

Heritage Statement

9 Wedderburn Road, London NW3 5QS

Written by: Ignus Froneman B Arch Stud ACiFA IHBC **Date:** 31 May 2024
On behalf of: Mr & Mrs Maizil **Ref:** 0808

1.0 INTRODUCTION

- 1.1 This Heritage Statement has been prepared by Ignus Froneman, Director at Cogent Heritage, in consultation with the Applicant, 4H Architecture and SM Planning. The subject of the assessment is the grade II listed building at 9 Wedderburn Road, which is part of a pair (7 & 9), built in c. 1887 to the designs of Horace Field and Edwin E Moore.
- 1.2 The Heritage Statement supports a listed building consent application for internal changes to the ground floor and lower ground floor unit of the house (which is now subdivided). Some of the works are retrospective (i.e. it has already been carried out) and some of the works are the same as that already consented under application ref. 2023/4458/L. Some of the work would reverse work that was carried out without consent. The drawings distinguish between two works already undertaken, the works that are proposed, and the works that have been previously consented. The assessment in this report considers the works that differ from the previous consent.
- 1.3 The author of this report is a qualified heritage consultant with over 20 years of experience in the historic environment. This includes regular appearances as an expert witness at public inquiries, on behalf of both appellants, public bodies and local planning authorities.

Purpose of the report, heritage assets and research

- 1.4 The Heritage Statement assesses the effects of the proposed development on the heritage significance of the listed building. The application site falls in the Fitzjohns/Netherhall Conservation Area, although the proposed internal changes would leave the conservation area unaffected and it is not considered further. The same can be said of the listed houses along the south side of Wedderburn Road (some are listed as in pairs, and others individually).

- 1.5 Detailed archival research was not undertaken at this stage, as there are drawings relating to previous applications that record the likely original layouts of the ground and lower ground floors (in 1981), and also further extensive alterations in c. 2003.

Legislation and policy summary

- 1.6 The section below summarises the key provisions of s.66 & s.72 of the Planning Listed Buildings and Conservation Areas Act 1990, the National Planning Policy Framework and the Development Plan policies.
- 1.7 **Legislation:** 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: and section 72(1) sets out the statutory duty in relation to any buildings or other land in a conservation area.
- 1.8 It is a well-established concept in case law that 'preserving' means doing no harm for the purposes of the 1990 Act. 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 (and the same for conservation areas). In cases where a proposed development would harm a listed building or its setting (or a conservation area), the Barnwell decision has established that the duty in s.66 of the Act requires these must be given "*considerable importance and weight*".
- 1.9 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'¹.
 - 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'².
 - iii. The effect of NPPF paragraphs 205-208 is to impose, by policy, a duty regarding the setting of a listed building that is materially identical to the statutory duty

¹ *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).

² *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.

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)³.

- iv. NPPF paragraph 208 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)⁴.
- v. If harm would be caused, then the case must be made for permitting the development in question, and the sequential test in paragraphs 206-208 of the NPPF sets out how that is to be done. If that is done with clarity, then approval following paragraph 208 is justified. No further step or process of justification is necessary⁵.
- 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 possible to find that the benefits may be far more significant than the harm⁶.
- vii. An impact is not to be equated with harm; there can be an impact which is neutral (or indeed positive)⁷.

1.10 **The National Planning Policy Framework:** 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.

1.11 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.

1.12 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

³ *Jones v Mordue* [2015] EWCA Civ. 1243 per Sales LJ [at 28].

⁴ *Jones v Mordue* [at 28] per Sales LJ.

⁵ *R (Pugh) v Secretary of State for Communities and Local Government* [2015] EWHC 3 (Admin) as per Gilbert J [at 53].

⁶ *R (Safe Rottingdean Ltd v Brighton and Hove CC* [2019] EWHC 2632 (Admin) as per Sir Ouseley [at 99].

⁷ *Pagham Parish Council v Arun District Council* [2019] EWHC 1721 (Admin) (04 July 2019), as per Andrews, J DBE at 38.

that it applies irrespective of whether it involves total loss, substantial harm, or less than substantial harm to significance.

- 1.13 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.
- 1.14 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*".
- 1.15 **The Development Plan** is the London Plan (2021) and Camden's Local Plan (2017).
- 1.16 **The London Plan:** The London Plan 2021 deals with Design at Chapter 3. Policy D4 deals with delivering good design and states that the design of development proposals should be thoroughly scrutinised by borough planning, urban design, and conservation officers, utilising appropriate analytical tools. The design quality of development should be retained through to completion by, amongst others, ensuring maximum detail appropriate for the design stage is provided.
- 1.17 Policy HC1, 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.
- 1.18 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 in the design process.
- 1.19 **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.

