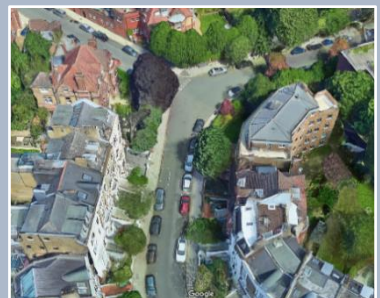


Flat 9, Akenside Court,
26 Belsize Crescent,
London,
NW3 5QT

Heritage Statement:
Planning Application
(Conservation Area) Report



Prepared by:

Hamilton-Grey Heritage Services

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1 INTRODUCTION

1.1 Aim of this Report

The purpose of this report is to assess the heritage significance of Flat 9, Akenside Court, a building located within The London Borough of Camden, to evaluate the impact of proposals to rooftop of the subject building.

This report has been commissioned to support a retrospective planning application to Camden Council, following the issue of an enforcement notice (Reference) EN23/O778 for: *“Without planning permission: Erection of glass balustrade around roof”*. The building is located within the Fitzjohns and Netherall Conservation Area, adopted by Camden Council.

This heritage statement has been prepared by Hamilton Grey Heritage Services Ltd. We specialise in the conservation, reinterpretation and redevelopment of heritage assets and exclusively work within the historic environment. Our company comprises Specialist (Conservation) architects as well as heritage consultants with relevant planning experience. This report has been prepared to cover the heritage issues associated with the site and the new design proposals.

This report includes:

- A Characterisation Assessment of the site, overall building and surrounding Area
- Planning History and Archival findings
- Description of the design proposals
- Impact Assessment for the proposals
- Conclusion and supporting documentation (Appendices).

Only the parts of the property which bear the most relevance to the proposals have been assessed as well as an over-view of the conservation area as a whole. The report should therefore be considered as a study relevant only to the areas proposed for change and not a survey of the property as a whole.

1.2 Authorship, Methodology

This report has been prepared by Sophie Hamilton-Grey [BA(hons) MArch, ARB, PG Dip], Specialist (Conservation) architect and heritage consultant. Sophie has worked exclusively within the historic environment since qualifying as an architect for some of the industry leaders including Purcell LLP and Heritage Architecture Ltd.

She has worked in London on the repair and conservation of some of the city's most significant buildings and landmarks including Liberty Department Store, London Wall Buildings and the Hampton Court Estate. She has extensive experience across different building typologies and designations including Grade I, II* and Scheduled Ancient Monuments.

Sophie was extensively involved with the RICS Project of the Year 2016, Cardigan Castle, a Grade I-listed building and Scheduled Ancient Monument. The site of Wales' first Eisteddfod in 1176, this large-scale regeneration scheme has been heralded as one of the most significant regeneration projects in Wales' history.

In her free time, Sophie has a passion for research, particularly into social history, and accordingly has extensive work published nationally about her architectural research. She was winner of the Norwest Holst Prize and Charles Reilly Medal in 2010, the highest commendation for Masters students in architecture. Her work has been exhibited at Massachusetts Institute of Technology (2011) and the RIBA Supermodels Exhibit, (2012). The research undertaken to complete this report was based upon primary and secondary sources of local history and architecture, including maps, drawings, and other anecdotes.



1.2 Recent Relevant Experience

With at least ten projects in the wider area, we are very familiar with the site location and policy context. We work not only for private clients but also for local amenity groups and Councils themselves.

Major Appeals:

In 2023, we successfully represented the of the London Borough of Harrow in defending 3 refusal decisions (P/1813/19, P/2504/19 and P/2092/21) at appeal via an Informal Hearing Procedure. The three appeals relate to works proposed at John Lyon School, Harrow-on-the-Hill.

Major Enforcements:

We continue to on behalf of a private client in the resolution of a major enforcement case on the high street in Pinner and to liaise on their behalf with the Council to reach a satisfactory outcome through remedial works.

1.3 Overarching Conservation Policy Context

Historic England's Conservation Principles and the NPPF define 'conservation' as 'the process of maintaining and managing change to a heritage asset in a way that sustains and where appropriate enhances its significance'¹. Some legislation refers to 'preservation' as an alternative concept. Case Law interprets this as 'preservation from harm'. That includes harm to its historic significance, not simply its physical fabric.

Legislation that has been developed to offer protection to recognised "heritage assets" within the built environment. This was prompted by, and, continued to evolve against a background of turbulence during the twentieth and twenty first centuries. In part, as a consequence of the widescale building development and re-development prompted by the industrial revolution but then further still following the catastrophic losses of fabric from the second world wars bombings. Accordingly, policy has been developed in a piecemeal fashion and to some degree on a needs-be basis.

The notion of 'Significance' uses a variety of criteria to identify the 'essence' of what makes a heritage asset valued and worthy of protection. The law refers to various pre-agreed notions: namely the architectural, historic, artistic, and archaeological interest of heritage assets and the character that derives from those attributes.

In summary, in determining applications, Local Planning Authorities should require an applicant to 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 a proposal or its significance (Para. 200).

The duty stipulates that in determining applications, Local Planning Authorities should take into account: : The desirability of sustaining and enhancing the significance of heritage assets and putting them to (optimal) viable uses consistent with their conservation; The positive contribution the conservation of Heritage Assets can make to sustainable communities, including their economic vitality; and : The desirability of new development making a contribution to local character and distinctiveness (Para. 203).

Any harm to, or loss of the significance of a designated heritage asset from its alteration or destruction, or from development within its setting, should require clear and convincing justification (Para 206). Where development proposals will lead to 'less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (Para 208).

¹ <https://historicengland.org.uk>



2 GENERAL INFORMATION

2.1 Site Description

Akenside Court is a purpose-built, five-storey block of nine flats located on Belsize Crescent in London. It was built in the early 1960s and is unlisted (locally or statutory) but is located within a designated Conservation Area (Fitzjohns / Netherall) and within the wider setting of a Grade II listed building (24 Belsize Crescent).

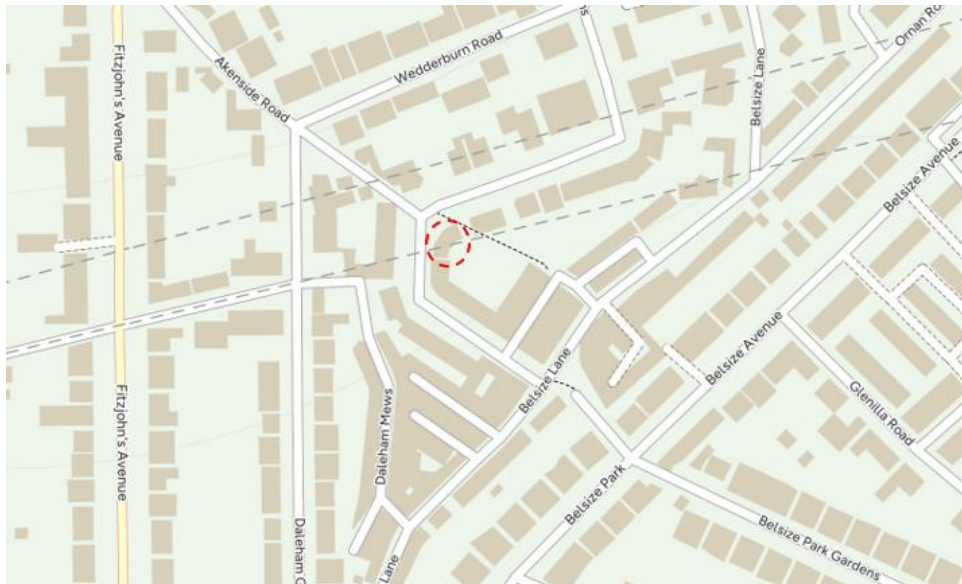


Figure 1 – General Site Location, immediate locality © OS maps (site shown red)

Belsize Crescent is a residential street lined with large, handsome terraces set back from the road with mature front gardens. The terraces are built in stock brick and stucco with a limited material palette, which affords considerable visual consistency (although there are examples of unsympathetic alterations and loss of original detailing).

The subject site is shown below in aerial view:



Figure 2 – Site Location (shown red), aerial view © Google Maps



Figure 3 – Akenside Court, front elevation; relevant area shown by arrow

Akenside court is a modern, curved structure set within a generous corner plot, flanked by mature gardens on either side. The building is constructed from stock brick and is simple in composition, with strip windows and concrete facade panels. Access is granted via a central entrance to the common areas.

2.2 Key Site Constraints - Relevant policy / Material Considerations

- Located within a Conservation Area (Fitzjohns/Netherall).
- Proximity to Belsize Court Conservation Area.
- Not identified as a 'positive contributor' in the relevant Conservation Area Appraisal.
- Non designated asset, not a listed building.
- Proximity to Grade II listed buildings.



3 CHARACTERISATION APPRAISAL

3.1 The Fitzjohns / Netherall Conservation Area

The property is located within the Fitzjohns / Netherall Conservation Area. The statutory definition of a conservation area is an “*area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance*”.

