a neutral contribution to the built form of the townscape owing to the extent of vacant, underutilised land and poor quality of extant development. At present, the Site provides an unsatisfactory termination to the suburban block and has a limited

relationship with the surrounding streetscape. As discussed above, the green edges of the Site make a minor positive contribution to the verdant landscape infrastructure of the townscape. The proposals are accompanied by a comprehensive landscape scheme, and a management plan agreed with the Council in due course will ensure the maintenance of retained and new planting for the lifetime of the development.

- 1.20 What about green character, contributing to the verdancy of the CA. To note, however, that this is not managed positively as part of any scheme and much of the vegetation is self set. The proposals we shojld note here are accompanied by a comprehensive landscape scheme and a management plan agreed with the Council in due course will ensure the maintenance of retained and new planting for the lifetime of the development. So I wojld say the site must make some positive contribution to the CA by reason of green edges.

- 1.21 The Site includes one of the view vacant plots within this area, and the Proposed Development represents a significant investment to unlock its potential through the provision of high-quality contemporary housing within this established residential enclave.

## VISUAL IMPACT ASSESSMENT

- 1.22 The introduction of new six-storey building on previously undeveloped land adjacent to Maresfield Gardens has been subject to a Visual Impact Assessment to test the impact of this aspect of the Proposed Development on visual amenity.
- 1.23 This aspect of the Proposed Development has undergone various phases of testing in these views, particularly in regard to massing and building heights. Seven viewpoints have been chosen to represent the likely visual impact upon receptors, namely residents and road users, moving through the area. The visual impact assessment considers how people undertaking various activities with differing familiarity of the area would appreciate changes to visual amenity in the area. The views have been presented to LB Camden at pre application stage and the Proposed Development has been shaped, where necessary, around potential impacts to visual amenity. The assessment also considers how the visual impact of the Proposed Development would be affected by the implementation of the consented proposals at 39 Fitzjohn's Avenue.

- 1.24 The proposals for 39a Fitzjohn's Avenue have been devised separately and is not of sufficient scale to result in a material change to existing visual amenity. This aspect of the Proposed Development has not, therefore, been included in the Visual Impact Assessment chapter. It is felt that the visual effect of the proposals for 39a Fitzjohn's Avenue is adequately covered with regard to its impact on heritage and townscape receptors.

## STRUCTURE OF THE HTVIA

- 1.25 The methodology for undertaking the HTVIA is provided at **Section 2.o**.
- 1.26 Legislation, planning policy and guidance relevant to the assessment of likely effects on heritage, townscape and visual receptors is set out at **Section 3.o**.
- 1.27 A description of the historical development of the Site and surrounding area is provided at **Section 4.o**.
- 1.28 An assessment of the significance of heritage assets which have been identified for assessment is provided at **Section 5.o**.
- 1.29 A description of the existing townscape character is provided at **Section 6.o**.
- 1.30 A description of existing visual amenity is provided at **section 7.o**.
- 1.31 **Section 8.o** provides a description of the Proposed Development as it relates to the assessment sections for heritage, townscape and visual amenity.
- 1.32 **Section 9.o** assesses of the impact of the Proposed Development on the significance of relevant heritage assets.
- 1.33 **Section 10.o** assesses the impact of the Proposed Development on townscape character.
- 1.34 The visual impact assessment is provided in **Section 11.o**.
- 1.35 The HTVIA is concluded in **Section 12.o**.

# 2.0 METHODOLOGY

**39A FITZJOHN'S AVENUE & LAND ADJACENT TO 46 MARESFIELD GARDENS, NW3**

# METHODOLOGY

2.1 This section describes the framework for heritage assessment, and townscape and visual assessment. The method for each discipline is the product of legislation, policy and best practice guidance set out in **Section 4.0**. The assessment is proportionate and no longer than is necessary to assess properly the potential likely significant effects of the Proposed Development. All impacts deemed relevant or material to planning are identified and the consequent effects appraised.

2.2 Throughout this analysis, and across all disciplines, the reader will be presented with the words impact and effect. 'Impact' is defined as the action being taken, and 'effect' is the change resulting from the action. The overall effect is also given a nature of effect (beneficial, adverse or neutral). There is no direct correlation between magnitude of impact and nature of effect, since change is by definition not necessarily adverse or beneficial. Similarly, and dependent on context, one can have a high magnitude of impact which is neutral in effect, which may strike some readers as peculiar or perverse. For example, however, it is possible for a major change to be so similar to others that have occurred and are anticipated that practically speaking it is neither beneficial or detrimental to the value of the receiving receptor (and hence is neutral).

## SITE VISIT

2.3 A site survey of the baseline situation was undertaken by Montagu Evans during June 2023 to understand the immediate setting of the Site and to identify the townscape character and appearance.

## STUDY AREA

2.4 The study area comprises:

- All heritage receptors (250m radius);
- Townscape character areas (250m radius);
- Visual receptors (250m radius).

2.5 The maps within the respective baseline sections identify all of the receptors identified in the study area.

2.6 Site observations, a manual desk-based review of OS maps, characterisation studies and relevant heritage receptors were used to determine the study area. It has been informed by building locations and heights, topography and townscape features, and an understanding of the scale of the Proposed Development.

2.7 A Zone of Theoretical Visibility (ZTV) has been produced to outline the potential areas where the Proposed Development may be visible, up to a 5km distance from the Site (**Figure 2.1**). The ZTV has been produced using topographically referenced three-dimensional models from VuCity software. It is a tool for a high-level understanding of the extent of visibility, which was further interrogated through review of individual viewpoints using field surveys and digital software.

2.8 This is a bare earth assessment as required by the Landscape Institute Guidelines and done to test maximum theoretical visibility. The actual visual envelope within which the building will be perceptible or noticeable is more limited due to trees and orientation of the sight lines. Views from private land, i.e. gardens, are not assessed in line with guidance.

## ACCURATE VISUAL REPRESENTATIONS AND VISUAL AIDS

2.9 The assessment of each discipline is informed by AVRs. The location of the viewpoints has been agreed with the Council during the pre-application process.

2.10 The AVRs are provided in the following scenarios:

- Existing = baseline photography
- Proposed = Existing plus the Proposed Development

2.11 The AVRs are independently prepared by Rockhunter according to an industry standard method provided at **Appendix 2.0**. The variables include angle of lens, framing of shot and orientation. TGN 06/19 Visual Representation of Development Proposals Technical Guidance Note (2019) prepared by Landscape Institute recommend one set of considerations, but these are not universally applied and are not suited often to certain urban environments because the angle of lens, 50 degrees, often eliminates context in close and medium-distance shots.

2.12 AVRs are merely tools of assessment, to be applied on site, and to act as aide memoires afterwards. They do not represent visual perception.

The objective of an AVR is to simulate the likely visual changes that would result from a proposed development. AVRs are two-dimensional and cannot capture the complexity of the visual experience. It is an approximation of the three-dimensional visual experience the observer would receive on site. Neither do they capture transient significant effects arising from noise or traffic on perception, or that wider range of expectations and associations that anyone in an urban scene may have.

2.13 Artists' impressions based on geometrically accurate information (models) or characteristics of computer-generated images (CGIs) may sometimes be used. Whilst not independently verified, these can be very helpful in establishing and assessing the way a proposal will affect its immediate environment (to take one example only) and/or convey particular characteristics of development. This is because the AVR methodology is generally less helpful for assessing up close effects or, for example, in capturing the interaction of new landscape with buildings.

2.14 The qualitative text accompanying the visual assessment seeks to contextualise the views. Inevitably one must accept that professional judgement is involved in this specialist area on the basis of the above and the importance of design quality in the operation of policy. A visit to the location from which the photographs were taken is required to appreciate and understand the visual impact.

2.15 Changes to visual amenity should not be judged in relation to static views (which are abstractions and not real) but in relation to the overall experience of an area and dependent upon the particular experiences and expectations of different receptors. The modelled viewpoints are often selected to show schemes at their maximum impact and not capture their typical impact in a receiving area or location. The impact assessment considers both the particular impact illustrated and the overall impact to come to a net assessment which more accurately reflects the overall experience than a single view.