2.0 ASSESSMENT OF SIGNIFICANCE

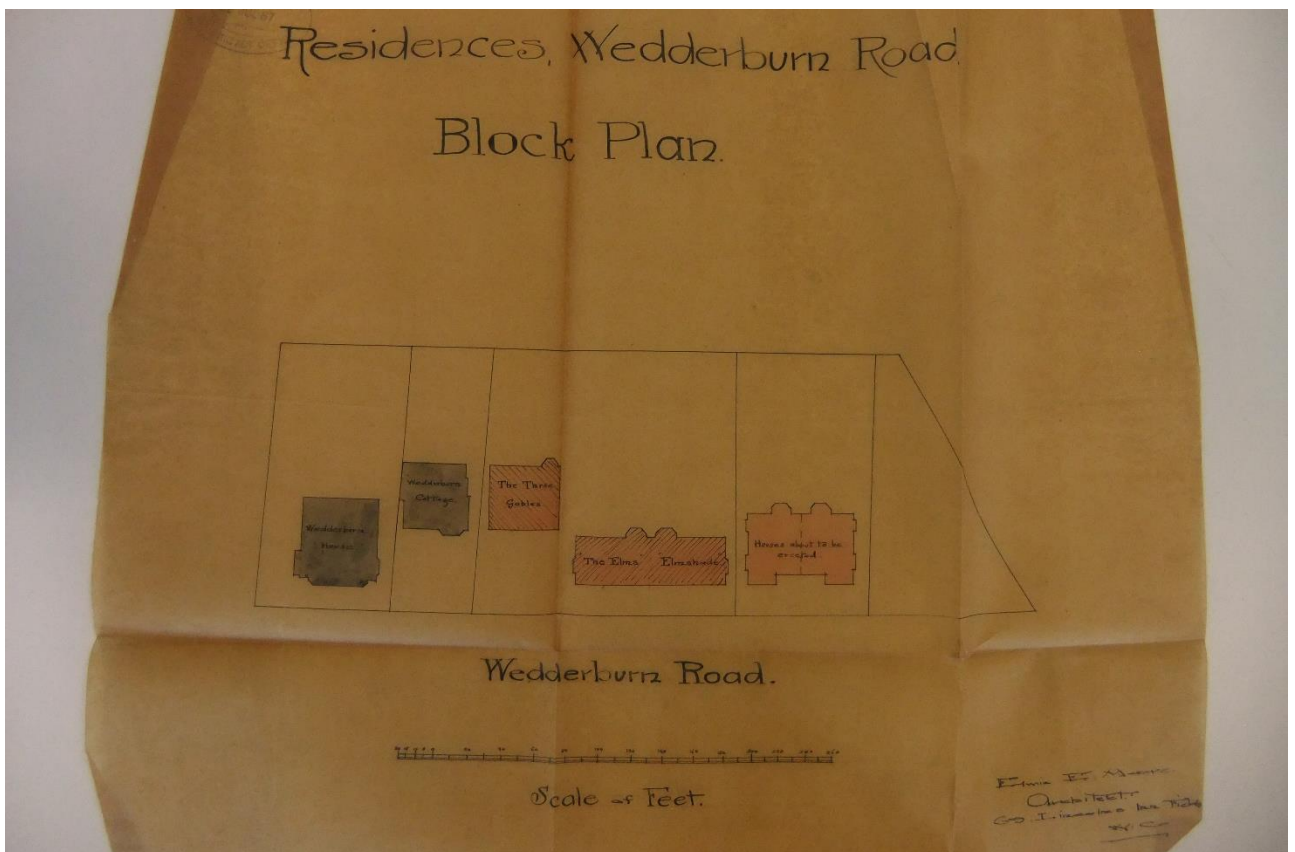
Historic background overview

- 2.1 Wedderburn Road was laid out in the 1880s, on land that was historically part of the garden of Rosslyn House. The road was named after the one of the former residents of Rosslyn House, Alexander Wedderburn. The south side of the road was developed first, by the then owner of Rosslyn House, Charles Woodd. He employed Horace Field, who (in association with Edwin E Moore) designed the whole ensemble at 1-13. 1 Wedderburn Road, known as Wedderburn House, is thought to be the first mansion block in Hampstead.
- 2.2 Development on the north side of the road started later, in 1895, after Woodd's death when the house and land were sold by his widow. The architect for these houses was W A Burr.
- 2.3 Cherry and Pevsner, in the *Buildings of England London 4: North*, briefly mentions the house: "*Nos 3 and 5 are set back, detached houses of c.1886 with mullioned windows in Tudor manor house fashion; Nos 7-9, c. 1891, is a long frontage with Georgian sashes. The more showy Nos. 11 and 13 have Dutch gables*".⁸
- 2.4 The list description attributes the house to Horace Field, whereas Pevsner seemingly more correctly cites *Horace Field & Moore*. A plan of the south side of Wedderburn Road, dated 1887 and signed by Edwin E Moore "Architect" of 69 Lincoln's Inn Fields (**Fig 1**), indicates that Moore certainly had a hand in the design of the buildings; the plan accompanied a letter by Moore to the Metropolitan Board of Works, in which he (as the architect) challenged their decision to refuse his application relating to the depth of the window reveals. The drawing shows that 9 Wedderburn Road was originally called 'Elmshade' and was a pair with 'The Elms'.
- 2.5 Horace Field (1861-1948) was the son of the London architect Horace Field. His early work was in Hampstead, where he designed houses in Gainsborough Gardens and Wedderburn Road. In 1891 he designed the Lloyd's bank Rosslyn Hill, which Gray in his

