

## **Heritage Appeal Statement**

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Borough of Camden WC1X 9LP

On behalf of HOL Development

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## **1.0 INTRODUCTION**

### **Qualifications and experience**

- 1.1 I am Ignus Froneman, Director at Cogent Heritage, an independent heritage consultancy that I established in 2019. In the 9 years before establishing Cogent Heritage I was a Director at Heritage Collective UK Limited (trading as Heritage Collective), and its subsidiaries. Before that, I was an Associate Director at CgMs Consulting (now part of RPS). During this time I have worked on a wide range of projects affecting the historic environment throughout the United Kingdom.
- 1.2 I hold a degree in architecture; I am an Associate member of the Chartered Institute for Archaeologists (ACIfA) and a member of the Institute of Historic Building Conservation (IHBC).
- 1.3 I have over 20 years of experience in specialising in the historic environment, both in terms of understanding and analysing physical fabric, and in terms of policy application, specifically by assessing the impacts of development proposals and providing advice on heritage matters. My experience includes dealing with a diverse range of cases involving the assessment of physical changes to all manner of heritage assets, and/or development affecting their settings. I have undertaken numerous impact assessments where I have considered the impacts of new development on the historic environment (dealing with physical impacts, setting and townscape).
- 1.4 I have provided expert evidence at appeals, including public inquiries, on behalf of both appellants and local planning authorities, including many cases where I have specifically dealt with developments in the setting of listed buildings and/or developments inside or adjoining conservation areas.
- 1.5 I understand my duties as a professional witness; to give independent and objective evidence on matters within my expertise, based on my own independent opinion and uninfluenced by the instructing party. I confirm that the opinions set out in this Appeal Statement represent my true opinion. I have stated the facts and matters on which I rely, and have sought to identify all material matters, irrespective of whether they support the conclusion I have reached.
- 1.6 I believe that the facts stated within this Appeal Statement are true and that the opinions expressed are correct. I have drawn attention to any matters where I consider I lack sufficient information to reach anything other than a provisional conclusion. I will continue to comply with my duties as a professional witness. I have

adhered to the standards and duties of the professional bodies I am a member of, and will continue to adhere to those standards and duties.

## **My involvement**

- 1.7 I had no involvement in the application before its submission, or during its determination. I was first approached in relation to the appeal proposal following the refusal. I was asked whether I would be willing to act as the Appellant's heritage witness. Based on a review of the proposals and a site visit, I was able to confirm my willingness to undertake this work.
- 1.8 I do not rehearse the historic background, provided by Willingale Associates as part of the application submission, although I have commissioned additional research (from an independent researcher, with whom I work with collaboratively) and in places I have supplemented the information already provided with additional evidence or observations.

## **KEY ISSUES**

### **Reasons for refusal**

- 1.9 The first reason for the Council's refusal of the appeal proposal, (the Decision Notice for planning permission, ref. 2022/2623/P, dated 10 November 2023) states:
- "The proposed mansard roof extension with terrace, by reason of its **siting, design, scale and prominence**, would cause harm to the character and appearance of the host building and the wider street scenes to which it forms a part, and would thus cause harm to the character and appearance of the Bloomsbury Conservation Area and the settings of nearby listed buildings, contrary to Policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017 [my emphasis]."*
- 1.10 I can see that the Council has taken issue with acceptability of the proposed mansard roof's siting, design, scale and prominence. I will address these issues in my evidence.
- 1.11 I note that there is an allegation of harm to listed buildings (plural). However, I have also read the Delegated Report (undated); I can see the identification of the nearby listed buildings (paragraph 6.4) and then the assessment, at paras 6.5- 6.10. the only listed buildings identified as being harmed, at paragraph 6.7, is the "*adjacent terrace of listed buildings*" (i.e. 1-7 Frederick Street, listed grade II). I have accordingly focussed my attention in my evidence on these listed buildings, although I have inspected the other nearby listed buildings, the significance of which I do not consider could reasonably be harmed by the proposed mansard. However, I reserve the right to respond to any allegations of harm to these listed building, should that be made.

## Structure of my Appeal Statement

1.12 The remainder of my Appeal Statement is structured as follows:

**Section 2:** An assessment of the significance of the conservation area and the listed terrace at 1-7 Frederick Street, and the contribution of the existing building on the appeal to the significance of the conservation area and the setting of the listed terrace.

**Section 3:** My assessment of the effect of the appeal proposal on the significance of the conservation area and the listed terrace.

**Section 4:** In this section I summarise my conclusions.

1.13 I have set out the relevant legislation and policy framework separately at **Appendix 1** of my Statement.

## **2.0 ASSESSMENT OF SIGNIFICANCE AND CONTRIBUTION**

### **INTRODUCTION**

2.1 In this next section I summarise the significance of the conservation area and consider, specifically, the contribution of the existing building on the appeal site to the significance of the conservation area. I also summarise the significance of the listed terrace, and I note the contribution of the existing building on the appeal site to the significance of the listed terrace.