Any proposals to the exterior of the property within the conservation area therefore have the potential to affect this Conservation Area. There are also several grade II listed buildings within close proximity to the host building as indicated below, including the adjacent 24 Belsize Crescent.

The Conservation area was first designated in April 1984 and it acquired its current boundaries by incremental extensions in 1988, 1991 and 2001. The site lies to the east of the Conservation Area, which is characterised by formally planned terraced residential buildings of a loosely regency style with further pockets of lower density public and private buildings such as churches and schools.

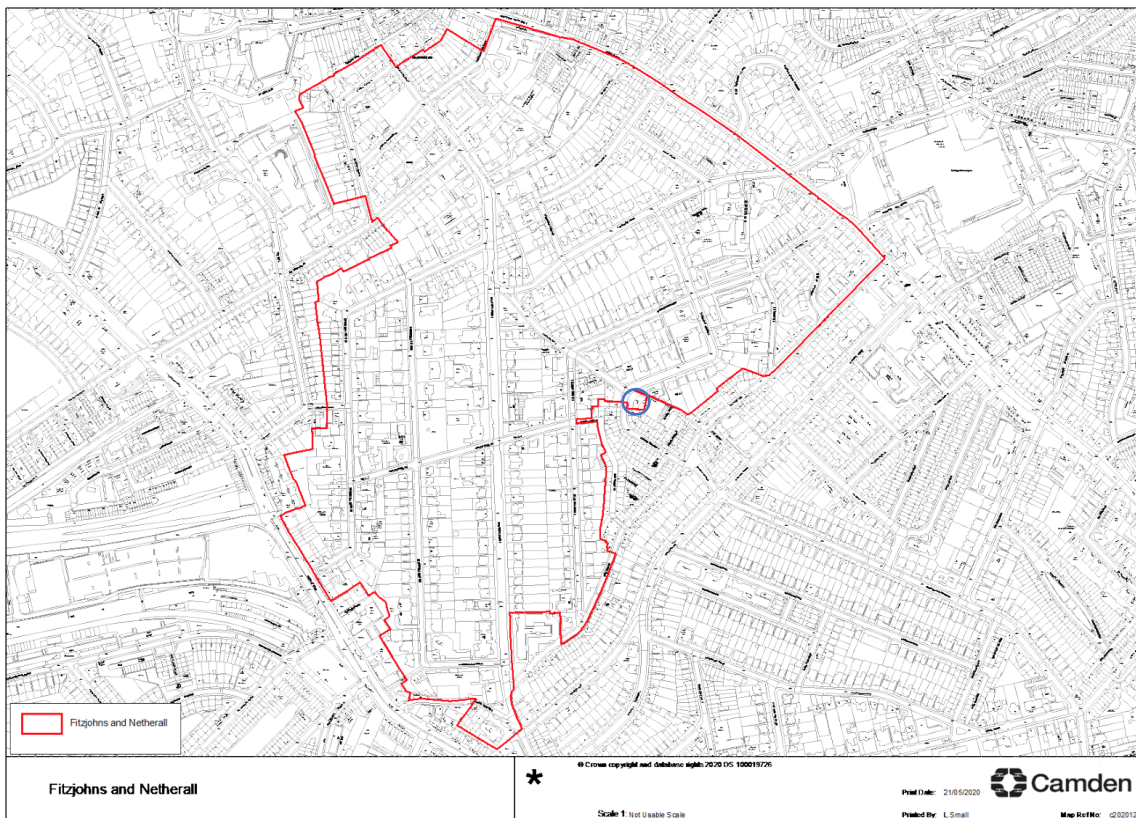


Figure 4 – Relevant Conservation Area boundary. Location of site shown blue (circled).

The council’s strategy for managing the Fitzjohns / Netherall Conservation area is contained within the following document: ‘Fitzjohns / Netherall Conservation Area Character Appraisal & Management Plan’ (December 2022).

The site is located right on the periphery of one conservation area and bordering onto the other. It is immediately adjacent to the Belsize Park Conservation Area; many of its neighbouring buildings are therefore in this conservation area.



Figure 5 – Conservation Areas relative to site. We have applied coloured hatching to the Council's statutory maps.

As the building is not listed, it is not a dedicated heritage asset and as such does not qualify for any statutory protection under the act in its own right. Accordingly, there is no obligation for the detailed assessment of the building and its environs.

The Conservation Area, however, *is* however such an asset, placing additional burden and consideration on decision-making within the Council and indeed at national (governmental) level. Section 69 of the Act deals with designation of Conservation Areas specifically and dictates that *"When considering any planning application... a local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of that area"*.

Critically, however, and often mis-quoted or misapplied, this statutory protection is applicable to the Conservation Area *as a whole*. Smaller proposals and those that cannot be viewed from the public domain are therefore arguably far less burdened by this holistic obligation than those developments that might be higher-rising or substantially larger and therefore creating a more dominating presence. It is considered that the scale and location of this extension would have a limited impact upon the Conservation Area as a whole, however, this is still a material consideration, and an assessment has been made upon the impact of the proposals as dictated by policy.

Simply put (and established by case law), any development that merely maintains the status quo, would satisfy the statutory consideration. Thereby, technically speaking, a non-contributing asset could be replaced like-for-like by a similarly non-contributing asset. That said, however, separately from this burden, in a number of ways the policies in the NPPF seek to positive improve conservation areas not to merely preserve the status quo. Most explicitly paragraphs 197 and 206 require that local planning authorities should take into account *"the desirability of new development making a positive contribution to local character and distinctiveness"*.

There are several listed buildings within the wider setting of the subject site. Adjacent is the grade II listed '24 Belsize Crescent', a late nineteenth century redbrick semi-detached terrace in Queen Anne style, likely built by the architect and builder William Willett as part of their 'Belsize Court' development. However, visual impact is markedly limited by virtue of the existing site parameters and the proposals, which affect the roof of Akenside Court only. A row of grade II terraces on Lyndhurst Gardens, also built by William Willett are within the wider setting of the subject site, but due to the curved nature of the crescent, there is no visual connection, and they cannot be seen in the same view. The impact upon the setting of the grade II building is therefore very limited.

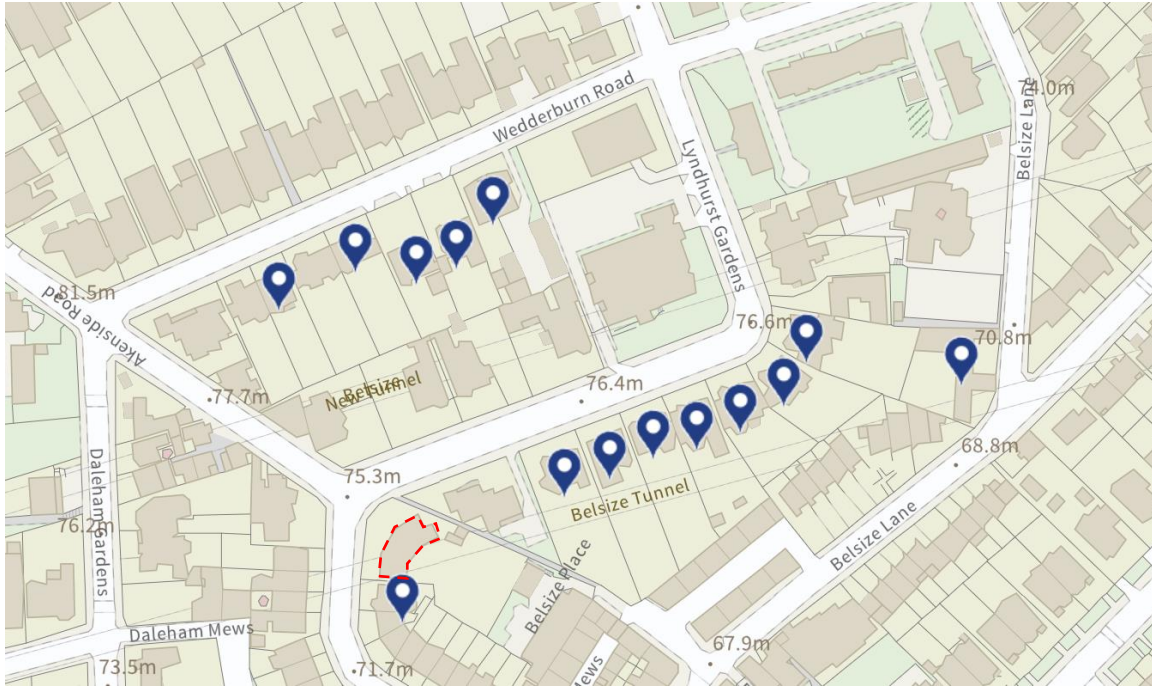


Figure 6 – Listed Buildings and Locally Listed Buildings relative to site (shown red)



Figure 7 – 24 Belsize Crescent © Google Maps. Akenside Court can be seen to the left of the property.



3.1 Brief History of The Manor of Belsize

The manor of Belsize (from the French *'bel assis'* or being *'well situated'*) has fourteenth century origins when the Manor of Hamstead was divided up. Roman Catholic Monks of the Benedictine Monastery of Westminster Abbey inherited the Manor of Belsize.