⁸ Cherry and Pevsner, *The Buildings of England. London 4: North* (London, 1998) p. 238

book *Edwardian Architecture* notes 'makes a perfect composition in the "Wrenaissance" manner – the "programme" can be read from the group constituted by the branch bank manager's house and adjoining houses, all in red brick with brown Ham Hill stone dressings and Westmorland slate'.⁹

- 2.6 Most of Field's work was in the Wrenaissance style, with the largest example being the offices of the North Eastern Railway Co. Field did design in other styles, with his Lloyd's bank at Kensington High Street, designed in the Charles II manner. In 1905 he published along with Michael Bunney the book *English Domestic Architecture of the XVII and XVIII Centuries*. This book helped generate interest in houses from this period, resulting in many consequently being saved from destruction. In 1906 Field went into partnership with Charles Evelyn Simmons.



⁹ Gray, *Edwardian Architecture. A Biographical Dictionary* (London, 1985) p. 178

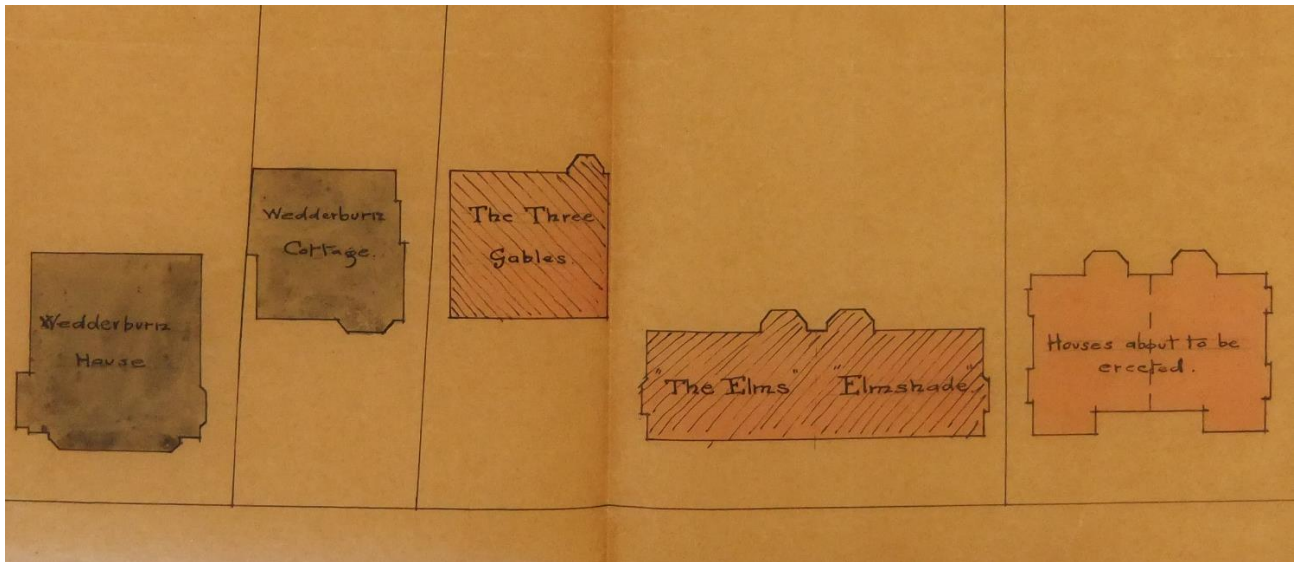


Fig 1: A plan of the south side of Wedderburn Road, dated 1887 and signed by Edwin E Moore "Architect" of 69 Lincoln's Inn Fields.

2.7 The 1896 Ordnance Survey map (**Fig 2**) shows the south side of Wedderburn Road developed, with Rosslyn House still standing to the north.