### **THE BLOOMSBURY CONSERVATION AREA**

#### **Summary of significance**

2.2 Camden's adopted *Bloomsbury Conservation Area Appraisal and Management Strategy* (Adopted 18 April 2011) (the 'Appraisal' hereafter can be taken as a starting point for an assessment. I have highlighted below specific points from the document that I consider relevant to an assessment of the character and significance of the area:

- i. Bloomsbury is a large Conservation Area, covering approximately 160 hectares (paragraph 1.1).
- ii. The original street layouts, which employed formal landscaped squares and a grid of streets to create an attractive residential environment, is widely considered to be an internationally significant example of town planning and remains as a dominant characteristic of the area (paragraph 1.2).
- iii. Despite Bloomsbury's size, varying ownerships, and expansion from roughly 1660 to 1840, there is a notable consistency in the street pattern, spatial character and predominant building forms. The area is also culturally rich in character (paragraph 1.2).
- iv. The area has continued to evolve from its 17<sup>th</sup> century origins, through the Georgian, Regency, Victorian and Edwardian periods and into the 20<sup>th</sup> century. This pattern of change and evolution is on-going, with more recent developments from the later 20<sup>th</sup> century and the early 21<sup>st</sup> century, continuing the Bloomsbury tradition of development of its time as exemplars of contemporary but contextual design (paragraphs 3.3–3.5).
- v. The quintessential character of the conservation area derives from the grid of streets, enclosed by mainly three and four storey development which has a distinctly urban character of broad streets interspersed by formal squares which provide landscape dominated focal points (paragraph 3.8).
- vi. A hierarchy of different scales of streets is evident across the area with clear differences between the wider major arterial routes which define and cross the

conservation area, the grid of primary, relatively spacious, intersecting streets, narrower secondary streets, rear mews and narrow connecting lanes (paragraph 3.9).

- vii. The main arterial routes, of which King's Cross Road is one, tend to have larger scale buildings, addressing broader, busier streets (paragraph 3.10).
- viii. Under the heading "*Building Typology and Form*" paragraph 3.17 notes that the most widespread roof forms are butterfly roofs behind parapets, or mansards.
- ix. Brick is the predominant building material used across the conservation area. Red brick, stone and stucco are all used as contrasting detailing in the articulation of frontages. Other materials include glazed tiling, terracotta and faience, as well as concrete (used with varying degrees of success). More recently glass and steel have been utilised to create a new 21st century architecture of a light and precise character (paragraphs 3.22–3.27).
- x. The predominant architectural styles of the conservation area are classically derived, regardless of period or building type (paragraph 3.28).

2.3 Starting from first principles, I would reinforce that the original development of the conservation area represents an internationally significant example of town planning. This can be seen in the street pattern, and the carefully designed garden squares and street layout, resulting in a distinctive spatial character. There is a significant Georgian legacy in Bloomsbury, although the area has continued to evolve and it now contains notable examples of buildings of all ages and many types, including the late 20<sup>th</sup> century and early 21<sup>st</sup> century. This not only gives the area a palpable sense of time depth, but also a considerable richness in the fabric of the townscape and variety in architectural language, form, materials, construction, etc.

2.4 Despite that there are pockets of significantly intact historic townscape and sometimes remarkable survivals of groups of historic buildings, e.g. Georgian squares. It is a large and diverse area, which is reflected by the fact that the designated area covers many hectares and is divided into fourteen different character areas, some of which individually take in relatively large areas of townscape. It is an area that is undoubtedly of considerable architectural and historic interest, and worthy of its designation, and protection.

2.5 The application site lies in Sub Area 14: Calthorpe Street/Frederick Street. The historic background in the Appraisal notes at paragraph 4.16 that development occurred between 1801 and 1832 to the east of Gray's Inn Road, on land sloping down to the River Fleet. The scale of these streets is smaller than those to the west; this may be

due to their proximity to river. Acton Street, Frederick Street and Ampton Street were built to the designs of William and Thomas Cubitt<sup>1</sup>.

- 2.6 Sub Area 14 is discussed in paragraphs 5.244-5.260 of the Appraisal.
- 2.7 According to paragraph 5.245, there is much uniformity in the appearance of the sub area. The streets generally follow an east-west pattern and are of a generous width. The special interest of the architecture of the area is highlighted by the high number of listed buildings.
- 2.8 Paragraph 5.246 of the Appraisal highlights how horizontal parapets emphasise the rooflines in the sub-area. The area's repetitive character is derived from a pattern of vertically proportioned sash windows and arched doors, fanlights and ground floor windows. Other widely employed features, highlighted in the Appraisal include:
- i. balconies;
  - ii. rubbed brick window heads;
  - iii. mansard roofs;
  - iv. dormer windows; and
  - v. chimneystacks and pots.
- 2.9 The same paragraph describes how an 'emphasis of grandeur' can be seen in classically-inspired symmetrical compositions, for instance where terraces terminate views. An example is the terrace on Frederick Street, designed by the Cubitt brothers as a whole, where the central houses are emphasised by hooded balconies at the first-floor *piano nobile* level.
- 2.10 At paragraph 5.250 the Appraisal notes that, south of the junction with Frederick Street, the height of buildings is greater. The five-storey, late 20<sup>th</sup> century building at 93 King's Cross Road, despite being crudely detailed, is said to relate well "to the established building line and the scale of the frontage". The existing building on the appeal site is not specifically mentioned.
- 2.11 Frederick Street and Ampton Street are described at paragraph 5.252. The Appraisal notes that most of the buildings in this area date from the 1820s to the 1840s, and

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<sup>1</sup> Different sources attribute the development to one or other of the Cubitt brothers; I note that the partnership between Thomas Cubitt and his brother William (and the much younger Lewis Cubitt) was dissolved in 1827, and so I have assumed that either, or both brothers may have had a hand in the design of the development, though the design certainly appears to show the recognisable hand of Thomas Cubitt, who probably had a lead role in the design (despite having always insisted on being a 'builder' rather than an 'architect').



were designed and built by Thomas and William Cubitt. The 19<sup>th</sup> century development progressed from west to east, although there have been some areas of post-war redevelopment. The Appraisal notes a generally grander, classical approach to the overall composition of elevations, which feature pilasters, pediments and projections, emphasising the design of the terrace as a single composition (this is particularly evident on Frederick Street).

