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## HERITAGE APPEAL STATEMENT

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In respect of

**The Penthouse,  
23 Prince Albert Road, London, NW1 7ST**  
(Planning Application Ref: 2023/2589/P)

On behalf of

**Mr and Mrs Leslau**

**AHC REF: SW/10230**

**Date: April 2024**

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## 1.0 INTRODUCTION AND SCOPE

### Introduction

- 1.1 This Heritage Appeal Statement is prepared on behalf of Mr and Mrs Leslau ('the appellants') in support of their appeal against the decision by the London Borough of Camden ('CBC' or 'the Council') to refuse planning application ref: 2023/2589/P. It has been prepared and written by me, Sarah Watt, MCIfA, Director of Asset Heritage Consulting Ltd. ('AHC'). (A summary of my qualifications and experience is included at **Appendix 1.**)
- 1.2 The appeal concerns the Penthouse at No.23 Prince Albert Road, NW1 7ST ('the appeal building'), an eight-storey unlisted flats block erected in the 1960s. The Penthouse encompasses the 6<sup>th</sup> and 7<sup>th</sup> floors of the building, and the roof terrace. The application was for:
- (i) Level 08 (the roof terrace): the erection of a glazed extension to the existing glazed stair enclosure and landing at roof-top level;
  - (ii) Level 07 (7<sup>th</sup> floor): the enclosure with glazing of the two existing inner balconies (on the south/front elevation to Prince Albert Road) to form habitable internal space;
  - (iii) Level 07: the replacement of the solid brick balustrades to the two outer balconies on the front elevation with solid Corten steel balustrades (revised from initial proposals, which replaced them with open metal railings);
  - (iv) Level 07: the insertion of a new balcony centrally on the front elevation, within the existing vertical recess between the two 'blocks' of the building (between the two inner balconies to be enclosed with glazing, as per item (ii)). This will have a solid Corten steel balustrade (revised from initial proposals, which replaced them with open metal railings); and
  - (v) Level 06 (6<sup>th</sup> floor): the replacement of the brick balustrading to the two inner balconies on the front elevation with Corten steel balustrades (revised from initial proposals, which replaced them with open metal railings).

- 1.3 It is to be noted that in respect of items (iii)-(v), the balustrading was initially proposed to comprise open metal railings but the proposals were subsequently amended to solid Corten steel balustrading following Council advice that solid balustrading should be maintained. However, the appellants would be happy to revert to open metal railings in place of the Corten steel should the Inspector prefer this option, and have submitted an alternative design including the railings with this appeal for consideration.

The refusal reason and relevant local policy

- 1.4 The application was refused under delegated powers on 28<sup>th</sup> February 2024. This Appeal Statement responds to the single Refusal Reason ('RR1'), which states that:

*'The proposed erection of the glazed extension, erection of new balcony at seventh floor level, and associated external alterations, by reason of the location, height, and design, would result in incongruous and inappropriate additions that would be detrimental to the character and appearance of the host building, the setting of the adjacent listed buildings, and the character and appearance of the Primrose Hill Conservation Area, contrary to Policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.'*

- 1.5 The alleged impacts are to the Primrose Hill Conservation Area (in which the building is included) and to unidentified '*adjacent listed buildings*,' which it is presumed are the Grade II listed linked three-storey villas at Nos.17-22 Prince Albert Road; these are the only listed buildings mentioned in the Officer's Report which the Council considers to be affected (albeit the Report also makes brief reference to the spire of the Grade II listed St Mark's Church).
- 1.6 While there are other listed buildings in the wider vicinity of the appeal site, including structures in London Zoo (discussed at paragraphs 3.18-3.20 of the Heritage Statement submitted with the application), no concerns have been raised by CBC in relation to these throughout the pre-application process or determination period of the application.