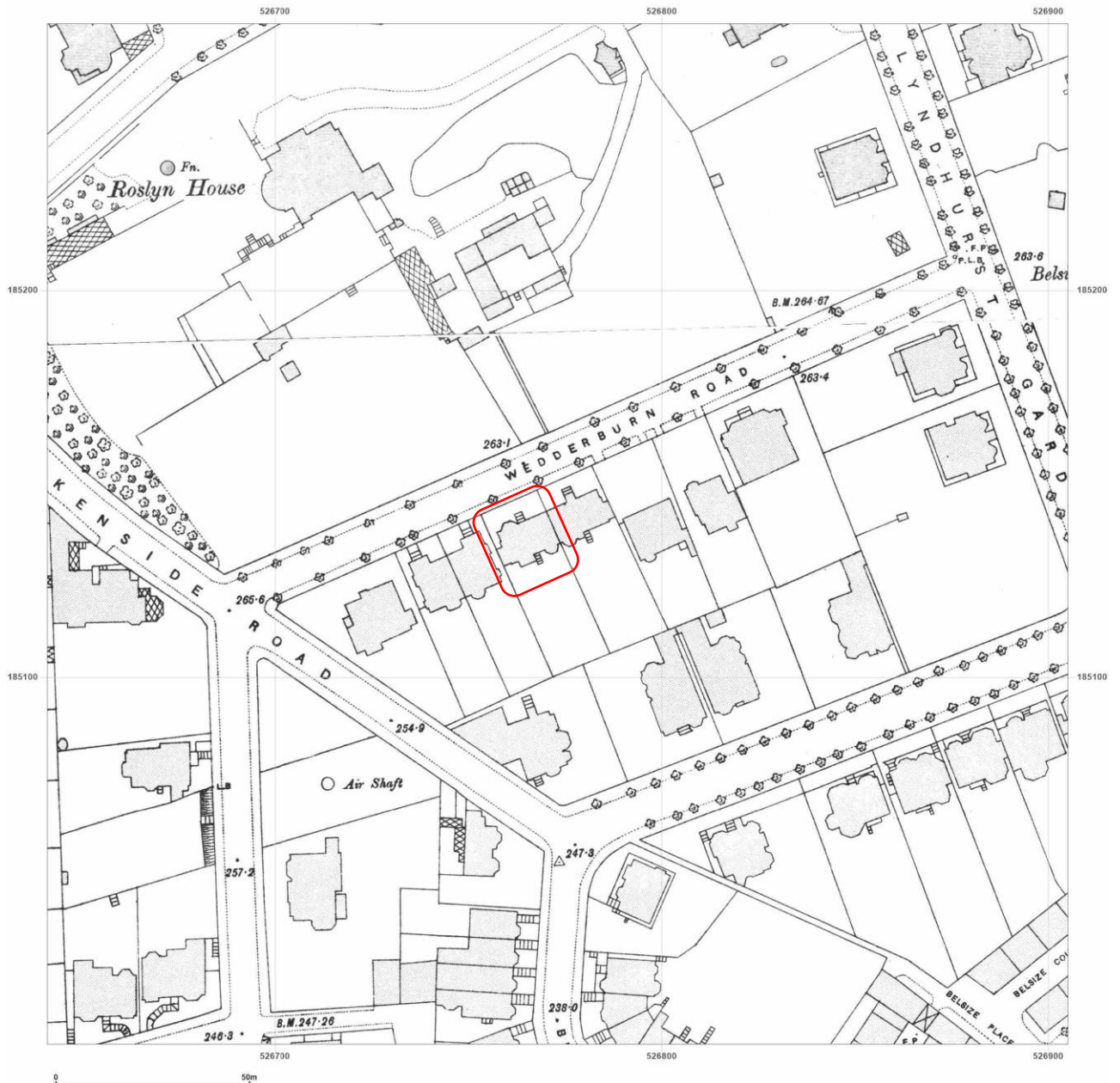


Fig 2: An extract of the 1896 Ordnance Survey map.

2.8 The 1896 Ordnance Survey map (**Fig 3**) records the footprint of the pair at 7 & 9 Wedderburn Road. It is interesting to see that the pair was not designed to be symmetrical. 9 Wedderburn Road had a bay on the façade that was absent on 7, and although both had adjoining rear bays and steps down to the garden, the design was again not symmetrical, with 9 Wedderburn Road featuring the rectangular terrace at the back and with a rear porch at 7 Wedderburn Road.



Fig 3: A detailed extract of the 1896 Ordnance Survey map, with the application site highlighted red.

- 2.9 The planning history of 9 Wedderburn Road records changes to the building on two occasions in the more recent past; relatively minor changes, made in 1981 (ref 31514), and more extensive refurbishments in 2003 (ref LWX0302077).
- 2.10 The 1981 plans (**Figs 4 & 5**) record changes to the ground and lower ground floors (by this time the house appears to have already been subdivided), including what appears to be the reconfiguration of the original plan form at both floors. At this point the original plan, as recorded on the existing drawings, appears to have survived reasonably intact, though there was an obvious later partition between the principal eastern rooms of the ground floor, which was subsequently removed.