- 2.12 At paragraph 5.259 the Appraisal highlights that these main routes of Gray's Inn Road and King's Cross Road are wider, busier streets with fragments of terraced townhouses developed in the early 19<sup>th</sup> century, some of which are listed.

### The contribution of the appeal site to the significance of the conservation area

- 2.13 Although it is not specifically mentioned in the Appraisal, the Sub Area 14 'Townscape Appraisal' map (extract at **Fig 1** below) identifies the existing building on the appeal site as a 'Positive Building'.



**Fig 1:** An extract of the Sub Area 14 'Townscape Appraisal' map. Listed buildings are hatched black, and positive contributors ('Positive Buildings') are cross-hatched. The appeal site is highlighted red.

2.14 When looking at the above map, it is interesting to see how the east-west terraces are generally listed, but with the areas adjoining the underground line, and the west side of King's Cross Road, being unlisted positive contributors. This reflects the evolution of the townscape, where the underground line resulted in the demolition/redevelopment of earlier buildings and their replacement with Victorian additions, and likewise the redevelopment along the thoroughfare of King's Cross Road. The existing building on the appeal site, like the buildings to the north of it, straddle the underground line, and addresses King's Cross Road, representing a late-Victorian layer of the townscape.

2.15 I agree with the Appraisal that the existing building on the appeal site positively contributes to the character, appearance and significance of the conservation area. It is a good quality Victorian corner building, which although not remarkable or especially noteworthy in its own right, fits well into the pattern of traditional 19<sup>th</sup> century buildings within the sub-area; that can be seen from **Photo 1** below.



**Photo 1:** The building on the appeal site, seen from Kings Cross Road.

2.16 **Photo 1** above also illustrates well the hierarchy in the different scales of streets. There is a clear difference between the wider, busier and more commercial thoroughfare of King's Cross Road, and the intersecting residential terraced streets, in this case Frederick Street with its earlier, stuccoed terraces. The existing building on the appeal site can here be seen to 'bookend' the stuccoed terrace on Frederick Street with a taller corner block, different in age, materials, proportions, and use (in terms

of the ground floor shopfront and the now blank signage panels). There is nevertheless, to an extent, some synergy with the older terrace, by virtue of the use of a classical/traditional design and broadly similar scales. However, it is obvious at a first glance that the Victorian corner block addresses and primarily relates to King's Cross Road.

2.17 That is accentuated by the blocks to the south on King's Cross Road; despite the diminutive single-bay shop immediately to the south of the appeal site (101 King's Cross Road), the scale is continued by the 'Flat Iron' block at 99-97 King's Cross Road, which was given its shape by the constraints of the site and which appears to be contemporary with the existing building on the appeal site. Beyond that is the modern block at 93-95 King's Cross Road (**Photo 2**), of which the Appraisal states on page 112 under the heading "ii) Acton Street/King's Cross Road":

*"[...] the five-storey brick-clad housing at No 93 [to 95, a single block] is late 20th century, and relates well to the established building line and the scale of the frontage."*



**Photo 2:** The building on the appeal site, seen from Kings Cross Road, with 93-95 King's Cross Road seen behind it, on the left.

2.18 I note that 93-95 King's Cross Road is not identified as a positive contributor in the Appraisal; given its somewhat lacklustre detailing, I am not surprised by that. It can be compared with the preceding Victorian building that stood here, and which is recorded on two grainy late-1970s photos (**Figs 2 & 3**) held at Camden Archives; this



was apparently a continuation of the 'Flat Iron' block at 99-97 King's Cross Road, and the exposed party wall seen below provides a clue as to the original roof form of the buildings.



**Fig 2:** A c. 1978 photo of King's Cross Road, looking north, with the red arrow showing the Victorian building that predated the present 93-95 King's Cross Road. © Camden Archives



**Fig 3:** A c. 1979 photo of King's Cross Road, looking north, with the red arrow showing the Victorian building that predated the present 93-95 King's Cross Road, the dotted line shows the present 'Flat Iron' block at 99-97 King's Cross Road. © Camden Archives

2.19 Despite the disappointing detailing of the present-day 93-95 King's Cross Road, I would agree with the Appraisal that its scale and building line relate well to the thoroughfare. In this respect, I have no difficulty in concluding that, in principle, there is certainly an opportunity for the existing building on the appeal site to accommodate a mansard roof; I do not think, in the townscape context, that a slight accentuation of this corner building would be harmful for any reason. On the contrary that would, if anything, be positive in giving the corner building a slightly increased townscape presence.

2.20 Such an increased presence would chime with the commonplace Victorian townscape approach towards emphasising corner buildings. A mansard would sit well in the context of the mansard seen on 93-95 King's Cross Road. I also note that there are mansards to the 'positive buildings' in the blocks to the north of the appeal site, as can be seen from **Photos 3 & 4** below. Mansards, in this context, seems to me to be a common, if not characteristic, roof form along King's Cross Road. I can see no reason why that would be inappropriate in this townscape context.



**Photo 3:** There are mansards to the 'positive buildings' in the blocks to the north of the appeal site.





**Photo 4:** There are mansards to the 'positive buildings' in the blocks to the north of the appeal site (the block between Swinton and Acton Streets).