- 1.7 RR1 makes no reference to any impact on the Grade II Registered Park and Garden of Primrose Hill or the Grade I Registered Park and Garden of Regent's Park. While the officer's comments in the Officer's Report make reference to the appeal building being visible from both RPGs (and includes several photographs taken from Primrose Hill itself), it does not allege harm to the significance or setting of either of these extensive heritage assets. The response in the Officer's Report from the Primrose Hill Conservation Advisory Committee ('the CAC') does, however, state that in the committee's view the proposed works would be prominent in views from the '*listed parks and gardens*.'
- 1.8 Policy D1 Design of the Camden Local Plan 2017 sets out that the Council will '*seek to secure high quality design in development*'. Of relevance to this appeal the Council will require that development:
- a) *respects local context and character;*
  - b) *preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage;...*
  - e) *comprises details and materials that are of high quality and complement the local character;...*
  - m) *preserves strategic and local views...*
- 1.9 Policy D2 Heritage follows the requirements of the NPPF, requiring *inter alia* that '*development within conservation areas preserves or, where possible, enhances the character or appearance of the area*.'
- 1.10 The Council has published a Conservation Area Statement for the conservation area (adopted in 2000). While RR1 makes no reference to this document, the Officer's Report refers to it in respect of its identification of the appeal building as a '*negative contributor*' to the conservation area, and also makes reference to the document's 'PH18', which discusses the acceptability or otherwise of roof extensions and alterations to buildings in the conservation area.

### Pre-application and application process

- 1.11 The planning application was subject to a pre-application enquiry made in June 2022, followed up in April 2023 (ref: 2023/1709/PRE). On 22<sup>nd</sup> June 2023, still without a pre-application response from the Council, the appellants submitted a planning application alongside it.
- 1.12 On 28<sup>th</sup> July 2023 the Council issued an initial email in advance of their formal written response to the pre-application enquiry, which advised that the proposed roof extension *'would be highly visible and would not preserve and enhance the character and appearance of the conservation area. Additionally, the Primrose Hill Conservation Area statement makes clear that roof extensions can have a harmful impact where they would be detrimental to the form of the building and be prominent, particularly in long views and views from the parks (PH18 in the [CA statement](#)). In this instance, these provisions apply, so the proposal as currently stands would likely not be supported. The conversion of two of the balconies into 'winter garden' structures on the seventh floor could be supported, but only as the symmetry and form of the building would be maintained.'*
- 1.13 The formal pre-application advice was issued on 22<sup>nd</sup> August 2023. This confirmed the Council's informal view that:
- (i) the erection of the glazed rooftop extension would *'not be considered acceptable. As previously noted the building is highly visible from the street and other key local views and the existing glazed structure to the roof is already visually prominent. Further extensions to this would be insubordinate to the building, add unnecessary bulk to the roof, and increase the negative impact that the building has on the conservation area. An expanded glazed conservatory and extended roof deck would constitute visual clutter that would cause harm to the conservation area and would not be considered acceptable';*
  - (ii) the enclosure of the two existing 7<sup>th</sup>-floor balconies with glazing would be *'acceptable in principle, though only if both were constructed at the same time. The host building does benefit from a symmetrical form, so given that both of these balconies are proposed to be enclosed, and the enclosure of balconies either side of the central column is already a feature of the building, this could be supported. However, the acceptability of the works would also be*

*subject to quality of the proposed detailed design; all materials should match the existing building so that the enclosures would read as a natural continuation rather than an incongruous addition. Given the scale of the host building, these enclosed features are considered not to add unacceptable bulk or massing’;*

(iii) the erection of a new 7<sup>th</sup>-floor balcony in the central recess would *‘disrupt the consistency of the building and the uniformity that is otherwise present at every level below. In addition to this, it would add visual clutter to the alcove, which is otherwise free of infilling additions’;* and

(iv) the replacement of the brick parapets to the 6<sup>th</sup>- and 7<sup>th</sup>-floor balconies with open metal railings (as then proposed) would be *‘detrimental to the overall appearance and coherency of the property, exacerbating the negative contribution that the building makes to the conservation area.’*

1.14 The planning application was validated and registered on 24<sup>th</sup> November 2023, allowing the submission in the interim of amended plans and supplemental supporting information. The amendments to the design included the replacement of the proposed open metal railings to the 6<sup>th</sup>- and 7<sup>th</sup>-floor balconies with solid Corten steel balustrades. The supplemental information included a Daylight and Sunlight Assessment; a series of Accurate Visual Representations (AVR’s) of the proposals; and a Heritage Impact Assessment.