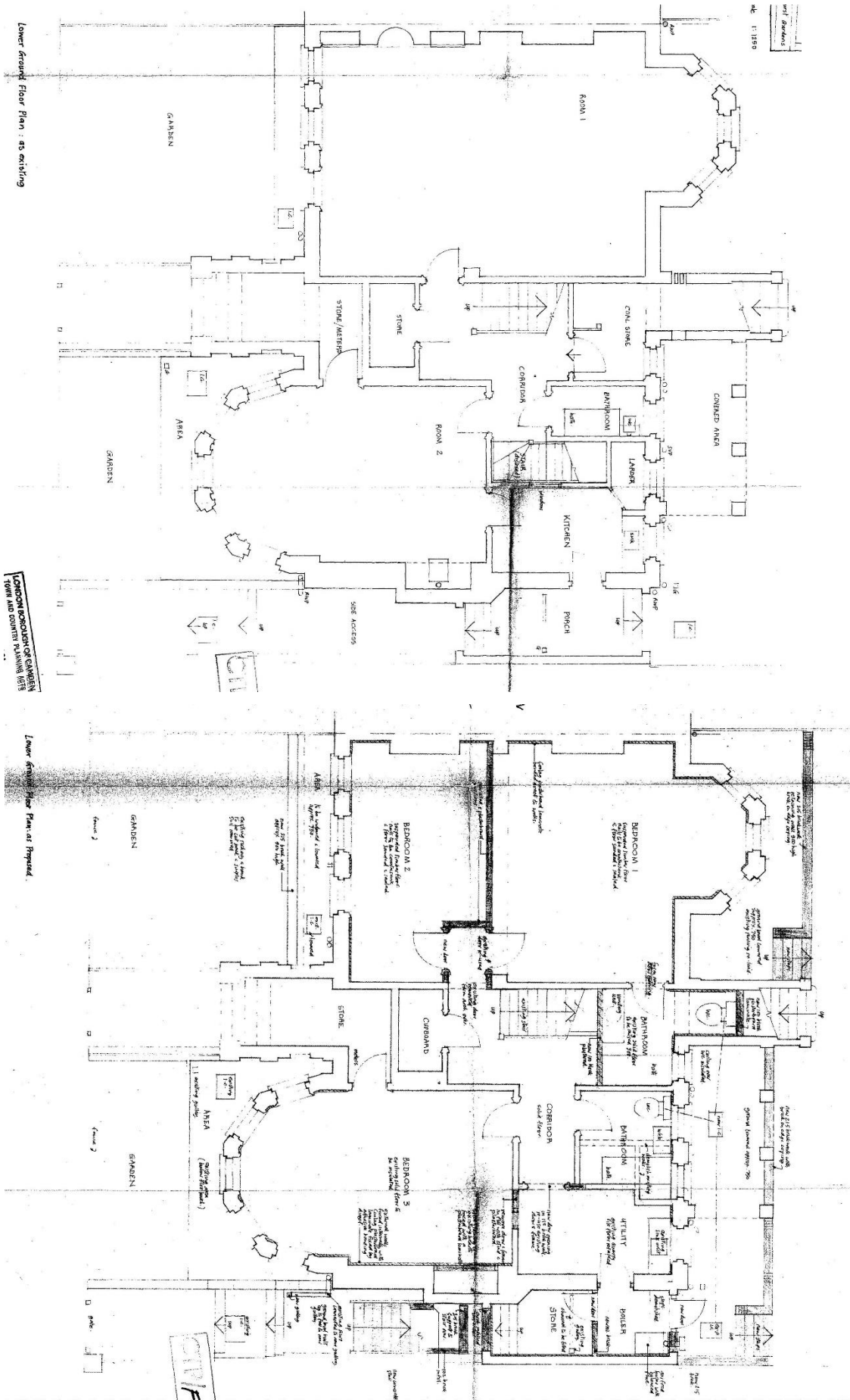


Fig 4: Existing (top) and proposed (bottom) lower ground floor plans, 1981.