- 2.21 Typically, concerns would be raised about the principle of adding a mansard roof in a conservation area where that would affect a uniform terrace, or group of buildings, but that is plainly not the case here.
- 2.22 Another typical concern would be where the mansard would cause the removal of a characteristic historic roof form, such as a butterfly roof (also sometimes referred to as a 'London roof'). Again, that is not the case here. It would have been surprising if the building on the appeal site had a flat roof originally, in the late 19<sup>th</sup> century. Aerial photos of 1939 (**Fig 4**) and 1945 (**Fig 5**) show that, by this time (and probably before the war), the existing building on the appeal site and 99-97 King's Cross Road had flat roofs. But it can also be seen that the remainder of the terrace, which extended southwards, and which can be seen on the 1970s photos, had a form of butterfly roofs (they were hipped at the back and so did not need the V-shaped brick parapet that is often associated with this roof form). It is highly likely that the flat roofs seen on the aerial 1939 and 1945 aerial photos had replaced more traditional original roofs (having checked the London County Council bomb damage maps, I do not think war damage would have resulted in the removal of the roofs, as the buildings were recorded as having sustained only light/blast damage).



**Fig 4:** An extract of a 1939 oblique aerial photo of the appeal site (red arrow) in context, seen from the NW. © Britain from Above



**Fig 5:** An extract of a 1945 vertical aerial photo of the appeal site (red arrow) in context. © Historic England

- 2.23 In the absence of evidence of the original roof form, all I can do is to observe that:
- i. a flat roof would have been highly unlikely to have been original; and
  - ii. the existing flat felt roof is not a component of the building that adds anything to its positive contribution to the conservation area.
- 2.24 The existing roof form of the building on the appeal site is inconsequential to the building's contribution to the conservation area, and this flat felt roof would not preclude or prevent the addition of a mansard.

## THE LISTED TERRACE

### Summary of significance

- 2.25 According to its list entry on Historic England's National Heritage List, the terrace at 1-7 Frederick Street was grade II listed on 24 October 1971. The main descriptive text from its list description reads:

*"Terrace of 4 houses. c1835-39. By William Cubitt. Stucco with rusticated ground floors. 3 storeys and basements. 2 windows each, No.7 with 3 window (blind) return to Cubitt Street. Single storey, splayed-corner extension to No.7 forms No.34 Cubitt Street (qv). Similar arrangement on No.9 Frederick Street (qv) gives the impression of lodges at the entrance to Cubitt Street. No.1, mid C19 projecting shopfront with pilasters supporting an entablature flanked by consoles. C20 doors. Nos 3-7, square-headed doorways with panelled jambs, cornice-heads, overlights and panelled doors. Recessed sashes; 1st floor with architraves, pulvinated friezes, pediments and cast-iron balconies. Console bracketed cornice and blocking course. INTERIORS: not inspected. SUBSIDIARY FEATURES: attached cast-iron railings with bud finials to areas."*

- 2.26 The *Pevsner* guide<sup>2</sup> attributes Frederick Street to Thomas Cubitt, and dates it to 1827-32. Frederick Street is described as part of an 'ambitious layout' with 'minor grandeur' in the manner of (John) Nash, by exploiting views and the use of giant pilasters or stucco pediments (as at the terrace at 1-7 Frederick Street - see **Photo 5** below).

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<sup>2</sup> *The Buildings of England, London 4: North*, Cherry, B and Pevsner, N (Yale, 2002) pp.331





**Photo 5:** The listed terrace at 1-7 Frederick Street.

2.27 Essentially, the heritage significance of the listed terrace at 1-7 Frederick Street, as expressed in terms of the NPPF, is attributable to its architectural and historic interest, which can be summarised as:

- i. Historic interest (illustrative, as described in Historic England's *Conservation Principles*<sup>3</sup>) as a terrace of former high status, speculative houses, part of a larger development by one of London's most notable builders. The Cubitts' (or perhaps only Thomas Cubitt's) attention to detail, use of stucco, finesse, and his eye for proportion and rhythm are all reflected in the terrace, which was designed to appeal to a relatively well-heeled clientele of prospective purchasers.
- ii. Historic interest (both associative and illustrative) as a good example of the Cubitts' development, and one of Thomas Cubitt's earlier developments. Many

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<sup>3</sup> *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment* English Heritage/Historic England (April 2008)

of Thomas Cubitt's buildings across London are listed; they have associative interest with one of London's pioneering and most successful developers of high status houses and developments.

- iii. Architectural and illustrative historic interest in the form of the terrace (as part of the larger development), of which the *Survey of London*<sup>4</sup> notes "[Thomas] Cubitt evidently took some care in designing the houses, which show an ingenious handling of brick and stucco".
- iv. Architectural and historic interest (both associative and illustrative) as part of the wider Cubitt development, in particular the other contemporary Cubitt terraces on Frederick Street, with which the terrace has clear group value, as can be seen from **Photo 6** below.
- v. Architectural interest, derived from the simple formality and order of the elevational composition, with a deftly handled stucco finish, showing Regency influences.



**Photo 6:** The listed terrace at 1-7 Frederick Street.

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<sup>4</sup> 'The Calthorpe Estate', in *Survey of London: Volume 24, the Parish of St Pancras Part 4: King's Cross Neighbourhood*, ed. Walter H Godfrey and W McB. Marcham (London, 1952), pp. 56-69. *British History Online* <http://www.british-history.ac.uk/survey-london/vol24/pt4/pp56-69> [accessed 1 February 2024].



2.28 I note that the information provided by Willingale Associates refers to there having historically been an end of terrace house to the east of the present-day 1-7 Frederick Street, which was demolished when the underground cutting was formed. I would observe that this appears to be also confirmed in the detailing of the present-day end house. As can be seen from **Photo 7** below, there is a vertical channel to the east side of 1 Frederick Street. Such channels can be seen to separate the other houses in the same terrace (they may have been intended as recesses for downpipes, or they may have been for aesthetic reasons only), and can also be observed on other terraces, e.g. 15-21 Frederick Street to the west.