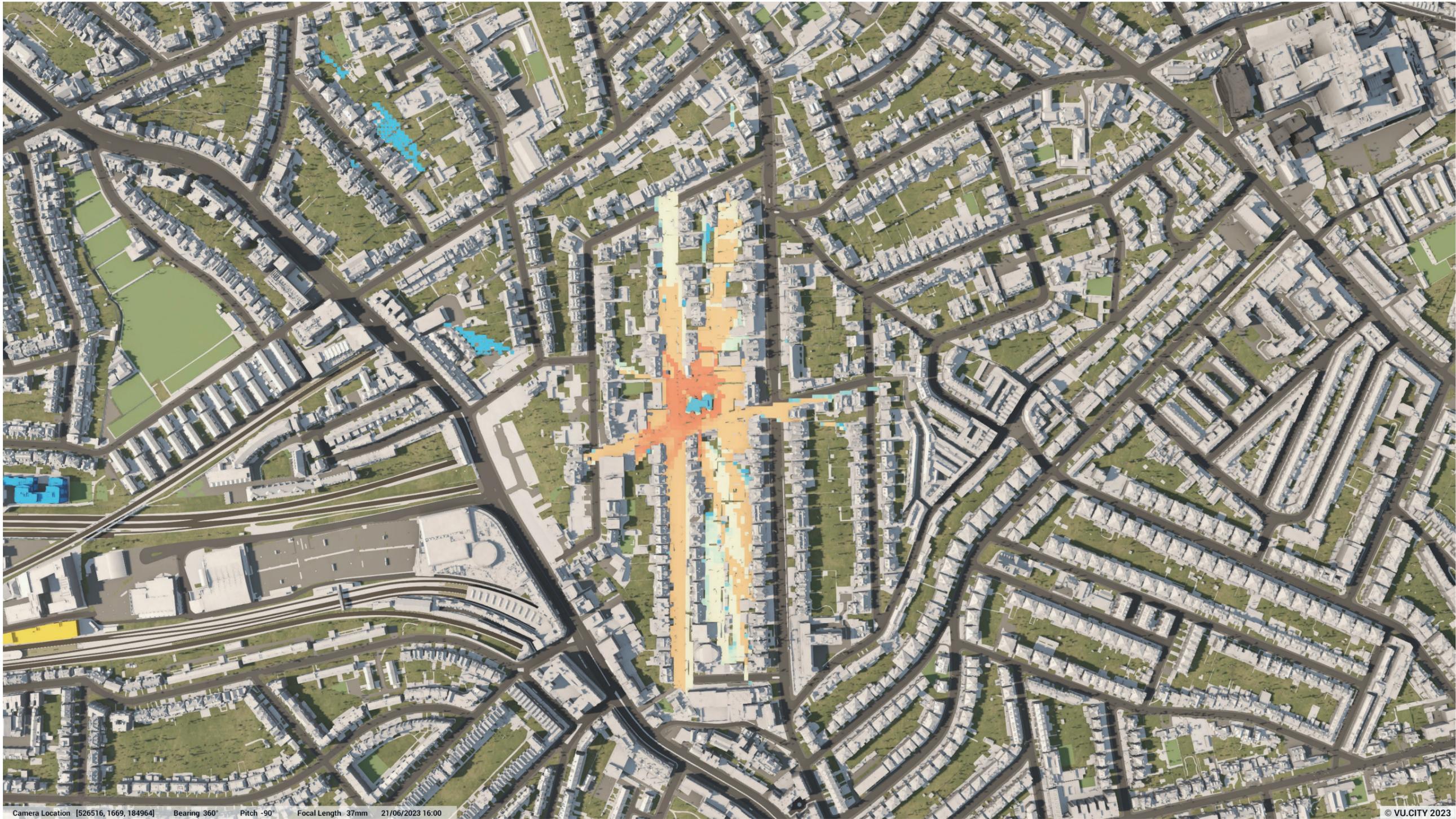


Figure 2.1 ZTV of the Proposed Development on land adjacent to 46 Maresfield Gardens prepared using VuCity.

## HERITAGE

- 2.16 The term 'heritage asset' is used within this assessment to describe a designated or non-designated heritage asset, as defined by the National Planning Policy Framework (2023) (the NPPF). For the purposes of this HTVIA, heritage assets do not include archaeological remains.

## HERITAGE VALUE

- 2.17 Planning policy requires an applicant to describe the significance of any heritage assets affected by a proposed development, including any contribution made by their setting. 'Significance' (for heritage policy) is defined in the NPPF Annex 2 as:
- the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.*
- 2.18 Paragraph 200 of the NPPF states that the "level of detail [to describe the significance of heritage assets] should be proportionate to the assets' importance". Great weight has been given to the conservation of all designated heritage receptors, although a gradation of value is appropriate.
- 2.19 The significance of heritage assets may be expressed with reference to their historical or architectural value identified in the Planning (Listed Buildings and Conservation Areas) Act 1990 (the '1990 PLBCA Act'), or the other values set out in the NPPF: archaeological, architectural, artistic or historic. For World Heritage Sites, the cultural value described within each site's Statement of Outstanding Universal Value forms part of its value.
- 2.20 Where a proposal may affect the surroundings in which the heritage asset is experienced, a qualitative assessment is made of whether, how and to what degree setting contributes to the significance of heritage assets. The assessment is informed by the check-list approach contained in Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (2017) (hereafter 'GPA3'). Setting is defined in the NPPF as:
- 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.*

- 2.21 The heritage baseline articulates the contribution made by relevant aspects of setting towards significance. Again, the level of detail is proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal to their value.

## TOWNSCAPE AND VISUAL

- 2.22 The framework for assessment of townscape and visual impact has been prepared using the Guidelines for Landscape and Visual Impact Assessment, Third Edition (Landscape Institute and Institute of Environmental Management and Assessment, 2013) ('GLVIA3'). The two components of townscape and visual assessment are:
1. The assessment of townscape effects: assessing effects on the townscape as a resource in its own right; and
  2. The assessment of visual effects: assessing effects on the general visual amenity experienced by people. Specific views are also assessed where they form strategic views designated in the development plan, or where agreed with the competent authority.

## TOWNSCAPE AND VISUAL VALUE

### TOWNSCAPE VALUE

- 2.23 The townscape baseline assessment describes character areas/types and their characteristics. It defines the distinct and recognisable patterns of elements, or characteristics that make one area different from another, rather than better or worse. Areas are defined and mapped with boundaries that suggest a sharp change from one townscape area to another; however, on site, changes can be more subtle and practically, this often represents a zone of transition. Criteria to assess townscape character areas and apportion value is /contained in **Table 2.1**.
- 2.24 Assessment is informed by an understanding of how an area has evolved, the use of aerial photography and field survey, along with desk-based research as appropriate and to a level commensurate with the sensitivity of the receptor and its susceptibility to change. Important published sources will normally comprise formal character assessments prepared, for example, as part of local plan making or agencies or county authorities.
- 2.25 The objective of identifying the existing context is to provide an understanding of the townscape in the area that may be affected – its constituent elements, its character and the way this varies spatially, its geographic extent, its history, its condition, the way the townscape

is experienced and the value attached to it. This assessment cannot practically and objectively capture what local people in an area feel about their area (unless of course this has been subject to a specific study which is produced in an objective or reflective manner). Thus, this value analysis reflects professional judgment.

TOWNSCAPE RECEPTOR VALUE			
Value	Importance	Typical Criteria	Typical Features / Characteristics
Very High	International / National	Unique or outstanding townscape with clearly distinctive characteristics, features and elements; Widespread use of quality materials; Very strong urban structure, characteristic patterns and balanced combination of built form and open space; Appropriate management for land use; No, or very limited, detracting features.	International or national designation, and/or designated heritage receptors of significant importance
High	National / Regional / Local	Distinctive or unusual townscape with notable features and elements; Evident use of quality materials; Strong urban structure, characteristic patterns and balanced combination of built form and open space; Appropriate management for land use with limited scope to improve; Limited detracting features.	National or regional designation, and/or designated heritage receptors
Medium	Regional / Local	Attractive townscape with occasional distinctive features; Recognisable urban structure, characteristic patterns and combinations of built form and open space; Scope to improve management for land use; Some detracting features.	Regional or local recognition, including local plan designations, with value possibly expressed through literature and cultural associations.
Low	Local	Commonplace or ordinary townscape with limited variety or distinctiveness; Distinguishable urban structure, characteristic patterns and combinations of built form and open space, although often fragmented; Scope to improve management or land use; Potentially some dominant detracting features and areas of very low value.	Some positive townscape features but largely degraded and may benefit from regeneration, restoration or enhancement.
Very Low	Local	Very common townscape, often in decline; Weak or degraded urban structure, characteristic patterns and combination of built form and open space; Lack of management has resulted in degradation; Frequent dominant detracting features; Disturbed or derelict land requires treatment.	Heavily degraded townscape and/or identified for change.

Table 2.1 Townscape Receptor Value Criteria

**VISUAL AMENITY VALUE**

- 2.26 The visual baseline assessment established the area in which the development may be visible, the different groups of people who may experience views of the development, the places where they will be affected and the nature of the views and visual amenity at those points.
- 2.27 The baseline study identifies individuals and/or defined groups of people within the area who will be affected by changes in the views, 'visual receptors'. The following visual receptors are identified by GLVIA3 as being likely to be the most susceptible to change:
  - Residents and other frequent users of the area;
  - People, whether residents or visitors, who are engaged in outdoor recreation, including use of public rights of way, attractions or those whose attention or interest is likely to be focused on the landscape and on particular views; and
  - Communities where views contribute to the landscape setting enjoyed by residents in the area.
- 2.28 Representative viewpoints are identified based on a comprehensive review of the surrounding area, including the following criteria:
  - Heritage receptors;
  - Townscape character;
  - Where the development may be prominent;
  - Be visible from concentrations of residential areas;
  - Open spaces (parkland, publicly accessible space);
  - Potentially sensitive receptors (e.g. schools);
  - Accessibility to the public;
  - The viewing direction, distance and elevation;
  - Townscape and transport nodes.
- 2.29 The identification of viewpoints also considers any strategic or local viewpoints identified by the local planning authorities or other relevant bodies.