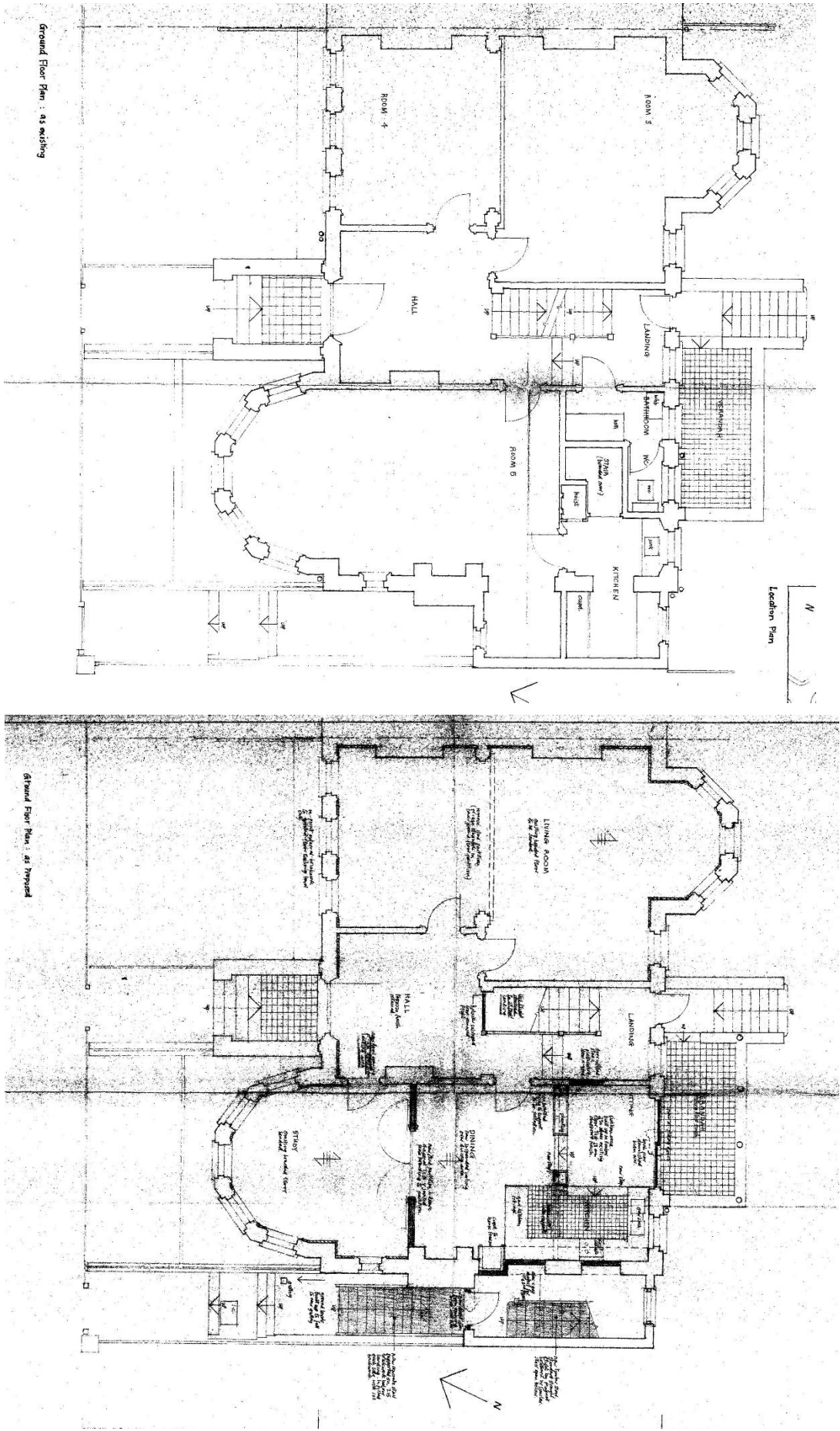


Fig 5: Existing (top) and proposed (bottom) ground floor plans, 1981.