As was the standard practice during England's Feudal period, the original manor consisted of a number of subdivided farms and estates, which were rented out for income.

The Benedictine monastery at Westminster was dissolved by order of Henry VIII in January 1540 but following the reformation, King Henry VIII returned the estate to the newly constituted Anglican Dean of Westminster Abbey.

By 1600, there were a collection of sizeable properties across the Estate. The name Belsize Park comes from the 17th-century manor house and parkland built for the Countess of Chesterfield which once stood very near to the site. It was rebuilt and redeveloped several times and in 1721, its parklands opened as pleasure gardens for the general public's enjoyment, hosting leisure activities such as concerts and country sports.. and in the latter part of the eighteenth century additional large country houses had been built on the surrounding farmlands for wealthy merchants and the dignitary.

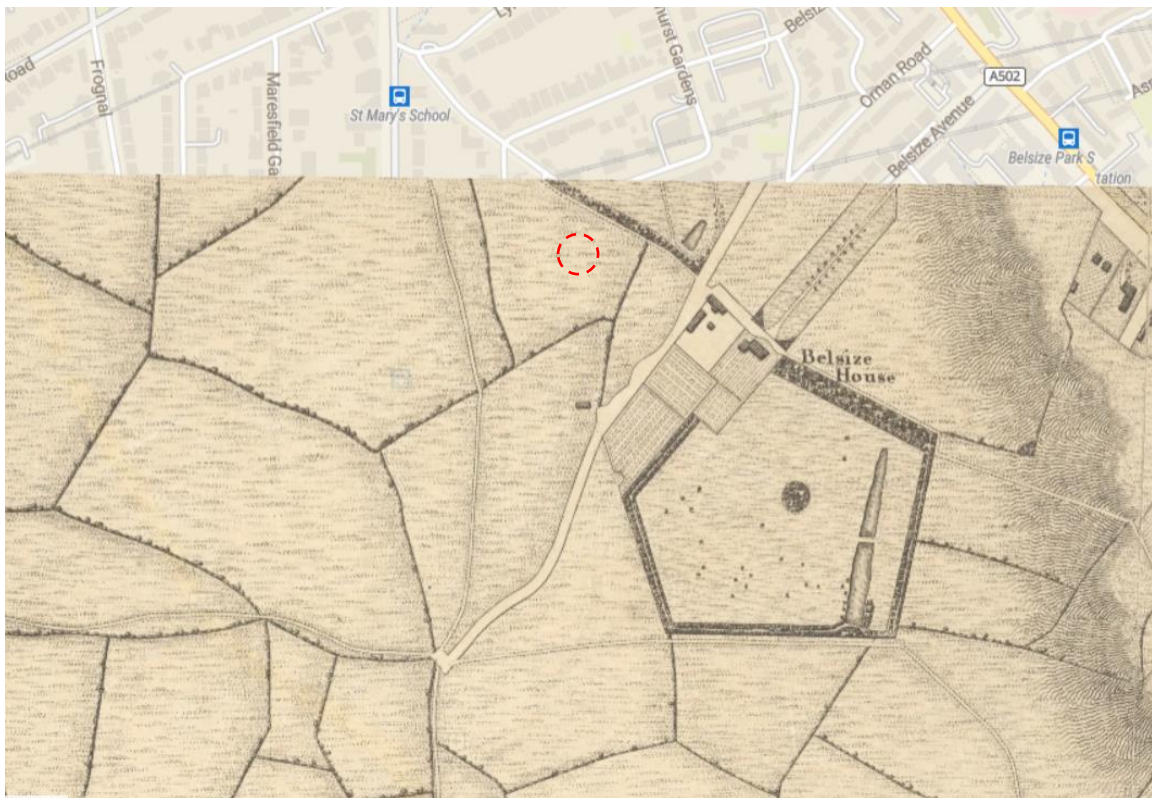


Figure 8 –Map of London, From an actual Survey made in the Years 1824.1825 & 1826. By C. and J. Greenwood, August 21 1827. Belsize House is seen surrounded by farm and pasture land, part of which is the (now) site, shown red. Modern map at top for contextual benefits.

The wealthy leaseholders of the Estate soon enabled themselves enough to purchase the freehold (from the church), thus allowing more rapid development of the Belsize Park Area as a Victorian country urban suburb of London. Victorian development was predominantly clustered around the main routes into London. Many Villa-style classically designed houses were constructed as were Regency styled Victorian Terraces. Development halted in the 1830s due to the plan for the lines of the London and Birmingham Railway (L&BR) which was initial proposed to traverse Belsize Park, however, patrons of Eton College successfully argued via parliamentary lobbying for the railway to be tunnelled underground via Primrose Hill, which was ultimately the solution.



Figure 9 –Victorian Housing along Belsize Park Gardens and right, Belsize Crescent

Tunnels are seen on the OS maps below and to the South east of the image, Victorian Villas in generous gardens are seen gradually expanding out from the centre of the Belsize Park area.



Figure 10 – OS Survey Map (First Edition 1:2500 1866). (The later) Belsize Crescent is shown hatched red.



Figure 11 –Map of the locality, Edward Stanford, 1877. Belsize Crescent is mostly populated.



Belsize Crescent was laid out between the two above maps dating 1866 and 1877. Generous terraced houses were built along Belsize Crescent with mews development infilling the residual areas on either side. The terrace was the first significant development by William Willett and Son, between 1868 and 1875.

Number 26 (Belsize Crescent) was formerly a detached Villa House set within generous gardens.



Figure 12 – 1894 OS map

In 1934 rooms were advertised demonstrating that the house was informally operating as a House of Multiple Occupation.

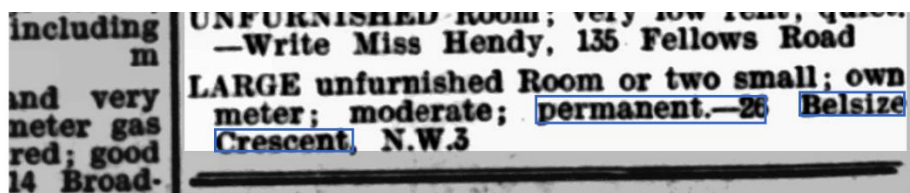


Figure 13 – Hamstead News, 22nd February 1934

After the world wars, the construction of blocks of flats began in the area, and now a great many of the larger houses are also converted into flats. The London County Council Bomb Damage Map, sheet 37 covering Kilburn (part); Belsize Park London County Council Bomb Damage Map, sheet 37 covering Kilburn (part); Belsize Park shows no significant damage nearby. The building appears unchanged on an OS map of 1954.

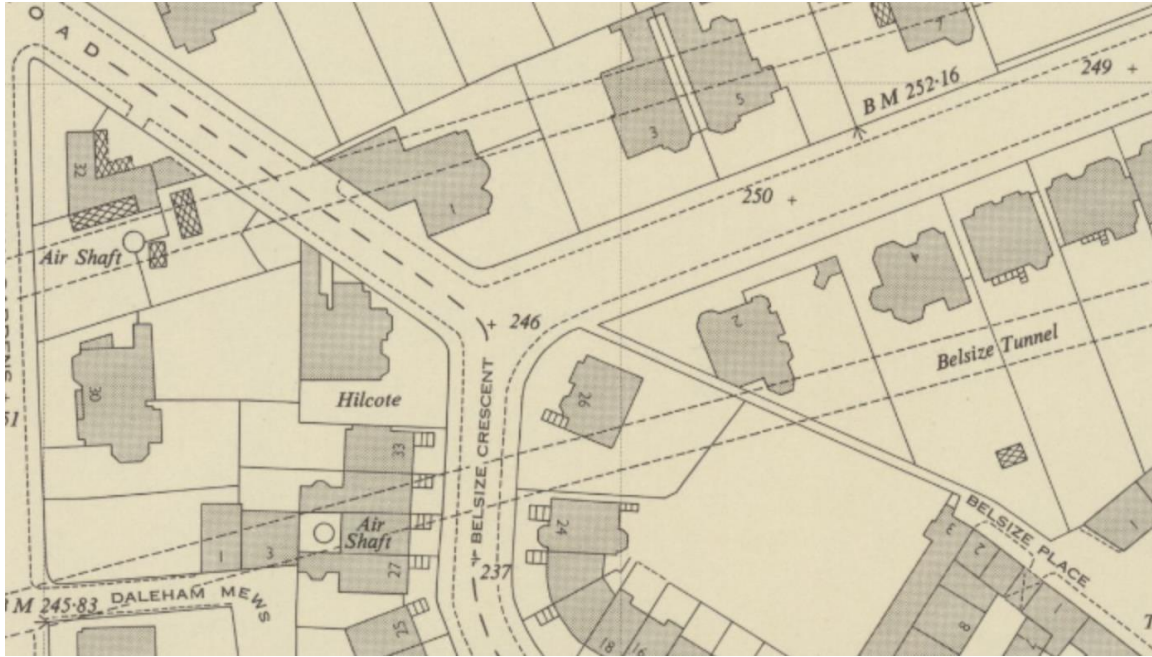


Figure 14 – Surveyed: 1953, Published: 1954

The building was constructed in around 1960. It is typical of post-war social housing.