1.15 My own involvement with the site began in October 2023 with the preparation of the Heritage Impact Assessment to supplement the application. The Heritage Impact Assessment (‘the HIA’) is a comprehensive document that covers the historical background of the appeal building and surrounding area; an appraisal of the appeal building and its relationship to heritage assets; and a detailed assessment of the proposals in terms of their impact on the historic environment (which assessment was also informed by the AVRs). This Appeal Statement does not duplicate all this information, but responds directly to RR1 and the comments of the Conservation Officer (‘the CO’) in the Officer’s Report on the application, making cross-references to the HIA as appropriate.

- 1.16 I would therefore advise the Inspector to refer to the HIA for the necessary background information (including historic maps and photographs of the appeal building and its surroundings).
- 1.17 For all the reasons set out below, it is my professional opinion that the appeal proposals comply with the statutory requirements of Sections 66 and 72 of the Planning (Listed Buildings & Conservation Act) 1990, the government policy set out in the National Planning Policy Framework (NPPF) and the accompanying guidance contained in the NPPG, as well as the relevant policies of the Camden Local Plan 2017. Certainly, it is also my considered professional view that the appeal scheme is appropriate and acceptable in heritage terms and as such I respectfully urge the Inspector to uphold this appeal.



## **2.0 THE APPELLANTS' CASE**

### **2.1 Introduction**

- 2.2.1 RR1 does not clarify the level of harm deemed by the Council to arise from the appeal proposals, but the Officer's Report makes it clear that this is considered to be 'less than substantial', thus engaging paragraph 208 of the latest iteration of the NPPF (December 2023). The Council argues that it is *'unable to identify any significant or sufficient public benefits that would outweigh the less than substantial harm'* and, as such, recommended the application for refusal on that basis.
- 2.2.2 My own firmly-held professional opinion is that the appeal proposals do not result in any harm to designated heritage assets, and so paragraph 208 is not engaged.
- 2.2.3 There are three strands to the Council's case: the impact of the proposals on the character and appearance of the appeal building itself; the impact on the setting of the listed buildings; and the impact on the character and appearance of the conservation area. I will address each of these in turn.

### **2.2 Impact on the appeal building**

- 2.2.1 First, it should be said that the appeal building (23 Albert Road) is not a historic building and is not of any heritage interest. It is an eight-storey flats development built in the 1960s on the former site of a detached 19<sup>th</sup>-century villa and its garden, and is unquestionably at odds with the overall established 19<sup>th</sup>-century architectural character and appearance of the conservation area.
- 2.2.2 The Conservation Area Statement includes the building in 'Sub Area 1 Regent's Park Road South' of the conservation area and identifies it (on p.13) as a 'negative building,' one of eight such later buildings in this sub-area which are considered to detract from the character and appearance of this part of the conservation area *'due to inappropriate qualities such as bulk, scale, height, materials, the way in which they address the street or application of architectural details.'*

- 2.2.3 The Council's pre-application response (p.3) stated that the appeal building *'is considered to contribute negatively to the conservation area in particular due to its bulk and scale; the building is clearly notably taller than surrounding buildings and is highly visible from a number of views, including from within Primrose Hill and Regent's Park, both of which are public open spaces.'*
- 2.2.4 The Officer's Report (paragraph 3.5) states that the appeal building *'is notably taller than those in the surrounding area, particularly those immediately adjacent along Prince Albert Road and Albert Terrace...'* but also states (paragraph 3.9) that, *'although the building's contribution is negative, it does at least have identifiable consistencies, such as its symmetry, horizontal detailing, and the inclusion of features such as the central alcove.'*
- 2.2.5 It is this symmetry and regularity of form which the Council believes would be disrupted, in particular by the proposals to enclose the two 'inner' 7<sup>th</sup>-floor balconies (item (ii) in the list at paragraph 1.2 above); the erection of a new balcony in the central recess on the front elevation at 7<sup>th</sup>-floor level (item (iv)); and by the proposals for the replacement of the brick parapets to the outer balconies at 6<sup>th</sup>- and 7<sup>th</sup>-floor levels (items (iii) and (v)).