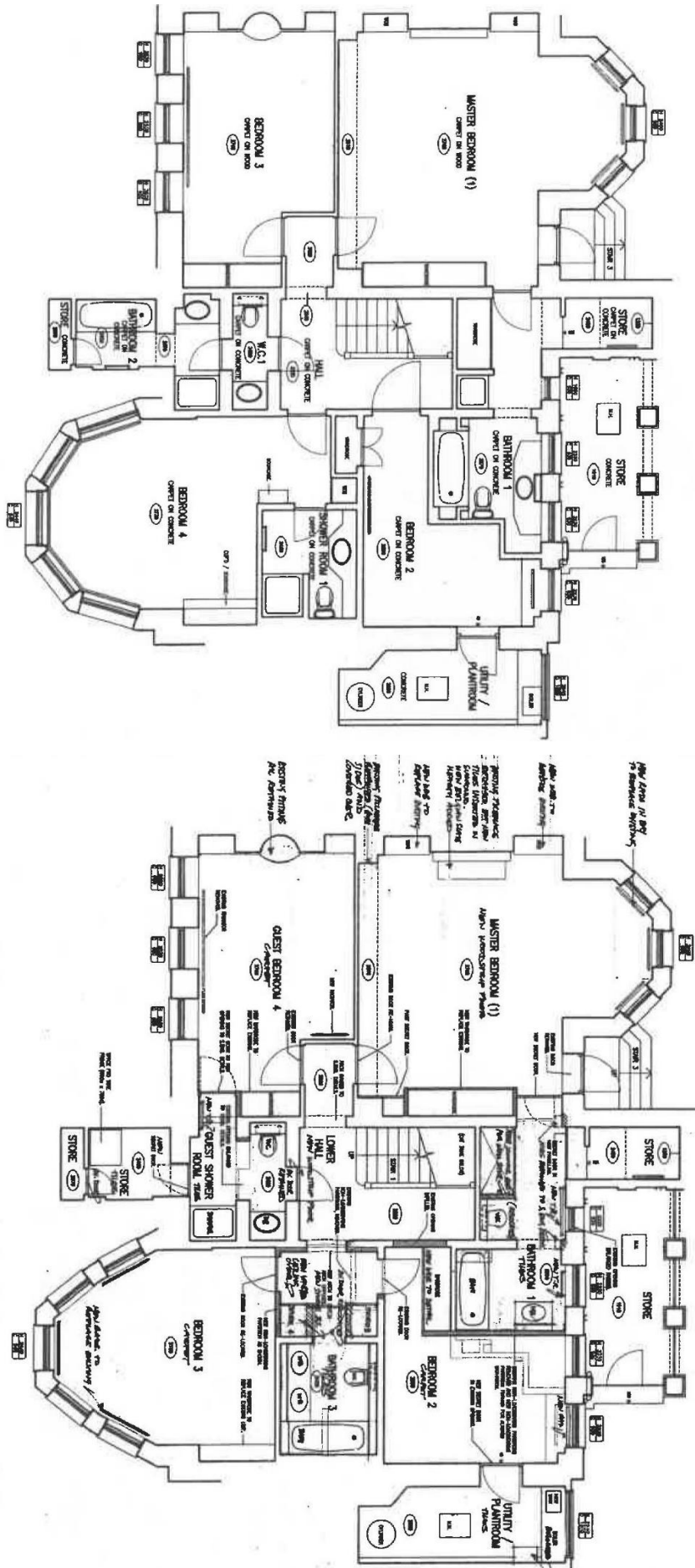


Fig 6: Existing (top) and proposed (bottom) lower ground floor plans, 2003.

- 2.11 The existing 2003 plans (**Figs 6 & 7**) record further changes to the ground floor and lower ground floor plans, not recorded on the proposed 1981 plans and for which no records were found online (although it is possible that the records of historic applications are incomplete) including the enclosure of the ground floor veranda to form a conservatory, and the insertion of a bathroom at the western lower ground floor front room. Further proposed changes to the plan form are recorded, but also changes to the decoration of the house, much of which was annotated on the drawings, although some detailed sections/elevations also survive. It was at this time that the present layout was established, which is not reflective of the original (or pre-existing 1981) layout, aside from the basic plan form of a stairs hall/stairwell centrally, flanked by principal rooms (at the ground floor this has remained most legible, whereas at the lower ground floor only the eastern principal rooms are still recognisably in something of their original layouts).

Significance

- 2.12 The pair at 7 & 9 Wedderburn Road was listed on 11 January 1999, on the same day that all of the other houses on Wedderburn Road were listed. The main descriptive text from the list entry is quoted below:

"Semi-detached pair of houses. 1887. By Horace Field. Red brick, hipped and tiled roof with eaves cornice, tall brick chimneys. White-painted wooden sash windows; dormers in roof. Queen Anne or early Neo-Georgian style. 2 main storeys. Long front of 8 windows width to each house, with strongly projecting single-storey bay windows at the two ends and brick porches, also projecting and covered by segment-headed hoods over pilasters, in centre of each house. Upper storeys flat-fronted. INTERIORS not inspected. Part of a group with Nos 1, 3, 5, 11 and 13 (qqv), also early works by Field."

- 2.13 The significance of the pair at 7 & 9 Wedderburn Road is attributable to its architectural and historic interest. In essence, the building is a reasonably well preserved example of a pair of houses in the 'Wrenaissance' style and it provides physical evidence of this style, in particular so alongside the neighbouring contemporary buildings by the same architect(s) on the south side of Wedderburn Road. The list description specifically draws attention to the group value of the contemporary houses.

- 2.14 The building, as with the others on the south side of the road, is an example of Horace Field's early work, albeit with Edwin E Moore having clearly also been involved in the design.



Photo 1: An oblique view of front and side elevation of 9 Wedderburn Road, showing the heightened side projection and the two tiers of dormers.

2.15 The exterior displays architectural quality, and although the frontage of the pair is now largely symmetrical, the Ordnance Survey maps up to 1919 record that 7 Wedderburn Road did not have a bay. It did have the projecting brick porch, whereas 9 Wedderburn Road originally had the front bay, and a flat entrance. This indicates a clear and perhaps purposeful design intent for the pair not to be symmetrical, despite other aspects of the elevational composition following a recognisable symmetry. Any sense of symmetry has, however, been further upset by the conversion of the roofspace at 9 Wedderburn Road to accommodation, and it consequently now has two tiers of dormers to both the front and the back. The side projection at 9 Wedderburn Road has also been altered by extending it as a stair core for the upper unit, and it was partially rebuilt.

2.16 The absence of symmetry is more notable at the rear, where 9 Wedderburn Road always had the veranda, which was absent at 7 Wedderburn Road. It is not known whether this always had a tiled, hipped roof, although it appears as though the windows above this roof have been adjusted to accommodate it, suggesting the roof was added. In any event, there is now a decidedly asymmetrical arrangement when the two elevations are compared (albeit the garden boundary between the two houses makes a direct comparison hard).



Photo 2: An elevated view of the rear elevation of 9 Wedderburn Road.



Photo 3: An elevated view of the rear elevation of 7 & 9 Wedderburn Road.