**Photo 7:** A detail of 1-3 Frederick Street, showing the vertical channels with dotted red lines.



**Photo 8:** A detail of 1-7 Frederick Street, showing the absence of a vertical channel at the end house. The arrow shows where the channel would have had to be located, if there was one, and it can be seen how odd that would have looked.

2.29 These vertical channels never occur on the 'outside' ends of the houses at either end of a terrace (e.g. 7 Frederick Street, 15 Frederick Street, 21 Frederick Street, 25 Frederick Street, or 27 Frederick Street). **Photo 8** above shows the absence of the channel at 7 Frederick Street, and it can be appreciated how odd it would have looked

if there was one. I also observe how the cornices of the Cubitt terraces typically returned neatly and well-resolved where a terrace ends, whereas at 1 Frederick Street the cornice appears to have been abruptly cut off.

- 2.30 I therefore agree with the conclusion that there would originally have been another house to the east of the present listed terrace, and that the stack of this former end house on the appeal site side has been truncated. It is obvious that the stacks (and the chimneypots) of the listed terrace – and the other Cubitt terraces on Frederick Street – are a characteristic and distinctive feature of the terraces.

### **Contribution of setting to the significance of the listed terrace**

- 2.31 As noted above, the terrace at 1-7 Frederick Street clearly forms one constituent part of a larger, broadly contemporary and architecturally cohesive Cubitt development. Although 1-7 Frederick Street has special architectural and historic interest in its own right, it clearly has a good deal more interest as part of the planned, Nash-inspired development. Although not a 'set piece' development in the normal sense of the word, together each terrace amplifies the interest and contribution of the others, so that the significance of the whole group is far greater than the sum total of each individually. It is this group value that lies at the heart of how the setting of the terrace at 1-7 Frederick Street contributes to its significance.

- 2.32 In my assessment of the conservation area above, I have already noted that the building on the appeal site 'bookends' the terrace on Frederick Street with a taller, later added corner block, different in age, materials, proportions, and use. There is an obvious and instantly appreciable difference between the building on the appeal site and the listed terrace, as can be seen on **Photos 9 & 10** below.





**Photo 9:** The listed terrace at 1-7 Frederick Street, seen with the existing building on the appeal site at the eastern end.



**Photo 10:** The listed terrace at 1-7 Frederick Street, seen with the existing building on the appeal site at the eastern end.

- 2.33 I have also noted a degree of synergy between the listed terrace and the building on the appeal site, in the sense that both are traditional 19<sup>th</sup> century buildings, albeit different in style etc. Architecturally the building on the appeal site neither detracts from, nor contributes to the significance of the listed terrace; it marks the end of the Cubitt development on Frederick Street, and the different, generally later, townscape on King's Cross Road. It also denotes the historic development of the railway, and the thoroughfare, which is different from the earlier Cubitt development.
- 2.34 In the context of the appeal proposal, I would observe that, although slightly taller than the listed terrace, the existing building on the appeal site does not visually overwhelm the terrace, which instead holds its own very well in the local townscape. That is not least because it is very different, and understood to be very different, and plainly part of the coherent contemporary townscape on Frederick Street to the west. Had the building on the appeal site been built with a mansard roof, or with a gable, I do not see how that would have changed the way in which the listed terrace was understood. I do not think the listed terrace would have been overwhelmed, or harmed, by such a building.

## **3.0 THE EFFECT OF THE APPEAL PROPOSAL**

### **INTRODUCTION**

3.1 In this section I assess the effect of the appeal proposal on the significance of the conservation area and the listed terrace, following a short overview of the appeal proposal.

### **BRIEF OVERVIEW OF THE APPEAL PROPOSAL**

3.2 The appeal proposal is for a traditionally detailed mansard roof, with traditional lead dormers and timber windows. The 70 degree angle of the roof is typical for a traditional mansard (some of the mansards to the north, on King's Cross Road, have steeper slopes). The slope and setback behind the existing parapet would give the proposed mansard a recessive appearance.

3.3 Although the ridge of the mansard, on a flat two-dimensional elevational drawing, would be taller than the stacks that sit atop the parapet, when seen from street level in three dimensions I do not think the mansard would seem disproportionately tall. The slope, together with the use of natural slate, would instantly mark it as a roof element and in the context of the other mansards in the local context, this would blend in well. When walking along King's Cross Road, it would be a recessive and minor element in the context of the local townscape.

3.4 The north side of the mansard would be pulled away from the northern parapet, so that in the longer views from King's Cross Road the mansard would be more recessive. A recessed terrace with a glass balustrade (this can be conditioned, should there be a need for that) would be located in this area. The balustrade would be only marginally taller than the parapet, and because of this, and the setback from the parapet, it would be visible only in long views, in which case it would be such a minor element that it would not be noticeable. I do not think that a metal balustrade, such as the one nearby on the parapet of 99-97 King's Cross Road, would be appropriate because it is likely to be more visible.

3.5 The original chimneystack on the party wall with the listed terrace has been reduced to a stub at roof level. The original form and height of the stack can be deduced from the remaining stacks on the rest of the listed terrace. It is proposed to restore the stack; the restoration work includes raising the stack to its original height and form, as well as adding the missing chimneypots.



- 3.6 It is also proposed to tone down the bright white vertical signage panels on the corner and on the King's Cross Road elevation of the building.