Item (ii): the enclosure of the two 'inner' 7<sup>th</sup>-floor balconies

- 2.2.6 Despite the clear advice to the appellants in the pre-application response that this element of the proposals would be acceptable (see paragraph 1.13 above) because it would not add *'unacceptable bulk or massing'* to the building and would preserve the symmetry of the elevation, the Officer's Report quite contrarily states (at its paragraph 3.11) that,

*'The enclosure of the two central balconies at seventh floor would not only add further massing to the building, but would also disrupt the existing proportions and relationship between the two portions of the building. The structure reads as consisting of two main sections split by the central alcove. The alcove marks a clear distinction between the two halves of the building, which has a symmetrical appearance with either side of the alcove matching. Although it is proposed that there would be one enclosed balcony each side, the enclosure of both balconies would fundamentally disrupt the existing*

*pattern of development, altering the clear distinction between each half. It would serve to undermine the distinction created by the alcove, and the addition of further bulk and glazing at this high level would result in the same issues as the roof extension detailed above. Therefore, the enclosure of the two balconies would be unacceptable and would further contribute to the negative impact of the building on the streetscape, setting of adjacent listed buildings, and wider conservation area.'*

- 2.2.7 While there is a clear inconsistency in the Council's advice on the enclosure of these two balconies, there is also an apparent inconsistency in its view of the appeal building as a whole. On the one hand, it is a 'negative' building, and on the other it has an architectural form and symmetry that must not be disrupted.
- 2.2.8 This symmetry of form is basic; it is not a notably pleasing or otherwise remarkable architectural statement, but simply expresses the way the interior is planned and subdivided, with central circulation core in the central recess (except that the 6<sup>th</sup> and 7<sup>th</sup> floors are all part of the same penthouse flat so that this is not communal circulation space at those levels). It is also limited to the front elevation; neither the side nor rear elevations are symmetrically arranged, and the rear elevation does not express the definition between the two blocks either side of the central recess.
- 2.2.9 Leaving that aside, it is in any case quite evident that this element of the proposals would have no such disruptive effect because it will clearly maintain the existing symmetry of form evident in the front elevation and will not change the perception of the building from the front as two blocks linked by a central circulation core (which is not anyway, as stated, a particular architectural feature deserving of admiration or particular appreciation).
- 2.2.10 The simple enclosure of the two inner 7<sup>th</sup>-floor balconies in a similar manner to the glazed enclosure of those below them, will add structure to the building but will preserve its symmetry of form because the proposal is echoed on each side of the central recess. Indeed, the conclusion to the pre-application advice states, '*The enclosure of the balconies at seventh floor level on their own would be considered acceptable provided that both were completed so that the overall symmetry of the building is preserved.*'