3.2 Planning History Summary Table

Very little planning history exists online for Akenside Court. A series of applications made over the course of the last four decades relate almost exclusively to trees. The exceptions are tabulated below:

App No	Date	Proposed works	Decision
<u>Akenside Court, 26 Belisize Crescent</u>			
2015/5971/P	2015	The installation of a disabled access ramp, new entrance door and canopy to front elevation.	Granted
2015/3504/P	2015	Erection of a trellis to the northeastern boundary wall. (Flat 7).	Granted
2009/1240/P	2009	Replacement of the existing Crittall windows and doors on all elevations with aluminium windows and doors.	Granted

Table 1 – Site Planning history

Despite the availability of archival planning history on the Camden Council website, it has not been possible to source the original planning records for the erection of Akenside Court.

3.3 Planning History : Detail : 2009 application.

Proposals were approved in 2009 (application reference 2009/1240/P) for (the) *'Replacement of the existing Crittall windows and doors on all elevations with aluminium windows and doors'*.

Documentation which accompanied this application were submitted to the Council which prove that the roof terrace was in use at this time to the full perimeter of flat 9.



Figure 15 – Submitted photos which accompanied the 2009 application. Images show that the entire roof is in use as a terrace.

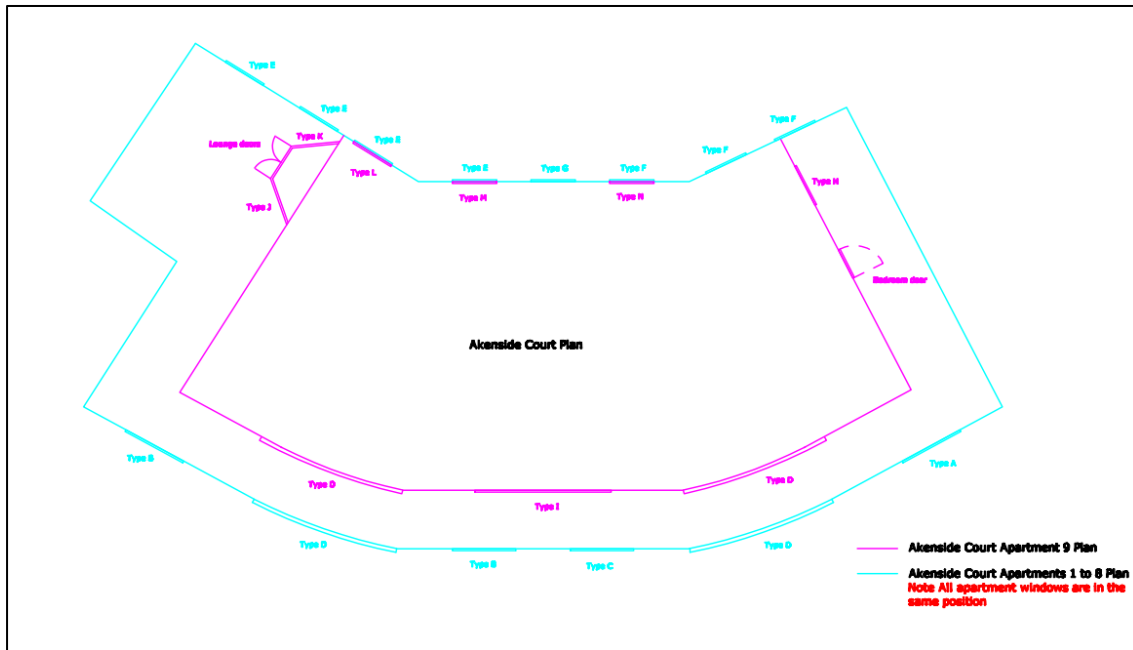


Figure 16 – Submitted plans which accompanied the 2009 application. Residential-style doors lead onto the roof terrace.

3.4 Enforcement Enquiry (in conjunction with this application)

An enforcement notice was issued by The London Borough of Camden Council in April 2024 (Council reference: EN23/0778) for: "Without planning permission: Erection of glass balustrade around roof."

Reasons for issuing this notice are as follows:

1. The development has occurred within the last 4 years.
2. The glass balustrade by reason of its size and prominent location is considered to detract from the character and appearance of the host building and this part of the Fitzjohn's/Netherall conservation area and as such, the development is contrary to policies D1 (Design) and D2 (Heritage) of Camden's Local Plan 2017.
3. The development enables the formal use of the roof for amenity space thus providing the potential for sustained activity at roof level resulting in unacceptable levels of overlooking to the detriment of existing residential amenity and is thereby contrary to policy A1 (Managing the impact of development) of Camden's Local Plan 2017.

An appeal case was submitted in May 2024, the decision for which is still pending.

This application seeks to gain (retrospective) consent for the use of the entirety of the terrace (as per the original plans) and for the existing glass balustrade, which was installed as a safety precaution.

This design and heritage statement therefore analyses the historic, architectural and social significance of the asset and fully assesses the impact of the (retrospective) proposals, as well as a detailed rebuttal and justification of any Design and Heritage points raised specifically within the enforcement notice.

Key Council Correspondence:

The below table includes the detailed points from informal feedback received from the Council since the enforcement was issued.



Correspondence details (informal)	Comments	Response
<p>Email (informal correspondence)</p> <p>26/04/2024 12:06pm</p> <p>Further details available upon request.</p>	<p><i>"Whilst I acknowledge that the roof may have been used for a terrace and is established, I am of the opinion that if the roof was used for amenity space that it would have only been partially used (based on the images that you submitted in your e-mail) and did not include the entire roof of the building. This would logically make sense given the location of the lounge doors installed on the rear elevation of the flat (flat 9), and the roof configuration. The drawings submitted for the 2009 application made no reference for use of the roof as a terrace but solely related to the replacement of the windows and doors. The glass balustrade was installed around the periphery of the roof without the benefit of planning permission and is therefore unauthorised".</i></p> <p><i>The glass balustrade in its current form is extensive and is considered to detract from the character and appearance of the host building and this part of the conservation area as it is clearly visible from the street and is a conspicuous feature albeit being made of glass. The development could also give rise to unacceptable levels of overlooking into some of the surrounding residential properties by virtue of sustained activity at roof level, particularly at the front of the site. Therefore, these issues need to be addressed.</i></p> <p><i>As a concession, I would suggest that your client consider reducing the size of the roof terrace, and appropriately securing those parts of the roof that can be accessed via the existing lounge doors for amenity space, rather than having the glass balustrade going around the entire roof's periphery.</i></p>	<p>There are very many photographs that comfortably pre-date the 4 year rule and show established use of the whole of the roof. We are very confident that a lawful development certificate would be granted for the terrace should the evidence base be produced, There seems to be little doubt that the roof terrace has legitimate recreational use.</p> <p>The 2009 application included several photographs (as included) which show that the roof was in recreational (terrace) use at this time. It is acknowledged that these were not yet sent to the Council for comment.</p> <p>The glass balustrade was installed in 2024 as a response to urgent safety requirements for the occupant's young family.</p> <p>Given the prolonged use of the terrace, a safety barrier is deemed absolutely essential.</p> <p>The glass balustrade is completely transparent and frameless and it remains unclear what would be a more appropriate solution to the currently unsafe roof terrace.</p> <p>We have followed the Council's suggested approach and modified the proposals as recommended.</p>

Table 2 – informal correspondence



4 EXISTING BUILDING

4.1 Existing Building, Condition, layout

This statement has been prepared to support a retrospective application. This means that the works seeking consent have already been undertaken. In this case; a balustrade has been installed for which retrospective consent is now sought. For the sake of simplicity, we have prepared existing drawings which DO NOT show the balustrade. Similarly, the photographs below do not include the balustrade.

The site comprises a building which spans the full length of the plot on which it sits. The building is constructed from stock brick with simple detailing. It is 4 storeys high with a further storey which is set-back on the front and side elevations but is sheer to the rear. There is some further plant on the top of the building which can be seen from the road.

The building has a sweeping curvature to the façade that runs along the crescent. It has no distinct architectural style but could be interpreted as having broadly modernist influence. It is probably best described as being of post-war mass housing typology. It is considered to be of neutral to detrimental impact upon the conservation area.



Figure 17 – Front Elevation as seen from Belsize Crescent

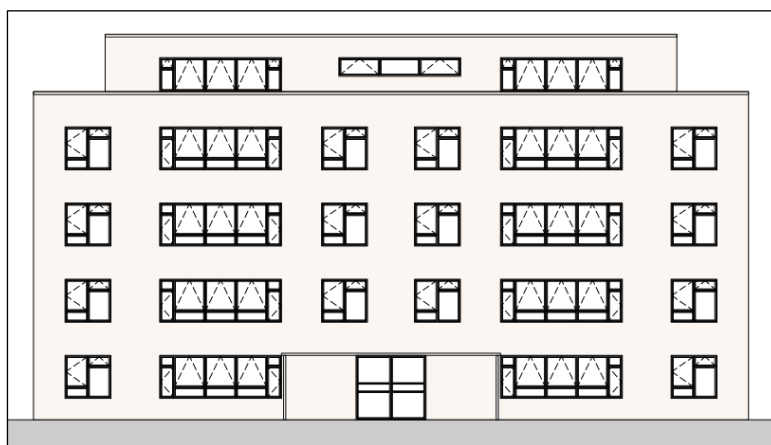


Figure 18– Roof plan as (pre-) existing

The roof of the property is shown in plan below. The internal arrangement is not shown (as in 2009). It is not deemed to be relevant to the proposals.