## ASSESSMENT

- 3.7 I specifically focus on the key issues to be addressed, which I have identified in the Introduction, i.e. the siting, design, scale and prominence of the appeal proposal. I note that paragraph 6.7 of the Delegated Report slightly elaborated on the reason for refusal, as per the quote below, and accordingly I address the issues raised below in bold text:

*"The proposed mansard roof extension with roof terrace (as revised) is considered to be an [1] **overly dominant** addition to the existing town and roof scape. The proposed alterations would [2] **negatively impact the existing dimensions and proportions of the host building**; and, the resultant [3] **changes to its architectural hierarchy including to its chimneys**, and in terms of the [4] **overbearing nature of the additional height on the adjacent terrace of listed buildings**, is considered unacceptable [my emphasis]."*

- 3.8 I start by dealing with the five allegations from the Delegated Report. I then consider, in turn, the: siting, design, scale and prominence of the appeal proposal, as cited in the first reason for refusal.

### The Delegated Report

- 3.9 **[1] Overly dominant:** The proposed mansard would be set behind the existing parapet, and it would be set in from the northern parapet. With its sloping sides, it would be recessive, though it would of course be visible (though visibility does not equate to dominance). I refer the Inspector to the submitted 3D model views. I do not think the mansard could reasonably be described as 'dominant' in relation to the tall, four storey building on the appeal site, or the townscape context within which the building sits.
- 3.10 **[2] Negative impact on the existing dimensions and proportions of the host building:** I note firstly that the existing dimensions and proportions of the host building would not be changed in any way as part of the appeal proposal. The proposed mansard, with its sloping sides, subservient dormers, and typical roof form and materials, set behind the parapet, would be instantly recognisable as a traditional roof element above the sheer four storey brick elevations of the building. It would be proportionally wholly appropriate and exactly what might be expected on a corner building such as this. It would, proportionally, be more in keeping with the four storey building on the appeal site than the more visible mansards, with shallower slopes and visible upper roof slopes,

of the modest three storey 'positive buildings' in the block to the north, which can be seen on **Photo 11** below.

3.11 Mansards are typical of this conservation area; the proposed mansard would be no different. I have some real difficulty in understanding why it is that this particular proposed mansard is said to negatively impact on the dimensions and proportions of the building.



**Photo 11:** The mansards to the 'positive buildings' in the block to the north of the appeal site (between Swinton and Acton Streets).

3.12 **[3] Changes to the architectural hierarchy of the building, including to its chimneys:** No changes to the chimneys of the Victorian building are proposed. The only change proposed to a chimneystack is the restoration of the stack at the end of the listed terrace, on the side of the appeal site. Camden's Local Plan Policy D2 requires developments to preserve and, where appropriate, enhance Camden's heritage assets and their settings, including listed buildings. The restoration of the stack would be an enhancement to the listed terrace, but it would not affect the contribution of the Victorian building on the appeal site to the conservation area.

- 3.13 The architectural hierarchy, like the dimensions and proportions of the existing, building would not be changed in any way as part of the appeal proposal. A recessive roof element would be added, which is a characteristic roof form that can be found in the local context, and across the conservation area. Mansards are noted at paragraph 3.17 of the Appraisal, under the heading "*Building Typology and Form*" as one of the most widespread roof forms in the conservation area. I cannot accept, in this context, that a mansard is the type of addition that could reasonably be said to upset or negatively affect the architectural hierarchy of the building.
- 3.14 I have already noted above that the ridge of the mansard, on a flat two-dimensional elevational drawing, would be taller than the stacks that rise above the parapet. But the mansard would be set from the north, and it would slope away from the parapet. When seen from street level in three dimensions, the mansard would be seen behind the stacks, which rise sheer from the elevation. The roof slope, together with the use of natural slate, would instantly mark it as a roof element, in contrast with the solidity and mass of the stacks, which would sit in front of the mansard atop the parapet. It is hard for me to see how the legibility of the stacks would be compromised or affected.
- 3.15 The stacks are, in any event, typical and recognisable roof elements. The mansard, too, would be a typical and recognisable roof element, and one that is characteristic of this conservation area. I do not see an inherent conflict between the stacks and the mansard, such that it would be harmful to the conservation area (or the contribution that the building makes to the conservation area).
- 3.16 **[4] Overbearing nature of the additional height on the adjacent terrace of listed buildings:** I have some difficulty in accepting the characterisation of the mansard as 'overbearing'. I do not accept the premise of this comment, i.e. that a set-back, traditional mansard behind a parapet and in the context of prominent stacks (on the host building, as well as the listed terrace itself) can reasonably be said to be 'overbearing'. The proposed mansard would be aligned behind the restored end-stack of the listed terrace, and so there would be even less of it visible in conjunction with the terrace. I have already explained why the mansard, with its sloped sides behind the parapet, would be recessive. In my view the word 'overbearing' should perhaps best be replaced with the word 'recessive' – in which case the objection inherent in the comment naturally falls away.
- 3.17 In any event, when noting the very different nature of the existing building on the appeal site, compared with the listed terrace, and the preponderance of mansard roofs in the local context on King's Cross Road, combined with the northern set-back of the proposed mansard, I cannot see how it is that the significance of the listed terrace

would be affected in any way. That is especially so, when understanding the setting of the listed terrace, and how it is its relationship with the Cubitt development that mostly contributes to its significance, as I have assessed in the previous section.