- 2.30 The visual amenity value of locations is assessed using the criteria contained in **Table 2.2**. Amenity is a broad concept in planning, and the Planning Portal [online] defines it as *"A positive element or elements that contribute to the overall character or enjoyment of an area. For example, open land, trees, historic buildings and the inter-relationship between them, or less tangible factors such as tranquillity."* Changes in amenity are typically assessed through changes to what people see and perceive, and the shorthand for this are 'views' and 'visual impact'.
- 2.31 The places at which or in which these individuals will experience a change will always be a publicly accessible place, in line with best practice. The visual assessment is therefore separate to a 'residential amenity assessment', which considers private viewpoints from residential properties (refer to GLVIA3, paragraph 6.17). In some instances, the visual impact assessment will address impacts from private land, but that is only where this topic has been scoped with the decision maker and a specific methodology agreed. Such private land amenity assessments often rely on other concepts in town planning/measures such as privacy and enclosure or overbearing.

VISUAL AMENITY VALUE	
Value	Criteria / Examples
Very High	Areas of national or international importance and/or identified strategic views of national or international importance. Very enjoyable area with multiple positive elements and/or Very High townscape value.
High	Areas of national or regional importance, or particular local importance and/or static view identified in the development plan. Enjoyable area with several positive elements and/or High townscape value.
Medium	Areas of regional or local importance and/or static view identified in planning guidance, including conservation area appraisals. Pleasant area with some positive elements and/or Medium townscape value.
Low	Commonplace areas with limited positive elements and/or Low townscape value, often with detracting elements.
Very Low	Area of Very Low townscape value (e.g. industrial areas/busy main roads) that has very few positive characteristics, usually with significant detracting elements.

**Table 2.2** Visual Amenity Value Criteria

### TOWNSCAPE AND VISUAL SUSCEPTIBILITY

- 2.32 The first stage in the assessment of the Proposed Development on a townscape or visual receptor is to identify its sensitivity to the Proposed Development. Sensitivity is identified by calibrating the baseline value of the receptor with its susceptibility, defined as the ability to accommodate the particular type and/or nature of development without undue consequences for the maintenance of the baseline situation and/or the achievement of planning policies and strategies. The criteria for determining townscape susceptibility is described at **Table 2.3** and visual susceptibility at **Table 2.4**.
- TOWNSCAPE SUSCEPTIBILITY**
- 2.33 GLVIA3 explains landscape susceptibility at pages 88–89. There is no specific definition of townscape susceptibility. Professional judgement is applied based on the understanding of landscape susceptibility to reach judgements on townscape susceptibility.
- 2.34 GLVIA3 describes susceptibility to change of landscape receptors as *"the ability of the landscape receptor (whether it be the overall character or quality/condition of a particular landscape type or area, or an individual element and/or feature, or a particular aesthetic and perceptual aspect) to accommodate the proposed development without undue consequences for the maintenance of the baseline situation and/or the achievement of landscape planning policies and strategies."*
- 2.35 Susceptibility is relative to the general type of development proposed e.g. a receptor may be more or less susceptible to a proposal for an industrial facility as opposed to a residential building depending on the receiving environment. Equally, a receptor may be more or less susceptible to a tall building than a low-rise development depending on the receiving environment.
- 2.36 Effects are particular to the specific landscape / townscape in question, which includes reference to aspects such as the quality, nature and condition of the receptor, or, existing scale and grain e.g. if the existing townscape is of a similar scale and / or grain as the Proposed Development, it may have a greater ability to accommodate the Proposed Development and thus a lower susceptibility to change, subject to those existing characteristics not undermining or undue consequence arising from that baseline condition or anticipated achievement of

relevant townscape / landscape planning policies, which includes site allocations or anticipated development identified in the statutory development plan.

TOWNSCAPE SUSCEPTIBILITY TO CHANGE CRITERIA	
High	The receptor has a low ability to accommodate the specific proposed change e.g. the existing townscape / landscape comprises very limited or no similar types of development to that proposed and/or the townscape / landscape policies do not anticipate this type of development.
Medium	The receptor has a moderate ability to accommodate the specific proposed change e.g. the existing townscape / landscape comprises some similar types of development to that proposed and/or the townscape / landscape policies anticipate some of this type of development.
Low	The receptor has a high ability to accommodate the specific proposed change e.g. the existing townscape / landscape comprises several similar types of development to that proposed and/or the townscape / landscape policies anticipate this type of development.

**Table 2.3** Susceptibility of Townscape Receptor to Change Criteria

### VISUAL SUSCEPTIBILITY

- 2.37 GLVIA3 explains visual susceptibility at pages 113–114. Page 113 sets out that susceptibility of different visual receptors to changes in views and visual amenity is mainly a function of:
- The occupation or activity of people experiencing the view at particular locations;
  - The extent to which their attention or interest may therefore be focused on the views and the visual amenity they experience at particular locations.
- 2.38 Visual receptors who are more likely to have a high susceptibility to change include residents at home, people who are engaged in activities that involve an appreciation of the surrounding landscape or townscape, and visitors to heritage assets or other attractions. This is the advice of GLVIA3; however, the guidance also makes it clear that this will not be true in all cases since susceptibility to change is to some extent, as noted, a function of context.

2.39 Again, and subject to that qualification, visual receptors who are more likely to have a low susceptibility to change include users of amenity space that does not depend on or involve an appreciation of the surrounding landscape / townscape such as people engaged in sports activities. GLVIA3 states that "each project needs to consider the nature of the groups of people who will be affected and the extent to which their attention is likely to be focused on views and visual amenity."

VISUAL SUSCEPTIBILITY TO CHANGE CRITERIA	
High	The receptor has a low ability to accommodate the specific proposed change e.g. the visual receptor is likely to be heavily engaged on the view/visual amenity and/or the type of development is incongruent to the baseline condition or would undermine the enjoyment of the visual receptor.
Medium	The receptor has a moderate ability to accommodate the specific proposed change e.g. the visual receptor is likely to be partially engaged on the view / visual amenity and/or the type of development is congruent to aspects of the baseline condition or would undermine some aspects of the enjoyment of the visual receptor.
Low	The receptor has a high ability to accommodate the specific proposed change e.g. the visual receptor is likely to be not engaged on the view / visual amenity and/or the type of development is congruent to the baseline condition or would not undermine the enjoyment of the visual receptor.

Table 2.4 Susceptibility of Visual Receptor to Change Criteria

2.40 The baseline value of the receptor and its susceptibility are calibrated using the matrix at **Table 2.5**. Sensitivity is recorded in a verbal scale (high, medium or low), supported by the clear narrative linked to evidence from the baseline study and an assessment of susceptibility.

**TOWNSCAPE AND VISUAL SENSITIVITY**

**TOWNSCAPE AND VISUAL MAGNITUDE**

2.41 The magnitude of impact is a qualitative judgement supported by the narrative text within the assessment. The professional judgement is quantified using criteria at **Table 2.6**. The judgement of magnitude considers the size or scale, geographical extent or duration and reversibility of the impact.

TOWNSCAPE AND VISUAL SENSITIVITY			
Receptor Value	Susceptibility of Receptor to Change		
	Low	Medium	High
Very Low	Low	Low	Low/Medium
Low	Low	Low/Medium	Medium
Medium	Low/Medium	Medium	Medium/High
High	Medium	Medium/High	High
Exceptional	Medium/High	High	High

Table 2.5 Townscape and Visual Sensitivity (Nature of Receptor Likely to be Affected)

Townscape and Visual Magnitude of Impact	
High	Major change to the value of the townscape receptor or visual amenity. The proposals would be very noticeable, comprising a notable change over an extensive area or an intensive change over a more limited area. May comprise major alteration to key elements/features/characteristics of the receptor. The duration of this impact may be permanent and non-reversible.
Medium	Moderate change to the value of the townscape receptor or visual amenity. The proposals would be noticeable, comprising a recognisable change over a large area or a moderate change over a more limited area. May comprise alteration to one or more key elements/features/characteristics of the receptor. The duration of this impact may be semi-permanent and partially reversible.
Low	Minor change to the value of the townscape receptor or visual amenity. The proposals would be noticeable, although comprising a small change over a limited area or similar to a main component of the receptor. May comprise minor alteration to one or more key elements/features/characteristics of the receptor. The duration of this impact may be temporary and reversible.
Very Low	Barely discernible change to the value of the townscape receptor or visual amenity. The proposals would not be noticeable, although comprising a very small change over a very limited area or very similar to the main components of the receptor. May comprise very minor alteration to one or more key elements/features/characteristics of the receptor. The duration of this impact may be temporary and reversible.
Nil	No change to the value of the townscape receptor or visual amenity.

Table 2.6 Magnitude of Impact Criteria

**TOWNSCAPE AND VISUAL LIKELY EFFECTS**

2.42 Likely effects are determined by combining the judgements of sensitivity and the magnitude of impact using a common matrix shared across all topic areas (Table 2.7). Criteria defining the scale of effect is provided at Table 2.8.

2.43 Professional judgement is required to determine the nature of the likely effects. Criteria defining the nature of effect is provided at Table 2.9. For example, there will be cases where a high magnitude of impact produces a major scale of effect, on the basis that the component is prominent or noticeable, but notwithstanding that the quality of effect is beneficial as a consequence of design quality or other benefits. This approach arises most often as a consequence of major developments in areas positively identified for transformational change. Often, such impacts will have varied effects such that a hard and fast categorisation of an effects quality is finely balanced as between beneficial or harmful. In many instances, therefore, the final identification of impact and effect will turn on discursive analysis. This makes a necessary professional adjustment to the tabular analysis format which can produce inaccurate reporting.