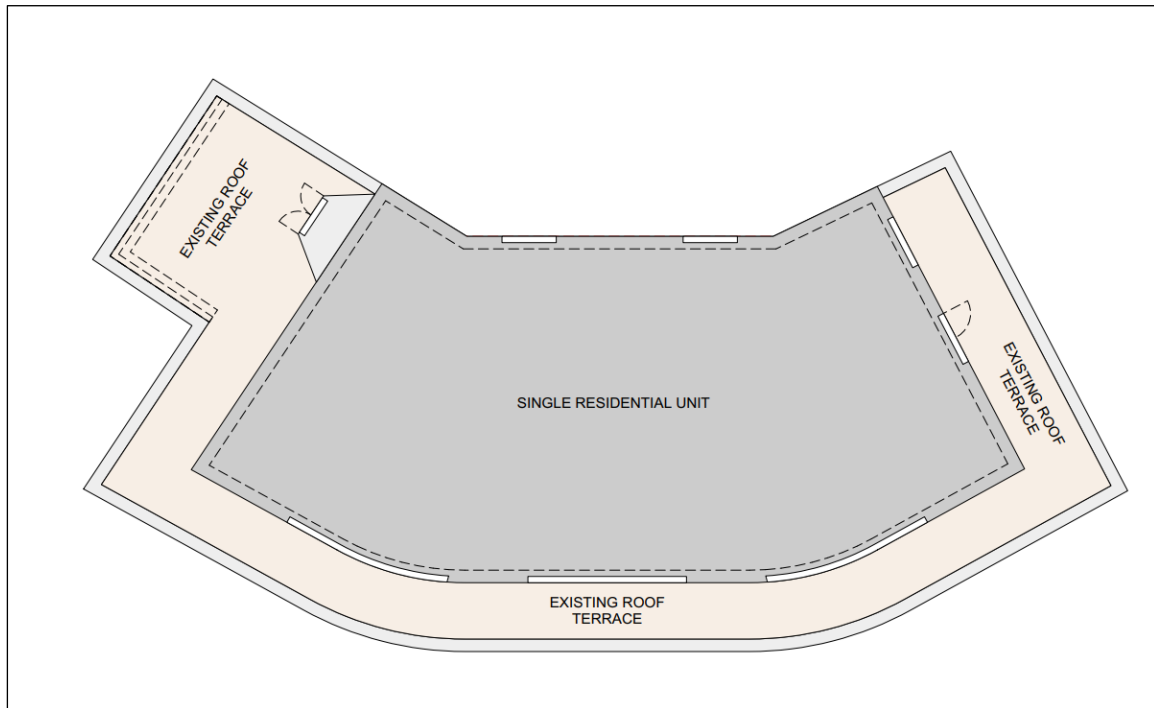


Figure 19 - Roof plan as (pre-) existing

5 SIGNIFICANCE ASSESSMENT

5.1 Introduction, Methodology

The NPPF 2021 (Para 200) states that “In determining applications local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should also be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on that significance.” This assessment appraises the significance of the building and appraises its setting. The key criteria for assessing the significance of a heritage asset has been recently updated by Historic England in ‘Statements of Heritage Significance: Analysing Significance in Heritage Assets’, published 21 October 2019. These definitions are in alignment with the NPPF definition of significance and are as follows:

- Archaeological interest – There will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point.
- Architectural and artistic interest – These are interests in the design and general aesthetics of a place. They can arise from conscious design or fortuitously from the way the heritage asset has evolved. More specifically, architectural interest is an interest in the art or science of the design, construction, craftsmanship and decoration of buildings and structures of all types. Artistic interest is an interest in other human creative skills, like sculpture.
- Historic interest – An interest in past lives and events (including pre-historic). Heritage assets can illustrate or be associated with them. Heritage assets with historic interest not only provide a material record of our nation’s history but can also provide meaning for communities derived from their collective experience of a place and can symbolise wider values such as faith and cultural identity. In order to determine the significance of a certain component of a heritage asset the sum of its archaeological interest, architectural and artistic interest and historic interest needs to be disaggregated and determined. The grading of values is considered using three categories: nil, low, medium and high.



In this instance, the designated heritage asset concerned is the Conservation Area since the building is not listed. For the sake of completeness, we have assessed the contribution that the building makes to the Conservation area as well as the significance of the Conservation Area itself.

5.2 Significance Assessment

- Archaeological interest: The site is not located within an "Archaeological Priority Area (APA)" nor is it (in itself) deemed to be a "Site of Archaeological Importance". The nearest APA is Camden APA 2.1 (Hamstead) which is a tier 2 APA. The site is not on the peripheries of this APA but is instead a few hundred metres away (up to half a kilometre). A Roman bead (spot find) was located a relatively short distance to the north of the site but this has not proven to be part of any wider landscape assessment / findings.

The application site is of very limited (academic) archaeological value (through understanding how early inhabitants used to live) due to the building post-dating 1960. It is a brownfield development, replacing an earlier villa house.

The site and this part of the Conservation Area are therefore considered to have little to no archaeological interest.

- Architectural and artistic interest: The building is a fairly typical post-war infill building. Such buildings replaced earlier properties that were typically constructed as part of wider master-plans (either sizeable architect-lead estates or small localised plans of a few speculative building as is the case for this site). Many of these buildings succumbed to the catastrophic second world war bombings and others simply fell into disrepair to the point that it was more economical to raze them to the ground and re-build.

It is not known why 26 Belsize Crescent (the original villa house) was demolished and the new building constructed but what is known is that the replacement building is of little interest architecturally or artistically. It fairly typical of its type, built economically against a backdrop of the late modernism movement which popularised designs of minimal ornamentation and a functional approach to building design.

The building is not a particularly unique or interesting example of its kind and is therefore deemed to be of little to no architectural interest. It is deemed to make a neutral to detrimental impact on the Conservation Area on architectural terms.

The wider conservation area certainly has superior architectural quality and demonstrates considerable merit in differing styles which predominantly date around the Victorian period. The Conservation Area is relatively well-preserved in terms of building stock featuring Edwardian and Victorian properties of diverse architectural styles which are maintain good relationships with one another and read as a distinct group. The Architectural and artistic interest of the Conservation Area as a whole is deemed to be medium.

- Historic interest: The host property, (Akenside Court) is of no historic interest dating around 1960 and not being of interest to the era in which it was built.

The Conservation Area contains buildings of some significant age but the majority of development post-dates the early nineteenth century. On this basis, the Conservation Area as a whole has low to medium historic significance.



6 DESIGN PROPOSALS

6.1 Key Proposals

The design proposals are, as discussed, retrospective. From the enforcement notice and subsequent correspondence, the applicant understands that the only item in breach (for which consent is sought) is the new glass balustrade to the roof terrace's perimeter. Following informal negotiation with the Council over email, only parts of the balustrade are proposed to be retained as shown on the below drawings.

The roof terrace itself could almost certainly be established as lawful under the '4 year' (now 10 year) rule since there is photographic evidence, supporting documentation associated with planning applications, estate agent's plans and a number of people willing to provide affidavits.

The 4-year rule in town planning allows property owners and landowners to gain immunity from planning enforcement action by the local planning authority for unauthorised residential development that has been in place for at least four years.

In order to consolidate all of the proposals, the roof terrace use is also included within this planning application although such a use may not even be deemed as a material planning change (aside from perhaps the approved doors replaced with consent in 2009).

The design proposals are outlined in detail in this document and can be summarised below:

- Installation of a glazed balustrade around the perimeter of existing terrace surrounding Flat 9, Akenside Court (retrospective consent sought).
- Use of the roof terrace for recreation.
- Small area of timber visibility screening with bench seating (this is considered a furniture item but also (comfortably) predates June 2024 making it a candidate for Lawful development certification).
-

The proposals are shown on the images below as submitted on the architect's drawings.