### **The first reason for refusal**

- 3.18 In light of the assessment above, I can deal with the four things cited in the first reason for refusal (i.e. the siting, design, scale and prominence of the appeal proposal) in short order.
- 3.19 **Siting:** There is not much by way of flexibility in the siting of a proposed mansard; in this case the primary design choice in terms of the siting of the mansard was pulling it back from the northern parapet to reduce its presence in relation to the longer views from King's Cross Road, and specifically also in relation to its juxtaposition with the adjacent listed terrace<sup>5</sup>. I have seen no criticism of the appeal proposal in this regard; on the contrary, this would seem to have addressed concerns expressed about the perceived prominence of the mansard, rather than exacerbating it. There is nothing that I can see as being objectionable or harmful about the siting of the proposed mansard.
- 3.20 **Design:** The design of the proposed mansard is traditional. Mansards are noted at paragraph 3.17 of the Appraisal, under the heading "*Building Typology and Form*" as one of the most widespread roof forms in the conservation area. I have already noted the mansards to the north and south of the appeal site. It is characteristic not only of the local context, but the wider conservation area. I do not understand what the Council finds objectionable about the design of the proposed mansard.
- 3.21 **Scale:** Scale, as a concept, is normally applied in relation to, or relative to, something else. In this case, scale would be relative to the existing building on the appeal site, or the general scale in the local context of the appeal site. I have already commented on the relation of the proposed mansard with the host building, and I do not rehearse that here. I can simply note that it would not appear overscale, by any objective measure.
- 3.22 Contextually, with the addition of the mansard, the resulting building would still be lower than 93-95 King's Cross Road. It would not stand out as especially tall, for example, or appear as being out of scale in its context. I will again highlight that the Appraisal states on page 112 under the heading "*ii) Acton Street/King's Cross Road*"

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<sup>5</sup> For the avoidance of doubt, I do not consider the mansard that was initially proposed, i.e. before it was revised by pulling it away from the northern parapet following Officers' comments, would have been harmful, but objectively this change has made the structure less visible in views from the north.

that the five-storey building at 93 King's Cross Road "*relates well to the established building line and the scale of the frontage.*" It seems to me as though this aspect of the Council's objection directly contradicts what is stated in the adopted Appraisal.

- 3.23 **Prominence:** I will readily accept that, in some views, the proposed mansard would be *visible*. I think the Council has confused *prominence* with *visibility*. In much the same way that the many mansards in the local context are visible (including at least three examples on corner buildings, namely at 2 Acton Street; 125 King's Cross Road; and 127 King's Cross Road), but not especially prominent, the proposed mansard would be visible, but not especially prominent. I do not understand why it is that the Council considers the relative 'prominence' of the proposed mansard to be objectionable.

## **4.0 SUMMARY AND CONCLUSIONS**

- 4.1 I am Ignus Froneman, Director at Cogent Heritage. I am an independent heritage consultant with over 20 years of experience in the historic and built environment.
- 4.2 Following a review of the appeal proposals and a site visit, I confirmed that I was able to act as the appellant's witness on matters relating to heritage, in this case the setting of the adjacent grade II listed terrace at 1-7 Frederick Street and the character and appearance of the Bloomsbury Conservation Area.
- 4.3 I have formed my own opinions and have come to my own conclusions about the effects of the appeal proposals on the character and appearance of the local area.
- 4.4 This is a case involving purported harm to the character and appearance of the Bloomsbury Conservation Area, arising from the proposal for a well-designed, traditional mansard; a type of roof that the Council's adopted Appraisal describes as one of the most prevalent roof forms in the conservation area, and at a scale that the adopted Appraisal has said of the nearby five-storey building at 93 King's Cross Road as relating well to the established scale of the frontage. Having carefully considered, in detail, the allegations in the Delegated Report and in the first reason for refusal, I have found those to be unsubstantiated.
- 4.5 Having considered the significance of the adjacent listed terrace at 1-7 Frederick Street, and the contribution of its setting its significance, I again find the Council's objection to be unsubstantiated. The significance of the listed terrace is attributable to its architectural and historic interest, as a finely proportioned and well-detailed terrace of former high status, speculative houses, part of a larger development, by one of London's most notable builders (possibly in partnership with his brother(s)).
- 4.6 In terms of its setting, the listed terrace clearly forms one constituent part of a larger, broadly contemporary and architecturally cohesive Cubitt development. It derives a good deal of interest as part of this cohesive planned development. Although not a 'set piece' development in the normal sense of the word, together each terrace amplifies the interest and contribution of the others, so that the significance of the whole is far greater than the sum total of each individually. It is this group value that lies at the heart of how the setting of the terrace at 1-7 Frederick Street contributes to its significance.

- 4.7 The existing building on the appeal site 'bookends' the terrace on Frederick Street with a taller. Later added corner block, different in age, materials, proportions, and use. There is an obvious difference between the building on the appeal site and the listed terrace. I do not see how the proposed mansard would change the way in which the listed terrace is understood or appreciated. I do not think the listed terrace could reasonably be said to be dominated, overwhelmed, or otherwise harmed, by the proposed mansard.
- 4.8 However, I have noted that the restoration of the residual chimneystack and pots on the appeal site would be an enhancement.
- 4.9 It is important that, just like harm, heritage-specific benefits should be identified and properly taken into account. As with harm to the significance of a designated heritage asset, 'great weight' as per NPPF paragraph 205 equally attaches to heritage benefits.