2.44 The assessment of nature of effect also requires a qualitative discussion to describe and elucidate this judgement to the reader. This is necessary because townscape and visual assessment is not a strict quantitative process and some of these considerations will depend on expert judgements. Accordingly, there is an emphasis on qualitative text throughout the assessment to describe the receptors and the judgements in regard to the significance of the identified effects.

TOWNSCAPE AND VISUAL LIKELY EFFECT ON RECEPTOR			
Magnitude	Sensitivity		
	Low	Medium	High
Nil	None	None	None
Very Low	Negligible	Negligible	Negligible / Minor
Low	Minor	Minor / Moderate	Moderate
Medium	Minor / Moderate	Moderate	Moderate / Major
High	Moderate	Moderate / Major	Major

Table 2.7 Likely Effect on Receptor Matrix

TOWNSCAPE AND VISUAL SCALE OF AN EFFECT	
Major	The change resulting from the impact of the Proposed Development upon the receptor would give rise to a very significant effect.
Moderate	The change resulting from the impact of the Proposed Development upon the receptor would give rise to a significant effect.
Minor	The change resulting from the impact of the Proposed Development upon the receptor would give rise to an effect, but this would not be significant.
Negligible	The change resulting from the impact of the Proposed Development upon the receptor would give rise to a barely discernible effect. This would not be significant
None	The change resulting from the impact of the Proposed Development upon the receptor would have no effect.

Table 2.8 Scale of an Effect

TOWNSCAPE AND VISUAL NATURE OF AN EFFECT	
Beneficial	An advantageous effect to a receptor
Neutral	An effect that on balance is neither beneficial nor adverse to a receptor.
Adverse	A detrimental effect to a receptor

Table 2.9 Nature of an Effect

**3.0**

# **LEGISLATION AND PLANNING POLICY**

**39A FITZJOHN'S AVENUE & LAND ADJACENT TO 46 MARESFIELD GARDENS, NW3**

# LEGISLATION AND PLANNING POLICY

3.1 This section sets out the planning policy context for the redevelopment of the Site, including national and local guidance.

## LEGISLATION

### PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS ACT) 1990

3.2 The statutory duties of the decision-maker when considering applications which affect designated heritage receptors are set out in the 1990 Act.

3.3 The Site does not contain any listed buildings, but it is located within the Fitzjohn's/Netherhall Conservation Area. There are also statutorily listed buildings, conservation areas and non-designated heritage assets identified in the wider study area that may experience some change to their heritage value resulting from the indirect impact of the Proposed Development on their respective settings.

3.4 In this case, the following statutory provisions are relevant:

3.5 Section 66(1) of the 1990 Act which states that:

*In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural and historical interest which it possesses.*

3.6 Section 72(1) of the 1990 Act, which states:

*In the exercise, with respect to any buildings or other land in a conservation area, of any [F1]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.*

3.7 It is noted here that the setting of a conservation area does not benefit from statutory protection (unlike listed buildings – see Section 66(1)), though such consideration for a conservation area's setting is included within the Development Plan.

3.8 The Courts have confirmed that if the policy approach set out in the NPPF is followed then the statutory duties referred to above will have been fulfilled.

## DEVELOPMENT PLAN

3.9 Section 38(6) of the Planning and Compulsory Purchase Act 2004 stipulates that where in making any determination under the Planning Acts, regard is to be had to the development plan, and the determination must be made in accordance with that plan unless material considerations indicate otherwise.

3.10 The statutory development plan and the policies relevant to the assessment of heritage, townscape and visual considerations are set out at **Table 3.1** below.

DEVELOPMENT PLAN POLICY	KEY PROVISIONS
London Plan (2021)	<ul style="list-style-type: none"> <li>- Policy D3 (Optimising site capacity through the design-led approach)</li> <li>- Policy HC1 (Heritage conservation and growth)</li> </ul>
Camden Local Plan (2017)	<ul style="list-style-type: none"> <li>- Policy D1 Design</li> <li>- Policy D2 Heritage</li> </ul>

**Table 3.1** Development Plan Policy

## NATIONAL POLICY

3.11 The development plan is supported by the National Planning Policy Framework (2023). The relevant provisions are set out at **Table 3.2**.

NATIONAL POLICY	KEY PROVISIONS
National Planning Policy Framework (NPPF) 2023	Chapter 12 (Achieving well-designed places) <ul style="list-style-type: none"> <li>• Paragraph 131</li> <li>• Paragraph 133</li> <li>• Paragraph 135</li> </ul>
	Chapter 16 (Conserving and enhancing the historic environment) <ul style="list-style-type: none"> <li>• Paragraph 195</li> <li>• Paragraph 200</li> <li>• Paragraph 201</li> <li>• Paragraph 203</li> <li>• Paragraph 205–208</li> <li>• Paragraph 209</li> <li>• Paragraph 212</li> <li>• Paragraph 213</li> </ul>

**Table 3.2** Table 4.2 National Planning Policy

## MATERIAL CONSIDERATION

3.12 In addition to legislation and policy, the assessment will take into consideration relevant planning guidance and any material considerations, including:

- National Planning Practice Guidance (online);
- National Design Guide (2019);
- Guidelines for Landscape and Visual Impact Assessment Third Edition (GLVIA) (2013);
- An Approach to Landscape Character Assessment (2014);
- Visual Representation of Development Proposals Technical Guidance Note (2019);
- Historic England, Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (2015)
- Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (2017);
- London Borough of Camden, Fitzjohn's/Netherhall Conservation Area Appraisal and Management Strategy (December 2022).

## POLICY DISCUSSION

- 3.13 Policy designations outline the strategic aspirations for an area, contribute to the understanding of townscape value and the potential for, or even lack of, change. The Site does not benefit from any specific strategic policy designations beyond its inclusion within a conservation area. Therefore, we refer here to local, regional and national policy relating to design and heritage.
- 3.14 The Site comprises a predominantly vacant, underutilised plot of land in Camden. London Plan Policy D3 requires development to make the best use of land by following a design-led approach that optimises the capacity of sites. This policy encourages new development to 'respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character.'
- 3.15 Camden Local Plan Policy D1: Design is the local policy governing good design and requires that development in the borough respects local context and character. The requirement to preserve and/or enhance the historic environment and heritage assets is a core tenet of this policy.
- 3.16 With respect to development proposals affecting heritage assets and their settings, London Plan Policy HC1(C) states that they 'should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings.'
- 3.17 Policy D2: Heritage of the Camden Local Plan states that the Council 'will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas, listed buildings, archaeological remains, scheduled ancient monuments and historic parks and gardens and locally listed heritage assets.'

## ASSESSING IMPACT ON HERITAGE ASSETS

- 3.18 In preparing our analysis we are mindful of the considerable weight attached to the preservation or enhancement of heritage assets and their settings.
- 3.19 NPPF policies together with the guidance on their implementation in the Planning Practice Guidance, form the framework for the consideration of change affecting designated heritage assets.

- 3.20 Paragraph 205 of the NPPF (2023) sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, 'great weight should be given to its conservation.' It goes on to state that 'the more important the asset, the greater the weight should be'. There is potential for significance to be harmed or lost not only through alteration or destruction of a heritage asset but also through development in its setting.
- 3.21 Paragraphs 207 and 208 of the NPPF have regard to harm, which can either be considered substantial harm (total loss of significance) (Paragraph 207) or less than substantial harm (Paragraph 208).
- 3.22 In the case of less than substantial harm, Paragraph 208 states that this must be weighed against the planning benefits of a proposal. In other words, if there is harm to the significance of a heritage asset, a balanced judgement is required as to whether that harm is outweighed by the benefits which are offered by the development proposal as a whole. Planning benefits include heritage benefits.
- 3.23 The ramifications of Paragraph 205 also extend to encompass any beneficial works, and this is confirmed by the High Court in *Rottingdean*<sup>1</sup>. Given the considerable planning weight that attaches to any harm to a designated heritage asset, it follows that equal weight should be accorded to beneficial works.

## DEVELOPMENT IN CONSERVATION AREAS

- 3.24 Paragraph 212 of the NPPF states that local planning authorities should look for opportunities for new development within Conservation Areas, that will enhance or better reveal their significance.
- 3.25 LB Camden Policy D2: Heritage states that the council will 'require that development within conservation areas preserves or, where possible, enhances the character or appearance of the area' and 'resist the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area'.

- 3.26 This policy position is also supported by paragraph 203 of the NPPF, which states that when determining applications planning authorities should consider:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
  - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
  - the desirability of new development making a positive contribution to local character and distinctiveness.*

- 3.27 Paragraph 213 of the NPPF states that not all elements of a Conservation Area will contribute to the significance of the area. Where a proposal will involve the loss of a building that contributes positively to the significance of the conservation area, this should be treated 'either as substantial harm under paragraph 207 or less than substantial harm under paragraph 208, as appropriate'. The level of harm determined here should consider the relative significance of the building and its contribution to the significance of the conservation area as a whole.

## BALANCING HARM

- 3.28 If development proposals have no harmful effect on the significance of any identified designated asset, then 'conservation' (as defined in the Glossary to the NPPF) is achieved. If the proposals enhance or benefit that significance, then these benefits attract great weight as a matter of policy.
- 3.29 In our judgement, the Proposed Development would result in no harmful effects to either the CA or the nearby listed buildings. Nevertheless, our analysis of the Proposals' impact on heritage assets is informed by paragraphs 205–208 of the NPPF, in relation to the nature and extent of harm.