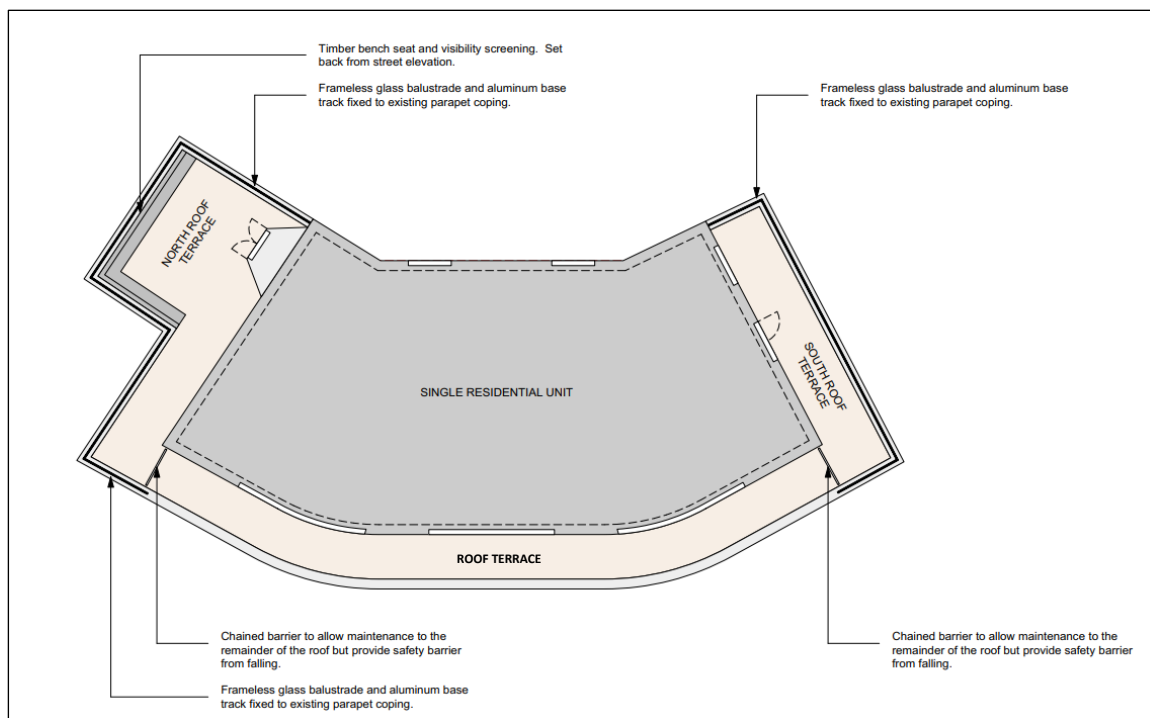


Figure 20 - Roof plan as proposed



The proposals are seen in elevation below:

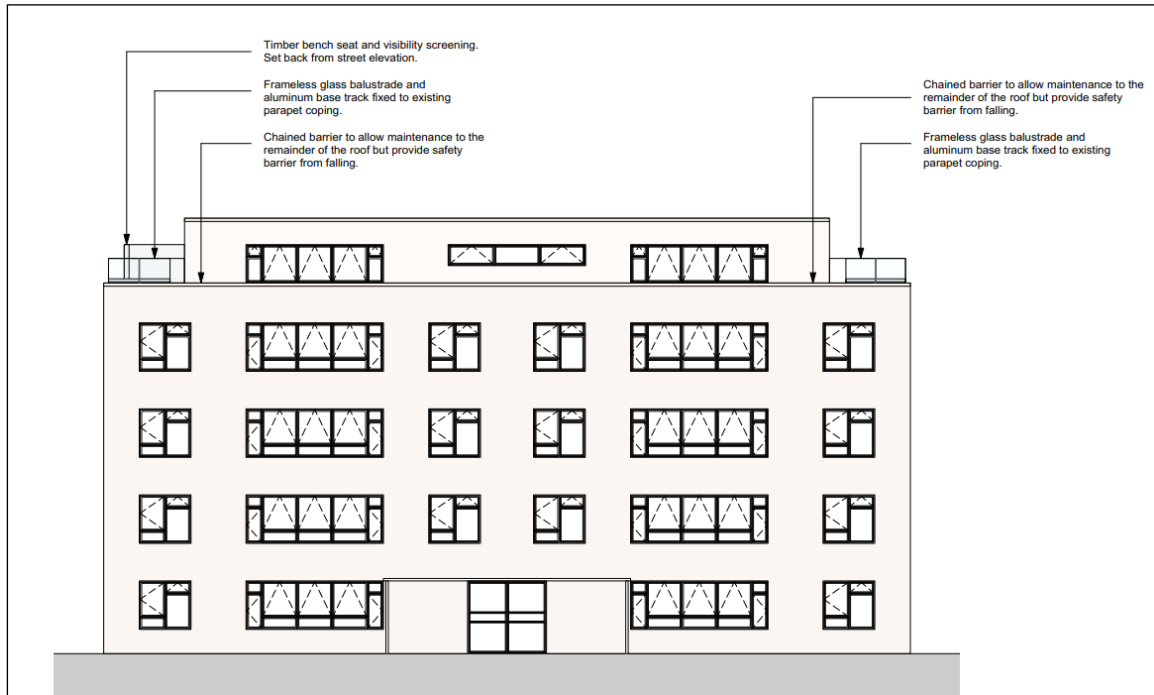


Figure 21 – Front (Main) elevation as proposed

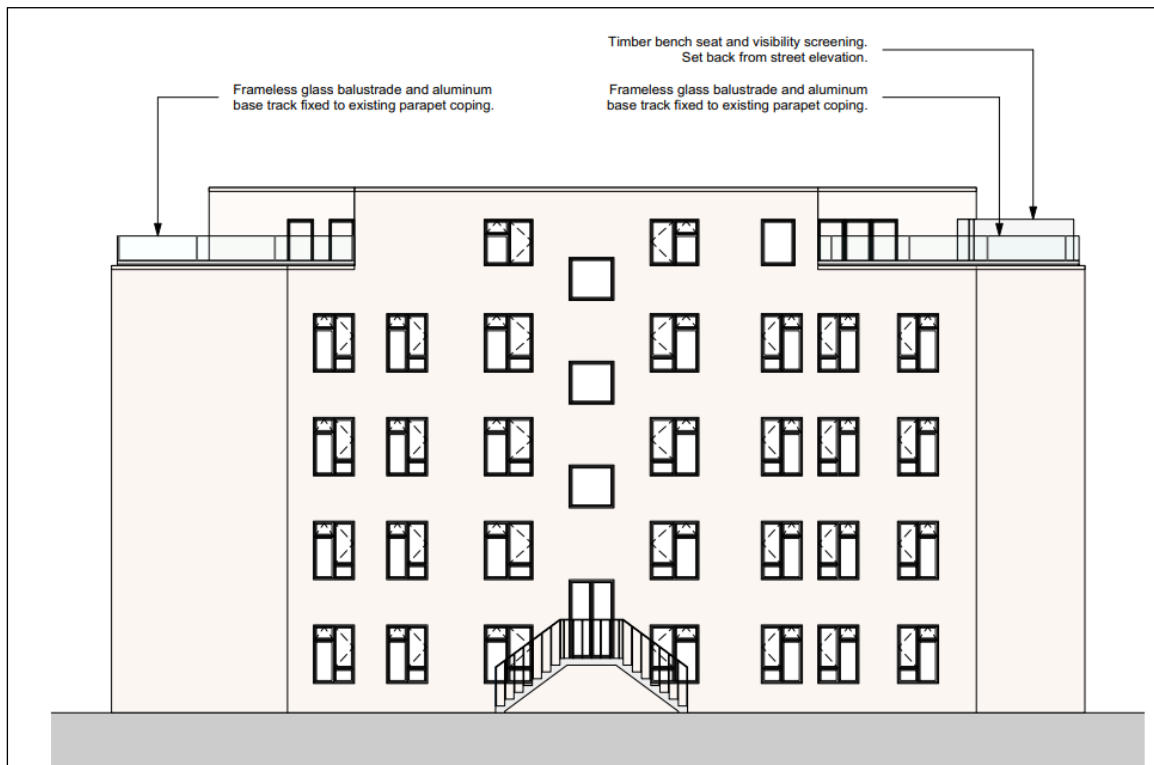


Figure 22 - Rear elevation as proposed



This photo in particular demonstrates the limited visual impact of the proposals. In fact, the balustrade can barely be seen.



Figure 23– Photograph of balustrade as installed (note that the proposals are for a reduced amount of glass balustrading).