- 2.17 As has been noted, the interior has been subject to relatively comprehensive remodelling, including changes to the plan form, although there are still some good historic features, e.g. the principal staircase with barley twist balusters, some joinery (e.g. some of the doors and architraves, though there are also replicas), and two of the ground floor chimneypieces (the small one in the entrance hall, and the one in the main western room; the two in the eastern part of the house were replaced c. 2003, when the rooms were also refitted with internal features, e.g. cornicing).
- 2.18 Aside from the main staircase (**Photo 4**), the ground and lower ground floor of the building cannot be said to have any particularly fine or significant features. Some rooms have been subject to the cosmetic application of features such as elaborate cornicing to add to their stature, but these are recognisably inauthentic and, in some places, rather at odds with the building.



Photo 4: The main staircase is original (though not the treads and risers).

- 2.19 The house is not a particularly good or leading example of the Wrenaissance style; indeed it is not an example of Field's exclusive work, with Moore having evidently had a hand in the design. In any event, Field was not a leading exponent of the movement, although he did become reasonably well known as a late Victorian/Edwardian architect and it is an example of Field's early (collaborative) work. There is, therefore, a degree of historic interest by virtue of association with Field and Moore's collaborative work.

- 2.20 Finally, the house is also of historic interest as part of the original development of this part of Hampstead in the late 19th century. It is recognisable as a good quality historic house and it makes a valuable contribution to the group it forms part of, all in a similar style.
- 2.21 Artistically and archaeologically there is little to elevate the significance of the house.

3.0 IMPACT ASSESSMENT

Overview

- 3.1 The proposals (i.e. the changes/additions to what has already been consented under 2023/4458/L) can be summarised as:

Lower ground floor

- i. Concrete slab and modern suspended floor to be removed and replaced with a concrete slab, with new under floor heating to the main rooms.
- ii. Modern plasterboard ceilings removed and replaced with new fire rated plasterboard ceilings and with new acoustic insulation in the void between the joists installed.
- iii. Modern render/plasterboard wall build-ups removed.
- iv. Modern timber stud walls removed and with some rebuilt in the same locations, as per the drawings (others to be removed as consented).
- v. Replacement of non-original joinery (e.g. doors, architraves) and chimneypiece.
- vi. Removal of render to the walls (installed without consent) and new damp proof cavity membrane, including drainage channels and sump pump, installed in accordance with specification/recommendation by Hutton & Rostron and a French drain to rear bay.

Assessment

- 3.1.1 **Concrete slab and modern suspended floor to be removed and replaced with a concrete slab, with new under floor heating to the main rooms.** This affects only modern fabric and would leave the significance of the building unaffected.
- 3.1.2 **Modern plasterboard ceilings removed and replaced with new plasterboard ceilings.** These are non-original items that would be replaced with new/replicas. This would leave the significance of the building unaffected.

- 3.1.3 **Modern render/plasterboard wall build-ups removed.** The removal of these modern surface treatments would leave the significance of the building unaffected.
- 3.1.4 **Modern timber stud walls removed and with some rebuilt in the same locations, as per the drawings (others to be removed, as previously consented).** The lower ground floor layout is largely modern and the stud walls date from the last phase of development in c. 2003. The removal/replacement of these modern stud walls would leave the significance of the building unaffected.
- 3.1.5 **Replacement of non-original modern joinery (e.g. doors, architraves) and chimneypiece.** This would complement/enhance the character of the building by reinstating more appropriate replica features.
- 3.1.6 **Removal of render to the walls (installed without consent) and new damp proof cavity membrane, installed to deal with the damp issues at the lower ground floor, as specified by Hutton & Rostrun.** The render that has been installed to the walls without consent would be removed. Two areas have been tested to see whether this would be possible and the results appear to indicate that the render can be removed without undue damage to the walls, as a mesh has been used to provide a key for the render and the mesh is detachable from the brickwork. This is considered to be preferable to leaving in place the impermeable render, which could potentially cause damage to the brickwork in the long term.
- 3.1.7 There is a damp issue at the lower ground floor and the cavity membrane (along with drainage channels and sump pump) has been specified as an appropriate solution by specialist historic building surveyors. It is a common way of dealing with damp in historic buildings, which leaves the walls breathable but prevents the ingress of damp. This would leave the significance of the building unaffected. The proposed rear French drain would likely alleviate some of the causes of the damp, though it would not be capable of removing damp ingress completely.

3.2 Overall conclusions:

- 3.2.1 Overall, the proposals are minor, and would not affect any significant plan form or fabric, and there are no indications that the significance of this highly altered house would be materially affected.

4.0 CONCLUSIONS

- 4.1 This report presents a proportionate assessment of the significance of the listed pair at 7 & 9 Wedderburn Road. The effects of the proposals on the significance of the listed building have also been assessed.
- 4.2 The assessment in this report has demonstrated that the listed building has been subject to much internal reconfiguration, and that the proposed minor internal alterations would preserve and enhance the significance of the listed building.
- 4.3 Because no harm has been identified, there are no policy conflicts with the Development Plan. Neither does the proposal trigger paragraphs 206 or 208 of the National Planning Policy Framework. The proposed development also complies with the statutory duties in s.66 and s.72 of the Planning Listed Buildings and Conservation Areas Act, 1990.