## APPENDIX 1: OVERVIEW OF LEGISLATION AND POLICY

### Legislation

1. Legislation relating to listed buildings and conservation areas is contained in the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). Section 66(1) of the Act sets out the statutory duty in relation to development affecting the setting of listed buildings:

*"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 or historic interest which it possesses."*

2. Section 72(1) of the Act sets out the statutory duty in relation to any buildings or other land in a conservation area:

*"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. It is a well-established concept in case law that, for the purposes of the 1990 Act, 'preserving' means doing no harm. The Court of Appeal's decision in *Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council* [2014] (EWCA Civ 137) established that, having 'special regard' to the desirability of preserving the setting of a listed building under s.66, involves more than merely giving weight to those matters in the planning balance. There is a strong statutory presumption against granting planning permission for any development which would fail to preserve a listed building or its setting. In cases where a proposed development would harm a listed building or its setting, the Barnwell decision has established that the duty in s.66 of the Act requires these must be given "*considerable importance and weight*".



4. The key legal principles, established in case law, are:
- i. 'Preserving' for the purposes of the s.66 and s.72 duties means 'to do no harm'<sup>6</sup>.
  - ii. The desirability of preserving the setting of a listed building, or the character or appearance of a conservation area must be given 'considerable importance and weight'<sup>7</sup>.
  - iii. The effect of NPPF paragraphs 199-202 is to impose, by policy, a duty regarding the setting of a conservation area that is materially identical to the statutory duty pursuant to s.66(1) regarding the setting of a listed building (and s.72 in relation to the character and appearance of a conservation area)<sup>8</sup>.
  - iv. NPPF paragraph 202 appears as part of a 'fasciculus' of paragraphs, which lay down an approach corresponding with the s.66(1) duty (and similarly the s.72 duty)<sup>9</sup>.
  - v. If harm would be caused, then the case must be made for permitting the development in question, and the sequential test in paragraphs 200-202 of the NPPF sets out how that is to be done. If that is done with clarity, then approval following paragraph 202 is justified. No further step or process of justification is necessary<sup>10</sup>.
  - vi. In cases where there may be both harm and benefits, in heritage terms, great weight has to be given to the conservation and enhancement of a listed building, and its setting, and the preservation and enhancement of a conservation area. It is, however, possible to find that the benefits to the same heritage assets may be far more significant than the harm<sup>11</sup>.
  - vii. An impact is not to be equated with harm; there can be an impact which is neutral (or indeed positive)<sup>12</sup>.

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<sup>6</sup> *South Lakeland District Council v Secretary of State for the Environment* [1992] 2 AC 141 per Lord Bridge at p.146E-G in particular (obiter but highly persuasive).

<sup>7</sup> *Bath Society v Secretary of State* [1991] 1 WLR 1303, at 1319 per Glidewell LJ and *South Northamptonshire DC v SSCLG* [2014] EWCA Civ 137 (Barnwell Manor), at [22-29] per Sullivan LJ.

<sup>8</sup> *Jones v Mordue* [2015] EWCA Civ. 1243 per Sales LJ [at 28].

<sup>9</sup> *Jones v Mordue* [at 28] per Sales LJ.

<sup>10</sup> *R (Pugh) v Secretary of State for Communities and Local Government* [2015] EWHC 3 (Admin) as per Gilbert J [at 53].

<sup>11</sup> *R (Safe Rottingdean Ltd v Brighton and Hove CC* [2019] EWHC 2632 (Admin) as per Sir Ouseley [at 99].

<sup>12</sup> *Pagham Parish Council v Arun District Council* [2019] EWHC 1721 (Admin) (04 July 2019), as per Andrews, J DBE at 38.

### **The National Planning Policy Framework:**

5. Section 16 of the revised (December 2023) National Planning Policy Framework (the NPPF) deals with conserving and enhancing the historic environment, in paragraphs 195 to 214. Paragraph 195 of the NPPF states that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance.
6. According to paragraph 200 applicants should describe the significance of any heritage assets affected, including any contribution made by their setting. 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.
7. According to paragraph 205, which applies specifically to designated heritage assets, great weight should be given to a heritage asset's conservation (the more important the asset, the greater the weight should be). This reflects the provisions of the 1990 Act in that it applies irrespective of whether it involves total loss, substantial harm, or less than substantial harm to significance.
8. Paragraph 206 states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. It then deals with substantial harm to, or total loss of significance of, different types of designated heritage assets. Paragraph 207 continues on the subject of substantial harm (this level of harm is not relevant to the present proposals).
9. Paragraph 208, on the other hand, deals with less than substantial harm. Harm in this category should be weighed against the public benefits of the proposal. The National Planning Practice Guidance (NPPG) describes public benefits as "*anything that delivers economic, social or environmental progress*".
10. According to paragraph 212, local planning authorities should look for opportunities for new development within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements that make a positive contribution to, or better reveal, the significance of the asset should be treated favourably.

### **The Development Plan**

11. The Development Plan is the London Plan (2021) and Camden's Local Plan (2017).

12. Policy HC1 of the London Plan, entitled "*Heritage conservation and growth*" is the most relevant of the policies in Chapter 7. Parts A and B of the policy deals with strategic considerations/requirements and these are not relevant to determining planning applications.
13. Part C deals with development proposals affecting heritage assets, and their settings. This part of Policy HC1 requires development proposals to conserve the significance of heritage assets, by being sympathetic to the assets' significance and appreciation within their surroundings. The policy also requires the cumulative impacts of incremental change from development on heritage assets and their settings to be actively managed. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process.
14. **Camden's Local Plan (2017):** Policy D2 deals with heritage and requires development to preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings. According to the policy, the Council will not permit development that results in less than substantial harm to the significance of a designated heritage asset unless the public benefits of the proposal convincingly outweigh that harm. Specifically in relation to listed buildings, the Council will (amongst others), resist proposals for a change of use or alterations and extensions to a listed building where this would cause harm to the special architectural and historic interest of the building.