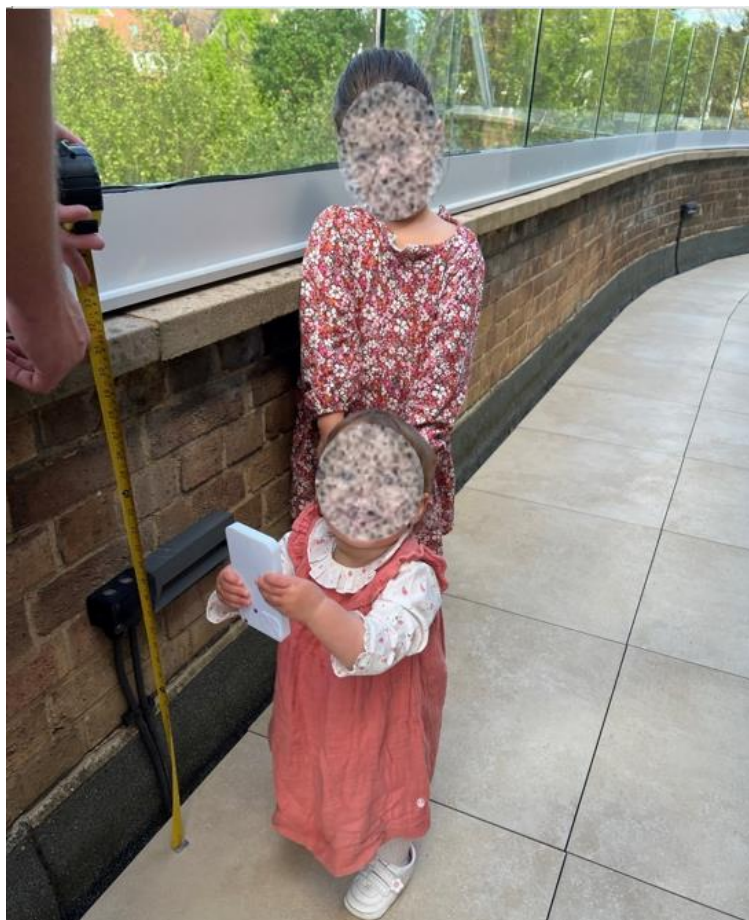


Figure 24– The balustrade is seen at closer range together with the two young children who reside at the address who would clearly be at risk with no safety barrier on top of the existing parapet. It would be only too easy for them to climb up and over the pre-existing parapet.



7 IMPACT ASSESMENT

7.1 Introduction

Drawings of the proposals have been outlined within the previous section.

This section will evaluate the potential impact of the proposals upon:

The Fitzjohns / Netherhall Conversation area.

The impact assessment on the special interest of the statutorily designated heritage asset considers whether the proposals cause substantial or less than substantial harm to the heritage asset by altering or eroding the authenticity and of the heritage values identified (these can be aesthetic, historic, communal and evidential).

7.2 Impact Assessment Criteria

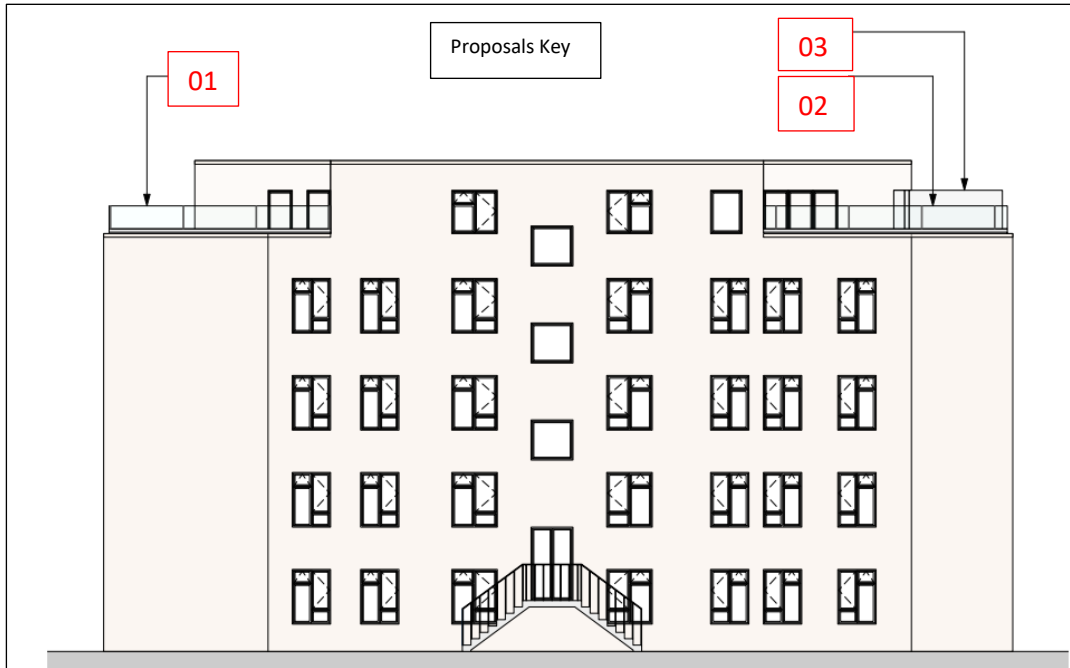
The purpose of assessing the effects likely to result from the proposed development, established criteria have been employed. The impact of the proposal has been assessed against receptor sensitivities, ranging from:

- Substantial (high) adverse: a fundamental change in the appreciation of the resource and its historic context, or setting, involving the degradation of a cultural heritage site of national importance, or the demolition of any grade of statutorily listed building.
- Moderate (medium) adverse: a change that makes an appreciable difference to the ability to understand the historic context, or setting, resulting in extensive long-term change to the setting or structure of listed buildings.
- Minor adverse: effects which create dis-benefits to the historic fabric of the area but may also provide benefits. May involve demolition of an undesignated historic building, or limited encroachment upon a conservation area, or historic parkland, where intrusive views are created or slight impacts upon its integrity would result.
- Negligible / Neutral: the development would not materially affect the status quo.
- Minor beneficial: perceptible improvement in the setting of, or structural condition of, or character of listed buildings or conservation areas.
- Moderate beneficial: effects which help to explain the significance and history of the site and surrounding area; ensuring the long-term future of Listed Buildings and any other buildings of architectural significance, by providing viable and appropriate uses; resulting in the loss of less significant fabric in the Listed Buildings but enabling a viable long-term use for the buildings.
- Substantial beneficial: effects which ensure the long-term future of the most significant historic fabric by providing viable and appropriate uses and, impacts which improve the setting of a Listed Building or historic parkland and, which repair and conserve the most significant fabric of the Listed Buildings.

7.3 Outline Impact Assessment

The overall proposals have been divided into individual elements in order to undertake a detailed assessment of impact. We have then provided an overall impact rating for the proposals as a whole.

Please note that policy dictates that an assessment is undertaken of the relevant Designated Heritage Asset, in this case, the Fitzjohns / Netherhall Conversation area. Critically, in terms of the impact upon the Conservation Area, this is it is impact upon the area 'as a whole'.



	Proposed Changes	Impact
01	Installation of new glazed balustrade to those areas shown on the drawings.	<p>The new balustrade is minimal in appearance and entirely transparent. Its impact is deemed to be entirely negligible in appearance but is an important safety feature for preventing falling from the lawful roof terrace.</p> <p>Other roof terrace balustrades in the local area are much more visually obtrusive. It remains unclear how safety would be assured to this established roof terrace in a more discrete way; The existing parapet barrier is highly dangerous being just 400mm high from the roof terrace finish. This is patently unsafe for the young children living at the property.</p>
02	Formalisation of the (planning) (recreational) use of the whole of the roof terrace.	No material change is proposed
03	Timber bench seat and visibility screening set-back from balustrade	Google Streetview (historic views) demonstrates that there has been a screen here of the same height for well over 4 years without enforcement. The existing balustrade is a candidate for lawful development under the four year rule.

Table 4 – Local case studies of metal balustrades

Conclusion

Overall, the proposals are considered to be negligible / neutral and immaterial in impact on townscape and heritage terms.



6 CASE STUDIES / ESTABLISHED CHARACTER

A significant consideration of the suitability of new proposals within conservation areas (in general) is the suitability of the local context. Is the proposal broadly in line with the established character of the area and does the proposal preserve / enhance the special interest of the relevant area.

We have looked at the locality to find examples of similar features. These are shown below.



Figure 25 - glass balustrade at 43 Belsize Lane



Figure 26 - 2 Daleham Gardens



Figure 27– Neighbouring the site – a much more visually dominant metal balustrade to the rooftop of Roscommon House

Other metal balustrades are seen throughout the local area. Please note that many of the examples given are in the Belsize Park Conservation area not the Fitzjohns / Netherhall Conversation Area. The planning constraints are the same (albeit the two Conservation Areas have different names / identities) so these are still deemed to be valid case studies for comparison, particularly given their geographical proximity. After all, one does not realise whilst walking around the local area at which point one Conservation Area border meets another.

Address	Balustrade
Belsize Park Mews	 <p data-bbox="762 1966 1098 2000">Metal balustrade to roof terrace</p>



63E, Belsize Lane



Metal balustrade to roof terrace

8 and 10 Belsize Crescent;
modern railings to roof
terraces.



Metal balustrades to roof terraces

20 Thurlow Road; modern
railings to roof terrace.



Metal balustrades to roof terraces



16 Thurlow road; modern railings to roof terrace.



Table 5 – Local case studies of metal balustrades

8 OUTLINE POLICY COMPLIANCE & JUSTIFICATION

8.1 Introduction

In this section, the proposal is evaluated against the following relevant National and Local Policies:

- The Planning (Listed Building and Conservation Areas) Act 1990
- The objectives and policies for the historic environment stated in the National Planning Policy Framework (NPPF), (& Planning Practice Guidance).
- Local Policy including the relevant Conservation Area character appraisals and management plans

The 'Planning (Listed Buildings and Conservation Areas) Act 1990', is of relevance to the development proposals as 'the Act' provides specific protection for buildings and areas of special architectural or historic interest, over and above that provided by the wider principals of planning / development management. The legislation imposes specific requirements to consider the physical and visual impact of any works proposed which may impact on the special architectural or historic interest of dedicated heritage 'assets'. We have provided full details as to the relevant identified assets within previous sections of this report.