- 2.2.11 Both will of course be completed (the proposal is for both to be enclosed) and overall symmetry will thus be preserved. It is not therefore clear why the Council has changed its initial view of this element from acceptable to unacceptable as the proposal did not change between pre-application and full application submissions. In my view, this undermines the Council's position, not just on this element of the proposals, but also on the other elements where it has alleged impacts on the building's symmetry.
- 2.2.12 Irrespective of the Council's contradictory position on this matter, it is my view that insofar as the symmetry of the front elevation of No.23 is 'important' (and I agree that it is advisable to preserve it), this element of the proposals is entirely acceptable in terms of its impact on the appeal building itself.
- 2.2.13 The view of the CAC on this aspect of the proposals (as set out on p.2 of the Officer's Report) is that, *'Balcony enclosures at the seventh floor introduce a further new material and form in their roofing and eaves, disrupting integrity and coherence and adding a perception of visual clutter in the elevation which exacerbates the building's prominence in the townscape.'*
- 2.2.14 The proposed enclosure with glazing does not introduce a new material – parapet to eaves glazing is used at each storey beneath in the corresponding location – and the eaves material will match that of the existing eaves of the appeal building. The building's *'integrity and coherence'* will remain intact, and I see no merit in the allegation of 'visual clutter' arising from the simple extension upwards of an existing form which will be entirely visually contained within the existing envelope of the front elevation (the new enclosures' eaves height corresponding to the level of the base of the building's parapet). Given this, I also cannot agree that this would result in an increase in the building's prominence in the townscape.
- 2.2.15 In summary, the proposals do not represent an *'incongruous and inappropriate'* addition that is *'detrimental to the character and appearance of the host building,'* but a modest addition that follows the form and materials of the existing elevation and preserves its symmetrical form and appearance.

Items (iii) and (v): replacement of brick parapets with Corten steel balustrades

- 2.2.16 The proposed changes to the materials of the balustrading (whether this is done in solid Corten steel or open metal railings) will also be applied 'symmetrically' such that again, the proposal is mirrored on each half of the building. While the proposals will add a new detail to the existing symmetry, they nevertheless preserve the overall symmetry of form.
- 2.2.17 While it was my view that the open metal railings initially proposed could have had a positive effect on the building, reducing the perception of the existing massing as it rises through the upper storeys, the proposed Corten steel balustrades will weather to a similar colour as the brickwork (such that they will not increase visual prominence) while still having a (lesser) reducing effect on the perception of massing. Indeed, in my view, they will be part of a combined effect arising from the 6<sup>th</sup>- and 7<sup>th</sup>-floor proposals as a whole that will reduce the existing perception of bulk and massing as the building rises through floors. The existing building is uncompromising in this respect.
- 2.2.18 For these reasons, it is my view that this element of the proposals is not incongruous, inappropriate and detrimental to the building, as alleged in RR1, but works in harmony with the other aspects of the scheme to effect a subtle change in appearance that preserves the fundamental architectural form and appearance of the front elevation.

Item (iv): new central balcony at 7<sup>th</sup>-floor level

- 2.2.19 Likewise, the insertion of a new balcony at 7<sup>th</sup>-floor level within the central recess will preserve symmetry. In its pre-application advice (p.3), the Council took the view that '*The infilling of the alcove at seventh floor with a new balcony would also disrupt the consistency of the building and the uniformity that is otherwise present at every level below. In addition to this, it would add visual clutter to the alcove, which is otherwise free of infilling additions.*'
- 2.2.20 The Officer's Report (paragraph 3.9) states, '*The proposed balcony would also add visual clutter to an established architectural feature; although the building's contribution is negative, it does at least have identifiable consistencies, such as its symmetry,*

*horizontal detailing, and the inclusion of features such as the central alcove. The addition of the new balcony would disrupt this and contribute to further inappropriate clutter.'*

- 2.2.21 I do not agree. The proposed new balcony (using the same replacement balustrading as that proposed for the two outer balconies at the same level, and those below) will 'read' as a perfectly symmetrical arrangement. The balcony does not 'infill' the central recess but is inset such that it maintains a deep recession to this central bay (it does not extend forward to the main front building plane).
- 2.2.22 As AVR 1 illustrates, this is a very discreet proposed addition that maintains a deep recession at the centre of the elevation, complements the proposed enclosure of the two balconies flanking it and the proposed glazed rooftop extension above, and emphasises the building's symmetry rather than detracting from it.
- 2.2.23 No explanation is given in the Officer's Report of how this element of the proposal will result in '*visual clutter*'. It follows the line and form of the existing building, is deeply recessed within the central section, and will not therefore be prominent within the elevation (indeed, barely observed, if seen at all, in most oblique views). I would also question the description of the central recess as an '*established architectural feature*'; this suggests that there is something architecturally admirable about the recess that should not be altered. In my view, this is not the case.
- 2.2.24 As with the other aspects of the proposed scheme discussed above, the proposed balcony is neither incongruous nor inappropriate, but a modest addition that follows the form of the existing elevation.