<sup>1</sup> *Safe Rottingdean Ltd v Brighton and Hove City Council* EWHC 2632[86].

- 3.30 If a proposal would result in harm to the significance of a designated heritage asset, great weight should be given to the asset's conservation (NPPF paragraph 205), meaning the avoidance of harm and the delivery of enhancement where appropriate. Any harm to the significance of a designated heritage asset should require 'clear and convincing justification', as per NPPF paragraph 206. A clear and convincing justification does not create a freestanding test requiring the demonstration of less damaging alternatives. To the extent that there is a test it is to be found in NPPF paragraphs 207 (in the case of substantial harm) and 208 (in the case of less than substantial harm).
- 3.31 In either case, and particularly looking at less than substantial harm, the clear and convincing justification that the Framework requires is thus made out through no more than the countervailing public benefits delivered by a proposal. Whilst the 'great weight' provision emphasises a presumption against harm, that presumption is potentially rebuttable on the balance of these benefits, which includes heritage benefits (which are weighted) and land use planning benefits (including landscape and ecological enhancement, which are relevant to the facts of this case).
- 3.32 The nature and extent of harm is important to ascertain because that analysis informs the balancing out of any harm under the terms of paragraph 208. Underpinning this approach is the principle of proportionality. Whilst any harm to a designated asset is 'weighted harm', it is important for the decision maker to assess the extent, nature or degree of harm through the exercise of planning judgement. This principle is articulated in the Mordue<sup>2</sup> judgment, and its application is demonstrated in the Citroen decision<sup>3</sup>.

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<sup>2</sup> Mordue v SSCLG [2015] Civ 1243.

<sup>3</sup> APP/G6100/V/19/3226914

**4.0**

# **HISTORIC DEVELOPMENT**

**39A FITZJOHN'S AVENUE & LAND ADJACENT TO 46 MARESFIELD GARDENS, NW3**

# HISTORIC DEVELOPMENT

4.1 This section provides a brief description of the historical development of the Site and its environs.

## HISTORIC DEVELOPMENT OF THE SITE AND SURROUNDING AREA

4.2 Prior to the mid-19th century, the Site and surrounding neighbourhood of Fitzjohn’s Avenue comprised little more than agricultural fields belonging to Hampstead Manor on the outskirts of Hampstead Village. During the early-19th century, the rapid expansion of London, the construction of Finchley Road (1827) and the London and North-West Railway, and the residential development of nearby St John’s Wood all encouraged the lord of Hampstead Manor, Sir Thomas Maryon Wilson, to begin developing his land for housing. The 1851 Ordnance Survey Town Plan shows the extent of development in the wider vicinity of the Site at this time consisted of a rudimentary road network, including Finchley Road, bisected by a railway line belonging to the London and North-Western Railway company (Figure 4.1).

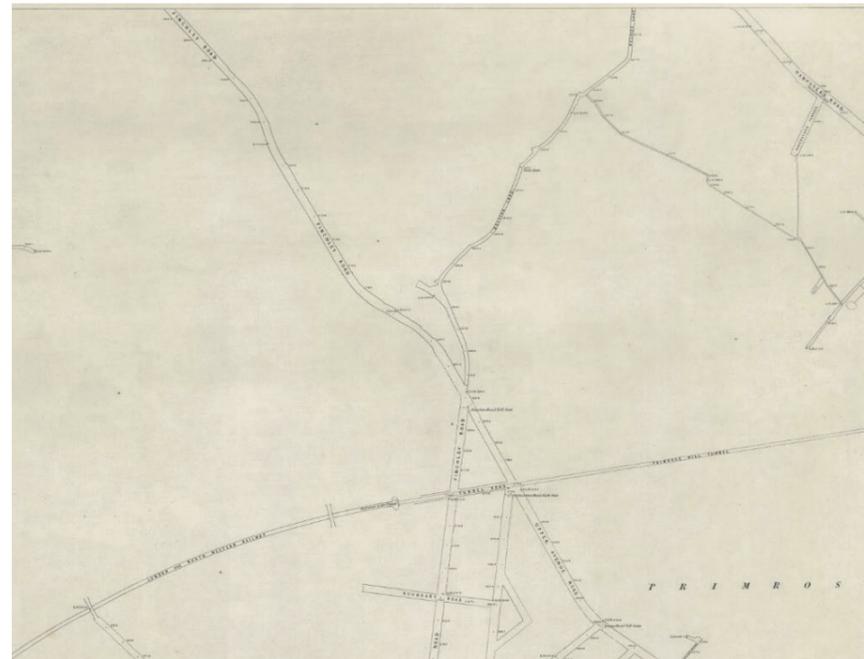


Figure 4.1 1851 Ordnance Survey Town Plan showing Finchley Road and London and North-Western Railway Line.

4.3 Sir Thomas Maryon Wilson subsequently entered a long legal battle to amend his father’s will, which limited the family’s ability to develop the estate until the 1880s. The implications of this legal battle are illustrated in the 1871 Ordnance Survey map which shows a large swathe of undeveloped land to the east of Finchley Road (Figure 4.2). By this time, ribbon development was gradually expanding north along Finchley Road and the development of neighbouring land around Belsize Park was already underway.

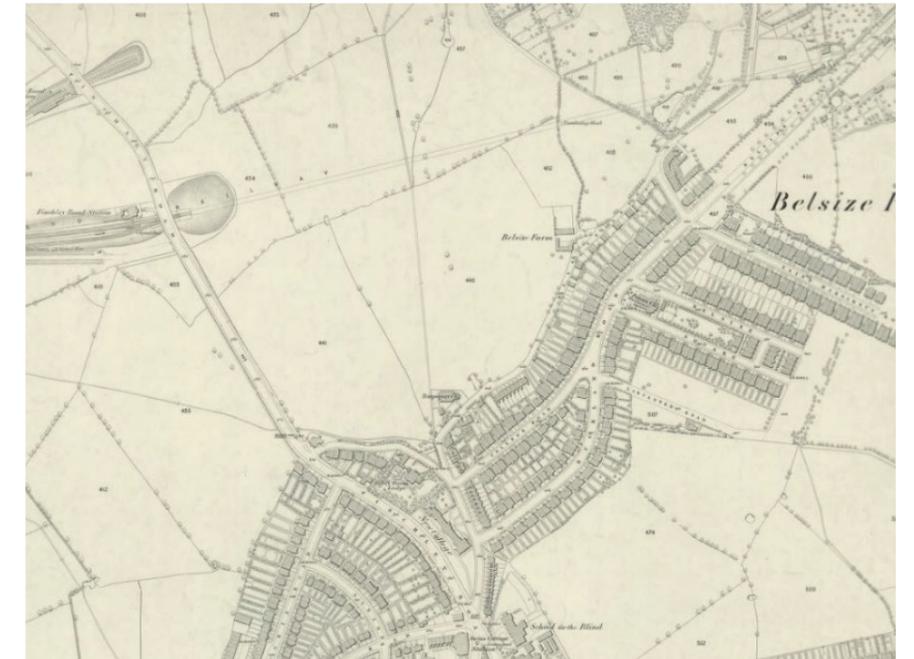


Figure 4.2 1871 Ordnance Survey map.

4.4 In 1873, Sir Thomas Maryon Wilson’s brother and heir, Sir John, was free to grant building leases and develop the Finchley Road part of the estate. In 1873 he decided to divide the development of the estate with his son Spencer, whose portion included two proposed new roads, Fitzjohn’s Avenue and Priory Road.

4.5 The development of Fitzjohn’s Avenue in 1875 by Spencer Wilson marked the first phase of planned development in the area and the road ran north-south to the immediate east of the Site. The road was 50ft wide, with 10ft wide pavements, and planted with alternate red and white chestnuts. The houses were set well back from the road with long front paths (Figure 4.3). In 1883, Harpers magazine deemed it “one of the noblest streets in the world.” The neighbourhood surrounding Fitzjohn’s Avenue was laid out in ten years after 1876 and was completed by the 1890s (Figure 4.4).



Figure 4.3 Photograph showing Fitzjohn's Avenue, c.1904.

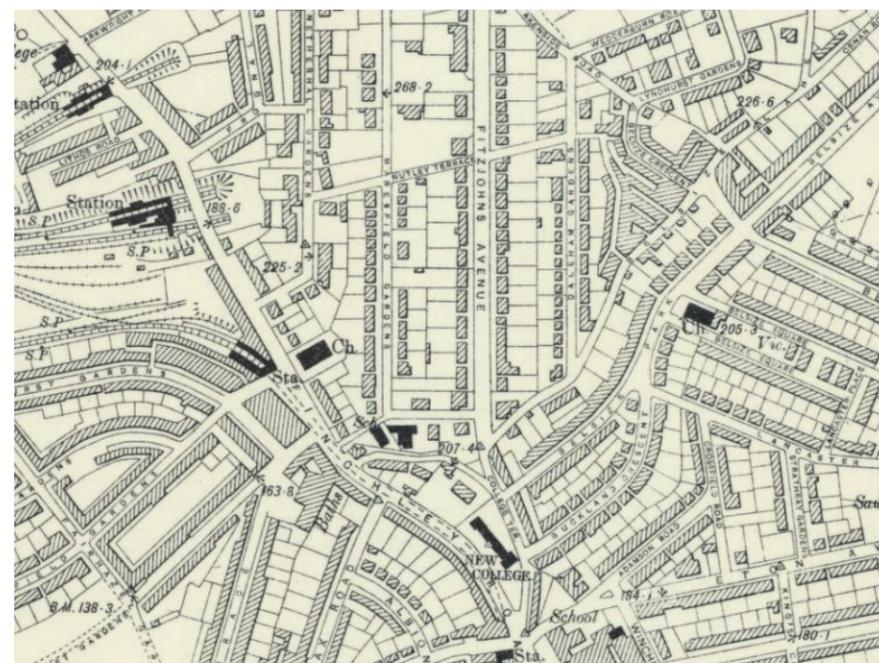


Figure 4.4 1894 Ordnance Survey map showing the layout of the neighbourhood around the south end of Fitzjohn's Avenue.