The 'key test', derived from the legislation and subsequent guidance, is whether the proposed changes make any negative difference to these assets' significance and / or an appreciation their special interest(s).

Fundamentally, the legislation requires decision-makers to apply proportionate weight to the desirability of preserving the significant fabric, architectural character and historic interest of a designated heritage asset when determining planning proposals, balanced against identifiable public benefits. This requires appropriate analysis of the Site as a whole.

The Council must, therefore, use its judgement (based on relevant material evidence) to understand and objectively define the impact on the affected designated heritage asset(s), noting that change does not necessarily equate to 'harm'. Therefore, the weight to be applied by the Council must be proportionate to the status of the affected heritage asset and the nature of the proposed change.

This Heritage Statement aims to provide the evidence to appropriately balance consideration of the Current Proposals in accordance with the requirements of the 1990 Act. No harm has been found as there are deemed to be no material designated heritage assets affected by the proposals. Despite this, planning and design improvements have been evidenced within this report.



8.2 National Planning Policy Framework (NPPF) (2023)

The policies in the National Planning Policy Framework (NPPF) constitute the Government's view of what sustainable development means in practice. The definition requires development to give due weight to the appropriate conservation of heritage assets in order to be defined as sustainable development.

In accordance with the legislation, the NPPF's core principles, which underpins decision-taking, requires that Planning decisions should contribute to conserving designated heritage assets in a manner proportionate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. In this instance the 'designated heritage asset' is the named Conservation Area.

The NPPF stresses that "great weight" should be given to the conservation of designated heritage assets, emphasising that the more important the asset, the greater that weight should be. The need to avoid "substantial harm" to such assets is outlined in terms of: demolition, alteration, or the compromise of its setting.

Key Relevant Policy

Part 16 of the NPPF details policies for the conservation and enhancement of the historic environment. It states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed by future generations.

Paragraph 200 states that:

"In determining applications, local planning authorities should require an applicant to 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...."

Paragraph 203 says that in determining applications, local authorities should take account of:

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

Paragraph 205 says:

"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."

Paragraph 206 says that "any harm to, or loss of, the significance of a designated heritage asset, including from development within its setting, should require clear and convincing justification".

Paragraph 208 says "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use".



Response to NPPF Considerations:

Rather than respond in isolation to each individual section of the NPPF, we have taken a holistic approach to our response to policy throughout the production of this report and we have looked carefully at all material considerations of relevance to the site and the proposals. We have carefully reviewed the proposals and considered to what degree the asset, in this case the nearby Conservation Area and listed buildings are materially affected. Our conclusions, which, are evidence-based (and therefore as objective as possible) are in the spirit of the principles of the NPPF.

As recommended by NPPF, an assessment of the significance of the heritage asset has been provided as part of the application. The assessment is proportionate to the importance of the assets being considered. An assessment of impact has been undertaken considering the potential for the proposals to impact the Conservation Area.

To identify the heritage values and the character of the site, a thorough analysis was undertaken in the first few sections of this report. The proposals have been carefully designed to be sympathetic to the heritage values and remaining historic features of the existing building.

8.3 Local Policy

The Local Plan

The local Plan was adopted by Council on 3 July 2017. It replaced the Core Strategy and Camden Development Policies as the basis for planning decisions and future development in Camden. Camden's Draft Local Plan was published in January 2024. As such it holds weight with consideration to the proposals. Policies D1 to D8 relate to 'Design and Heritage'.

At the heart of the policy for new design is the requirement for development to successfully relate to the surrounding established character. Policy D1 states:

- B. The Council will require that development:**
- Character and Context**
- i. responds positively and sensitively to local context and character through layout, orientation, scale, height, bulk massing, proportion, appearance and the use of high quality, durable and sustainable materials;
 - ii. seeks to create character where none exists;
 - iii. preserves or enhances the historic environment and heritage assets in accordance with Policy D5 Heritage;
 - iv. responds to local views and preserves protected views;

Figure 28: Policy D1 : Achieving Design Excellence

Response:

This statement has been provided to demonstrate the above policy is applicable to the development proposals.

Of particular relevance to this statement is Policy D5 : 'Heritage' which 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.'



Conservation Areas

- F. Conservation areas are designated heritage assets, and this section should be read in conjunction with the section above headed 'designated heritage assets'. In order to maintain the character of Camden's conservation areas, the Council will take account of conservation area statements, appraisals and management strategies when assessing applications within conservation areas.**
- G. The Council will:**
- i. require that development within conservation areas preserves or, where possible, enhances the character or appearance of the area;**

Figure 29: Policy D5 : Heritage – part F and G which deals particularly with Conservation Areas,

Response: The policy echoes the general themes and policies contained within the NPPF whereby great weight is placed upon the protection of the Borough's heritage features and the prevention of demolition and / or harmful change.

The policy promotes the retention and enhancement of buildings that are if 'incidental mixed uses within residential neighbourhoods which offer variety surprise and delight'.

In addition to the more generalised themes of preservation and sensitive repair, there are additional important policies regarding design and amenity.

Part: 12.69 (Conservation Areas) states that:

"The character of conservation areas is derived from the combination of a number of factors, including scale, density, pattern of development, landscape, topography, open space, materials, architectural detailing and uses. These elements should be identified and responded to in the design of new development. Design and Access Statements should include an assessment of local context and character and set out how the development has been informed by it and responds to it".

This statement accords with the above recommendations. We have invested considerable time and resources into understanding the local townscape character and justifying why we believe that the emerging proposals are appropriate and will not cause harm to any designated heritage asset.

Local Guidance Document: Fitzjohns/Netherhall Conservation Area Character Appraisal & Management Plan December 2022

The Council's Conservation Area management plan acknowledges the range and diversity of buildings within the designated area. It is deemed that the typology which the building aligns most closely to is:

"Inter-war and post-war architecture: There are a couple of buildings in Modern styles, drawing on inter-war. 'International Modernism' and post-war influences. The wider borough of Camden is well known for early UK examples of the International Style. There is also some Post Modernism"

In general, the guidance centres around the preservation of the character and historic features of the Conservation Area and ensuring that new development is sensitive to the established character, Over the course of this report, we have sought to demonstrate how the proposals are in line with the established character and in keeping with the surroundings.

With regards to enforcement, the Council's guidance states:



"Where a breach of planning controls causes harm to the character or appearance of a conservation area, Camden's usual approach would be to contact owners and seek a solution and timetable for remedial works through negotiation and agreement.

As a last resort, Camden Council will take planning enforcement action where necessary. Willingness to take enforcement action is an essential part of protecting the character or appearance of the area".

This does not seem to be the case on this site and informal negotiation was not entered into. Given that the enforcement system is not meant to be punitive, it is hoped that the Council and applicant can work collectively to come to a satisfactory outcome.



9 CONCLUSIONS

A summary of the report is below:

- 26 Akenside Court is an early-1960s, purpose-built building of five-storeys. Flat 9 is located on the top floor and incorporates a roof terrace surrounding the perimeter with access doors from the living room and master bedroom. The property is unlisted (locally or statutory) but is located within the Fitzjohn/Netherall Conservation Area and the vicinity of several Grade II listed buildings, including the adjacent '24 Belsize Crescent'.
- Belsize Crescent is a formally planned street characterised by large, brick and stucco terraces built in the late nineteenth century by architect and builder, William Willet.
- The existing property is of low significance overall to the townscape, being of neither high-quality architectural design or of any significant age and therefore makes a neutral contribution (at best) to its immediate and wider setting.
- The building is a non-designated heritage asset meaning that it is not subject to the requirements of the NPPF, paragraphs 199 to 208 in itself. Any proposals affecting 'Designated Assets' must be impartially assessed to ensure that they preserve or enhance the asset. The buildings would not meet the requirements for listing. The building is also not locally listed.
- The applicant seeks to gain consent for an existing glass balustrade around the perimeter of the property surrounding the roof terrace, which was erected as an urgent safety precaution for the applicant's young family. We have established that use of the terrace itself should qualify for lawful development under the 4 / 10-year rule. Having demonstrated its use for over 25 years. This is dealt with in detail in this heritage and design statement.
- The proposals are considered to be neutral on townscape terms. There are no material heritage issues but we have undertaken due diligence with regards to nearby designated heritage assets for completeness.
- There are considered to considerable safety and design benefits offered despite there being no harm to any designated heritage asset.
- The applicant has recognised the importance of undertaking investigations and analysis necessary for the assessment of the effects of the proposed works on the special interest of heritage assets. This approach has been both beneficial regarding the consideration of alternatives and important regarding the process of acknowledging the best practice guidance as outlined in NPPF.
- It is considered that the impact of the proposals would not harm any designated heritage assets relevant to the site and it is therefore concluded that the proposed works satisfy the relevant clauses of the NPPF. These are consistent with the spirit of local policies and national conservation principles and therefore there should be a presumption for its approval.