4.6 Netherhall Gardens and Maresfield Gardens were named after a manor and parish of the Maryon Wilson estate in Sussex. The adjoining streets were slightly less spacious than Fitzjohn's Avenue but all had large building plots with detached or semi-detached properties, and some had room for carriage drives. As private individuals bought up the available freeholds they commissioned architects to design houses in a range of popular styles which, during the 1870s and 1880s, included Queen Anne revival, Arts and Crafts and Gothic.

4.7 This period saw the construction of the house at 39 Fitzjohn's Avenue, designed in a typical Victorian residential style, and established the present character of the Site. The 1895 Ordnance Survey map shows 39 Fitzjohn's Avenue comprised a large-detached house on the corner of Fitzjohn's Avenue and Nutley Terrace, which was set back behind a landscaped forecourt and carriage drive (Figure 4.5). The remainder of the plot, which extended to Maresfield Gardens appears to have been undeveloped save for some glasshouses and ancillary outbuildings in the north-west corner.

4.8 One of the reasons for this was that the layout of the neighbourhood had been influenced by three railway tunnels, which ran underneath the new development. The northern end of Netherhall Gardens was designed to lie over the North London Railway (LNWR) tunnel between Hampstead Heath Station and Finchley Road and Fognal (built 1860). Nutley Terrace was required to run over the line of the Belsize Tunnel, which explains its angle to Fitzjohn's Avenue. A second tunnel (known as Belsize New Tunnel) was built in 1884 and featured airshafts located at 32 Belsize Lane, Copperbeach Close and the land adjacent to 46 Maresfield Gardens (the Site). Due to the location of the airshaft on the land adjacent to 46 Maresfield Gardens, there was no further development on this part of the Site (to the rear of 39 Fitzjohn's Avenue), which was subsequently used as a garden area (Figure 4.6).

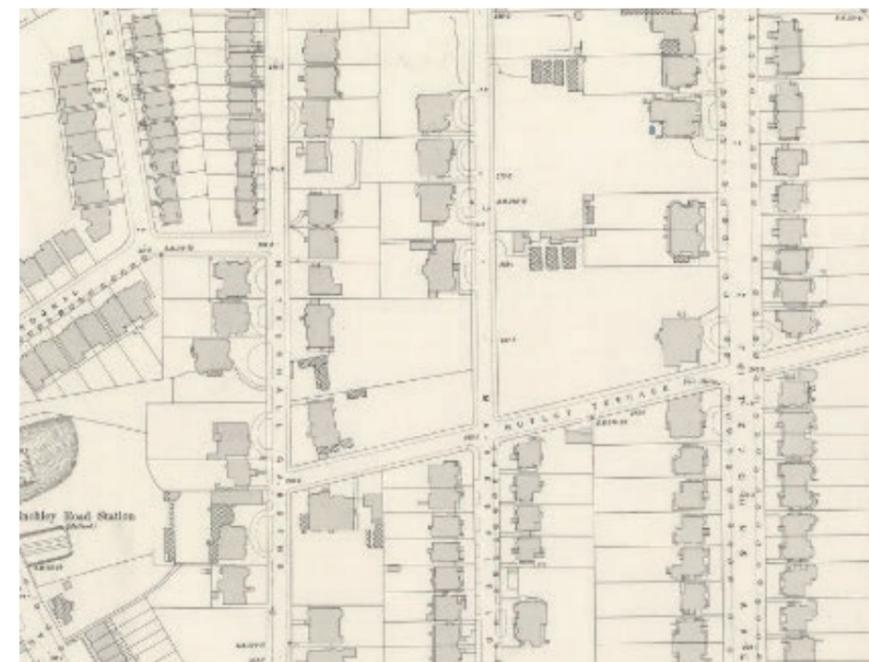


Figure 4.5 1895 Ordnance Survey map showing the original footprint of 39 Fitzjohn's Avenue and surrounding plot in detail.

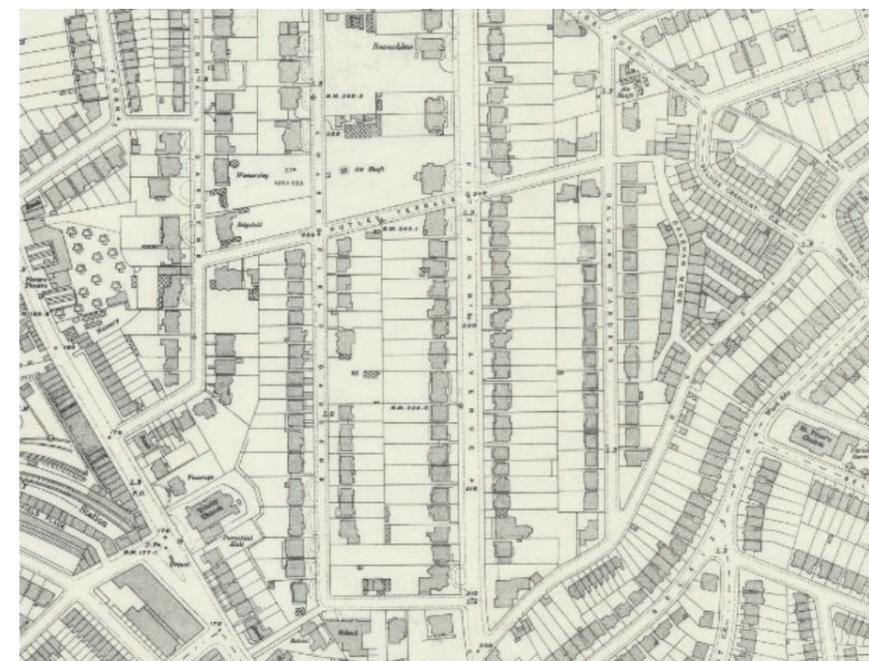
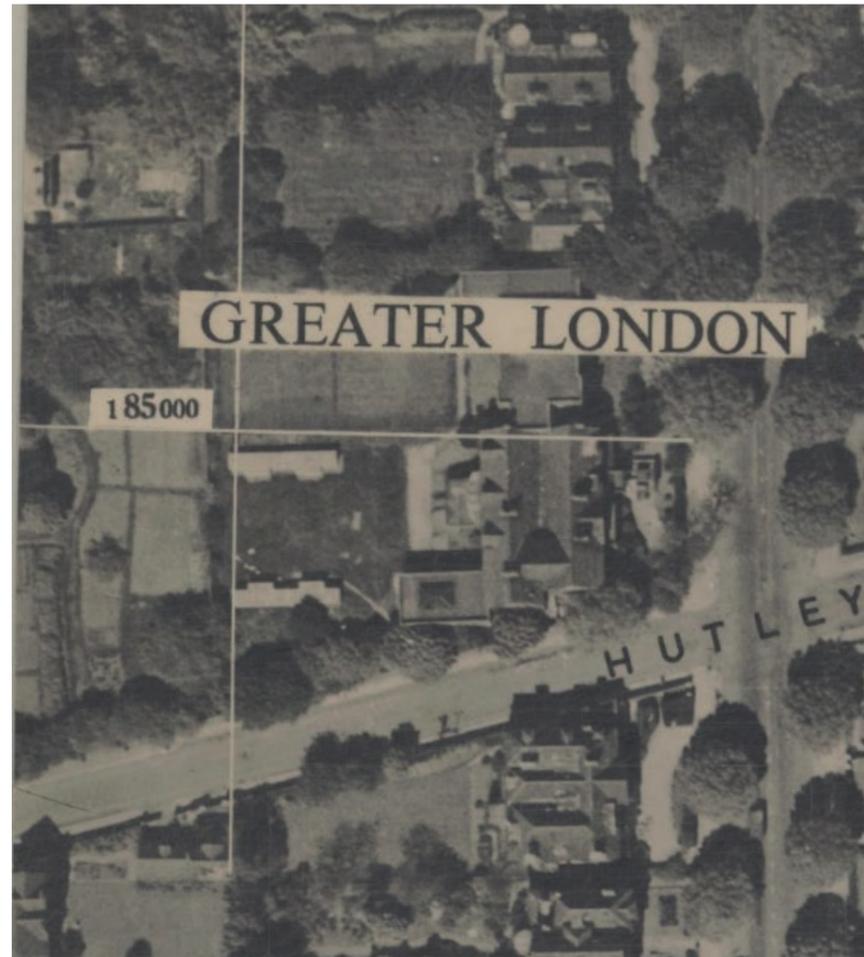


Figure 4.6 1915 Ordnance Survey map showing location of the air shaft within the Site and the surrounding pattern of development following the initial phase of building on the estate.

- 4.9 Due to the size of the houses built during the first phase of development, a number of institutions relocated to the area and took over properties that were no longer appropriate for residential use. Towards the end of the 1890s a number of girls schools opened (a trend that continues today) in properties that were originally designed as houses.
- 4.10 Since the initial development of the estate in the 1870s–1880s, sporadic infill development has occurred throughout the 20th century, in the form of mansion blocks, flats, and detached houses. These later phases of building have tended to impact the larger building plots, such as those backing onto Maresfield Gardens, which have either been subdivided or amalgamated, and introduced a gradual increase in the density and scale of development.
- 4.11 A number of properties have also been extended. 39 Fitzjohn’s Avenue was extended to the north in the mid-20th century (39a Fitzjohn’s Road) and has also been subjected to a number of unsympathetic modern alterations. These changes have established the present layout and character of the Site.
- 4.12 The footprint of 39a Fitzjohn’s Road is shown in a 1946 aerial photograph, which also indicates that the larger plot of 39 Fitzjohn’s Avenue had been subdivided into separate parcels (**Figure 4.7**). At some point during the late-20th century, the north-west part of the original plot, historically occupied by outbuildings, was parcelled off and redeveloped with a modest two-storey residential building (46 Maresfield Gardens) and garden. This property is not included within the boundary of the Site or Wider Site.
- 4.13 The land to the rear of 39 Fitzjohn’s Avenue, which is shown in the 1946 aerial photograph has having once been formally landscaped, has remained undeveloped. It has since fallen into a generally poor state of repair and maintenance.



**Figure 4.7** Aerial photograph showing the footprint of 39 and 39a Fitzjohn’s Avenue.

**5.0**

**BASELINE: HERITAGE**

**39A FITZJOHN'S AVENUE & LAND ADJACENT TO 46 MARESFIELD GARDENS, NW3**

# BASELINE: HERITAGE

- 5.1 The identification of heritage assets has been based on the methodology set out in **Section 3.0**. The search included all listed buildings, conservation areas, registered parks and non-designated heritage assets within the study area (250m radius).
- 5.2 The Site is located in the Fitzjohn's/Netherhall Conservation Area, and the impact of the Proposed Development on its character and appearance is the principal heritage consideration.
- 5.3 Another salient heritage consideration is the indirect impact of the proposals on the setting of nearby listed buildings, neighbouring conservation areas, and non-designated heritage assets.
- 5.4 The NPPF (which describes setting as the 'surroundings in which a heritage asset is experienced'), defines the setting of heritage assets in very broad terms. Such a broad scope means that many development proposals may be held to come within the setting of a heritage asset. Most would agree however that aside from some generic inter-visibility, a great number of such proposals could not reasonably be held to engage with or alter the setting of heritage assets in a material way.
- 5.5 Owing to the scale and the height of the Proposed Development, the prevailing height of other buildings in the surrounding area, and the screening provided by the existing urban form and local topography, the viewing envelope for the Site is relatively restricted. There, the effect on the setting of surrounding built heritage assets is limited.
- 5.6 For the purposes of this HTVIA, professional judgement has been used to select built heritage assets within the wider Study Area that are likely to experience change to their setting, and by extension, their heritage significance. The location of these built heritage receptors in relation to the Site are shown at **Figure 5.1**. A qualitative assessment of the heritage value of the identified receptors is provided below, including the contribution made by setting.

# HERITAGE ASSET PLAN

 Application Site

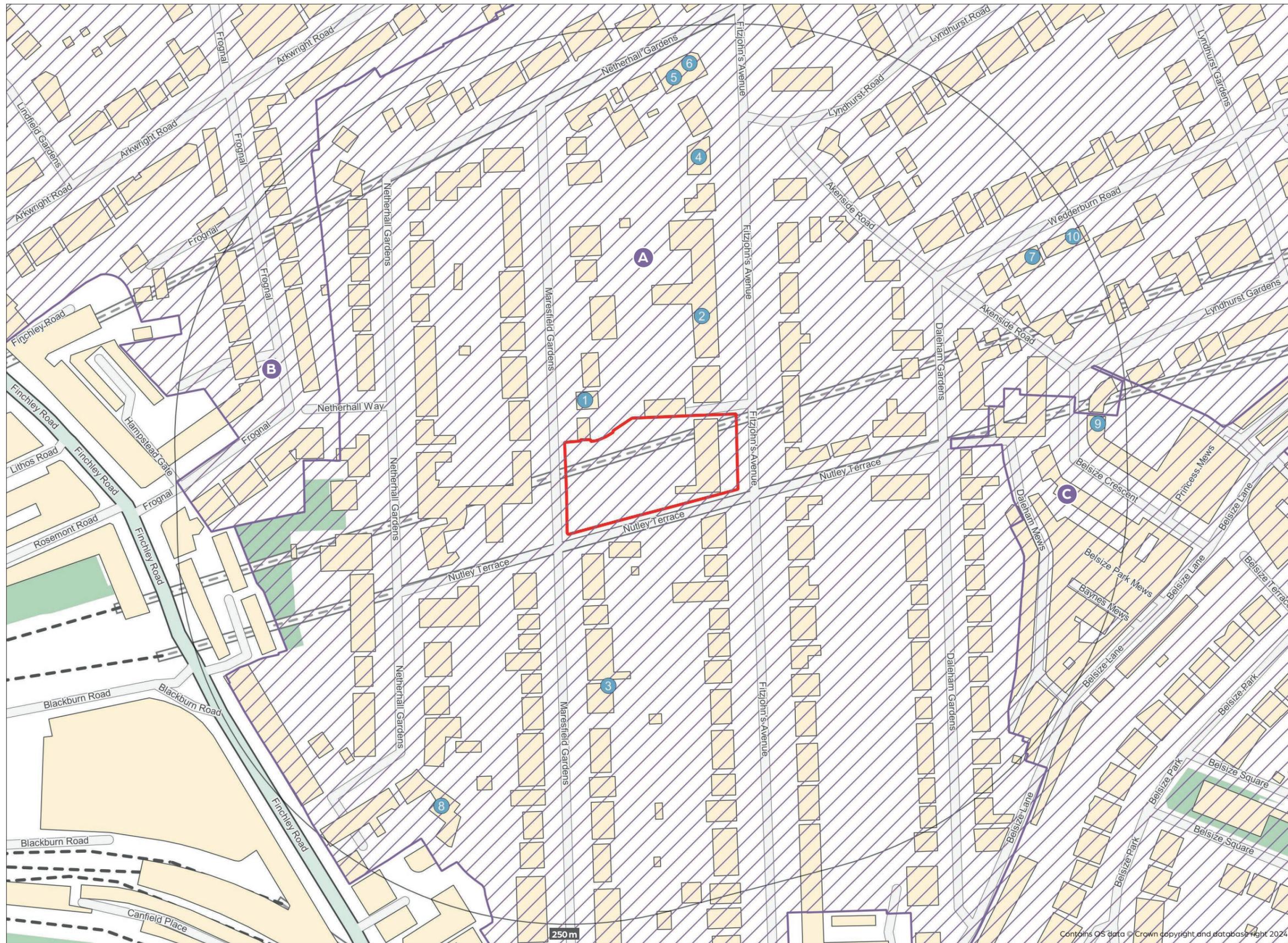
 Conservation Areas

- A. Fitzjohns Netherhall CA
- B. Redington Frogna CA
- C. Belsize Park CA

Listed Buildings

**Grade II**

1. 48 Maresfield Gardens
2. St Marys Convent School and attached Wall with Railings and Gates
3. 20, Maresfield Gardens
4. Hampstead Tower and attached Walls
5. 50, Netherhall Gardens
6. 61, Fitzjohns Avenue
7. 11 and 13, Wedderburn Road
8. British College Of Naturopathy and Osteopathy
9. Number 24 and Walls and Gate Piers
10. 7 and 9, Wedderburn Road



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**LOCATION:**  
39 Fitzjohn's Avenue

**DATE:**  
February 2024

**SCALE:**  
1:2,500 @ A3

**FIGURE 5.1** Heritage Asset Plan.

 **NORTH**

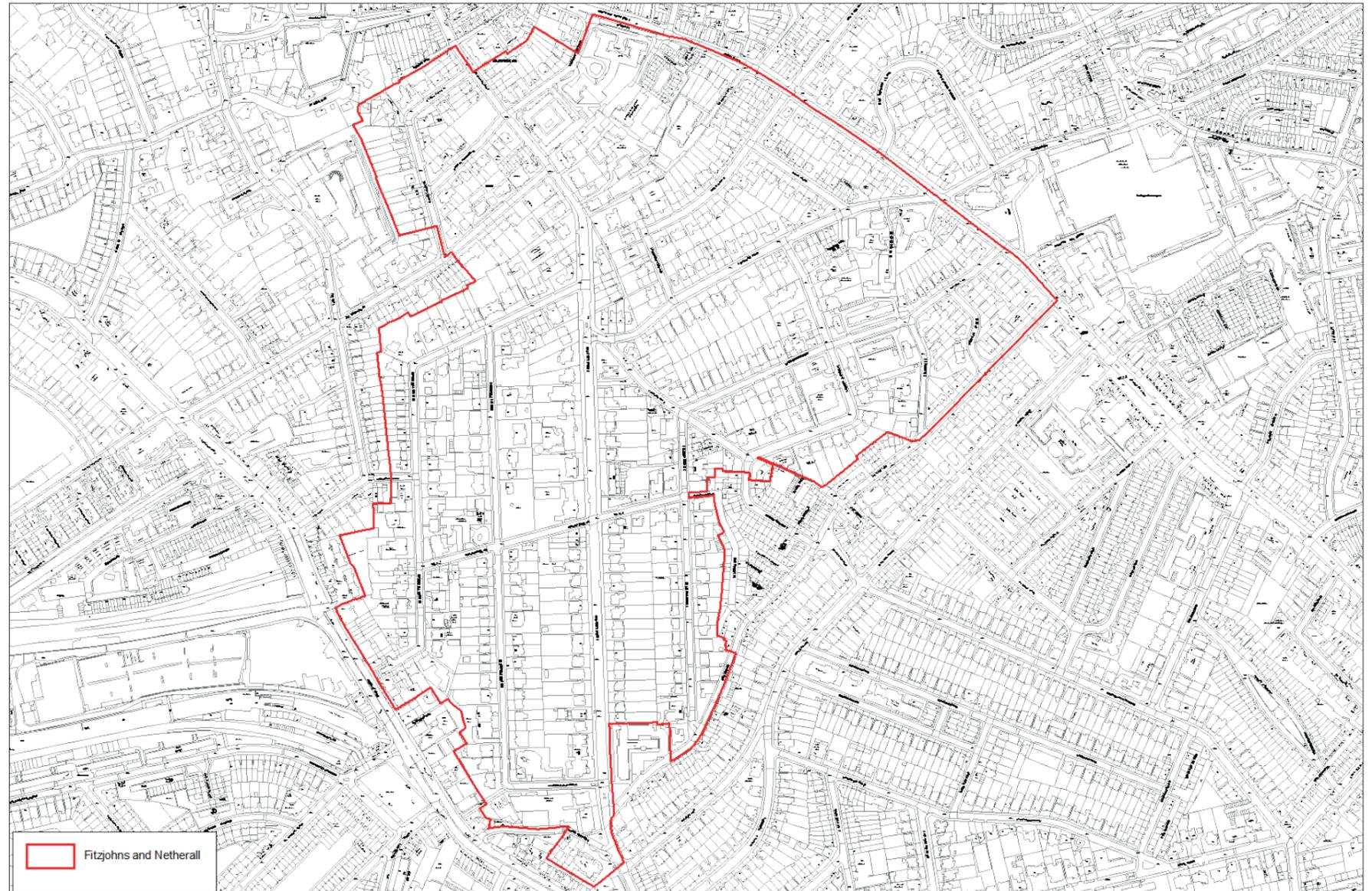


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**HERITAGE RECEPTORS WITHIN THE SITE BOUNDARY**

**FITZJOHN'S/NETHERHALL CONSERVATION AREA**

- 5.7 The Fitzjohn's/ Netherhall Conservation Area is situated on the southern slopes of Hampstead, between Rosslyn Hill and Finchley Road. The Conservation Area was designated in 1984 and extended in 1988, 1991, and the area redistributed with neighbouring Conservation Areas in 2001. The Fitzjohn's/ Netherhall Conservation Area is the subject of a Character Appraisal and Management Plan which was adopted by the London Borough of Camden in December 2022.
- 5.8 The street layout is dominated by Fitzjohn Avenue which forms a north-south spine through the centre of the Conservation Area, and the parallel streets to the east and west of it, including Maresfield Gardens and Daleham Gardens. Finchley Road and Hampstead High Street/ Rosslyn Hill form the west and east boundaries, respectively. The overall urban grain of the Conservation Area is defined by large detached or semi-detached houses with generous front and rear gardens. Gaps between the buildings provide views of verdant greenery which, along with the grass verges and rows of trees lining the streets, contributes to the leafy, suburban character of the CA.
- 5.9 The Conservation Area has remained predominantly residential and there is an eclectic mix of architectural styles including Gothic, classical Italianate, Queen Anne Revival, Jacobean, Domestic Revival and Arts & Crafts. A feature of the area is the number of properties built for individual owners (some of whom were artists) by respected architects. There is a range of architectural detailing within the Conservation Area, including: fine rubbed brickwork, terracotta enrichments, stained glass, fine wrought iron work, Tudor-style chimney stacks, extensive tiling and tile hanging, Oriel windows, stone mullions to windows, bay windows, large studio windows for artists, well-detailed front walls, gate piers, decorative tiled front paths, doorways and large porches, and elevated ground floors. Roofs are an important and conspicuous element of the CA's character.
- 5.10 The Site is situated between Fitzjohn's Avenue and Maresfield Gardens, in an area identified within the CA Character Appraisal as 'Sub Area 1'. This sub-area covers the neighbourhood around Fitzjohn's Avenue, which comprises a planned gridded street pattern lined with large houses erected between the late 1870s and late 1880s in a mix of late-Victorian architectural styles.



**Figure 5.2** Map showing CA boundary. Source: LB Camden.

- 5.11 As the central focus of the CA and Sub-Area 1, Fitzjohn's Avenue comprises predominantly four-to-five storey properties, built of yellow or red brick, and designed in a range of architectural styles including Gothic, Italianate and Queen Anne revival, with common features including bays, porches, gables and modulated facades.
- 5.12 Maresfield Gardens is one of the four parallel north-south avenues, based around Fitzjohn's Avenue, with substantial areas of well vegetated rear gardens. Maresfield Gardens has predominantly three-to-four storey properties of mixed architectural styles, mainly drawing on Queen Anne influences, but also Arts and Crafts, with some properties having fine detailing and articulation.

5.13 The main characteristics of the streetscape are: the varying building heights, creating a stepped roof line; the generosity of the landscaped plots in which the houses sit; and the consistency of the boundary treatments.

**CONTRIBUTION OF THE SITE TO THE CONSERVATION AREA**

5.14 The Site encompasses two distinct plots within the Fitzjohn’s Avenue sub-area of the Conservation Area: 39a Fitzjohn’s Avenue and land adjacent t

5.15 46 Maresfield Gardens.

5.16 39a Fitzjohn’s Avenue is a post-war building erected as an extension to 39 Fitzjohn’s Avenue. It is set behind a forecourt enclosed by a brick boundary wall and features a garden area to the rear which includes a tennis court. While 39 Fitzjohn’s Avenue has been identified in the CA Appraisal as being a positive contributor to the character and appearance of the CA, No.39a has not. This is likely due to its lack of historic interest, as relatively recent construction (mid-20th century), and the mediocre quality of its architecture, consisting of a three-storey redbrick block with modest neo-classical details.

5.17 The land adjacent to 46 Maresfield Gardens is one of the few vacant, undeveloped plots within the Conservation Area. The gap site, addressing the corner of Maresfield Gardens and Nutley Terrace, occupies a prominent position at a key junction within the CA. While the extent of biodiversity on the Site is consistent with the verdant character of the surrounding streets, it is not maintained and appears overgrown. The poor condition of the extant brick boundary treatment and fencing makes an unsatisfactory contribution at street level.

5.18 The adopted CA Appraisal and Management Plan identifies views along Fitzjohn’s Avenue, Maresfield Gardens and Nutley Terrace in both directions as being key to the experience of the CA. In its current form, the Site makes little contribution to these views and disrupts the relatively consistent rhythm and grain of high-quality residential development lining these streets.

5.19 In its current amalgamated form, the Site makes a minor positive contribution to the character and appearance of the Conservation Area. While it is largely vacant and underutilised, the verdant edge and enclosure formed by the dense planting and extant boundary treatments contributes to the character of the CA streetscape, which is suburban in nature. However, for all that, there is no positive scheme of management for the Site and thus no mechanism to maintain it in the long term.

5.20 There is, therefore, opportunity to enhance the character and appearance of the CA through a well-considered landscape-led residential masterplan which can resolve the disparate elements of the Site, optimise the predominantly vacant land, and improve its outward appearance in views along Fitzjohn’s Avenue, Maresfield Gardens and Nutley Terrace. There is also opportunity to enhance the landscape quality of the site boundary and introduce biodiversity measures.

**OTHER HERITAGE ASSETS - SETTING IMPACTS**

**20 MARESFIELD GARDENS (GRADE II)**

5.21 20 Maresfield Gardens was listed Grade II in 1974. It comprises an early-20th century detached redbrick house designed in a Queen Anne Revival style. It is two storeys plus an attic and features an asymmetrically set three-window canted entrance bay, tiled roof and upswept eaves with modillion eaves cornice. The significance of 20 Maresfield Gardens resides principally in its historic association with the psychoanalyst Sigmund Freud, who lived there from 1938-1939, and his daughter Anna Freud who lived there until 1986. This historic association is marked by two blue plaques on the principal elevation and, since 1986, the building has housed the Sigmund Freud Museum. The building also has architectural interest as a relatively intact example of early-20th century suburban residential development.

5.22 The setting of 20 Maresfield Gardens is defined by its set-back from the road and its verdant front and rear gardens, which emphasises its suburban domestic character and makes a positive contribution to its significance.



Figure 5.3 Exterior of 20 Maresfield Gardens and its setting. Source: Historic England.