## **2.3 The listed buildings and their setting**

- 2.3.1 The Officer's Report (paragraph 3.7) states that, '*Given the nature of the host building as a negative contributor to the conservation area, as well as its clear public visibility, any addition that adds further bulk, scale, and height would further exacerbate the harmful impact of the building to the conservation area and the setting of nearby listed buildings, such as those immediately adjacent (nos.17-22 Prince Albert Road)....*'

- 2.3.2 Paragraph 3.12 of the Officer's Report states that the proposed rooftop extension would *'increase the overbearing nature of the property on the listed buildings adjacent, which consist of semi-detached three-storey pairs of villas. The addition of further massing at high level at the application site would result in more incongruous additions and as such would increase the harmful impact that the building has on the settings of the listed buildings, and would therefore not be acceptable.'*
- 2.3.3 As discussed at paragraphs 3.12–3.15 of the HIA, it is my view that the location of the appeal building on a corner site at the western edge of the 19<sup>th</sup>-century development included in the conservation area, enables it to 'stand apart' to some extent, and that the robust nature of the large 19<sup>th</sup>-century properties on the Prince Albert Road and Albert Terrace (including the Grade II listed Nos.17-22 Prince Albert Road immediately east of the appeal building) means that they are not overly impacted upon by the presence of No.23 in the way that they would be had No.23 stood within a linear run of historic villas and terraces, or in a corner location in the heart of the conservation area.
- 2.3.4 Thus, while the streetscape setting of Nos.17-22 was no doubt altered to its detriment by the original construction of No.23 in place of the large villa and garden which originally stood here, No.23 does not dilute the significance or group value of the surviving three large linked villas. These are imposing buildings of three storeys plus attics and their physical connection via their single-storey side entrance blocks adds to their robust presence in the streetscape.
- 2.3.5 In the oblique views from the east, from the entrance off Prince Albert Road into Regent's Park (see Plate 3 in the HIA), No.23 does not appear much taller than Nos.17-22, and because its front building line is deeply recessed behind that of the villas it is not visually prominent except that its red-brick facing stands out in contrast to the white and cream stucco of the villas. While the building detracts from the established 19<sup>th</sup>-century architectural character of the villas, I cannot agree that the proposed modest changes to its front elevation and the addition of the glazed rooftop extension would have any greater visual impact on these listed buildings than that existing.

- 2.3.6 The proposed rooftop extension is to be fully glazed, representing a continuation (at the same height) of the existing glazed staircase enclosure at the rear of the building. Given the oblique nature of the views which take in both the appeal building and the listed Nos.17-22, it is unlikely that the proposal will be noticeable to any significant degree, given its glazed construction, the viewing angles involved, its deep recession from the main front building plane above the central recess, and when seen in context with the existing glazed balustrade around the roof of the appeal building.
- 2.3.7 The proposal does not add further height as alleged in the Officer's Report (see paragraph 2.2.1 above) - the extension does not exceed the height of the existing staircase enclosure to which it will form an extension - and its glazed structure and deep set-back from the main front building plane will ensure there is no perception of added bulk or scale when it is seen within the very limited constraints offered by views towards it from Prince Albert Road which also take in the listed Nos.17-22. The existing roofscape of Nos.17-22 is varied, punctuated by chimneys and dormers of various forms, such that any glimpsed view of part of the proposal in such views will not have visual prominence.
- 2.3.8 Views in the opposing direction, from further west along Prince Albert Road (see Plates 4 & 5 of the HIA and AVR 3) are partly filtered by trees and offer a different perception, where No.23 is seen as more significantly taller than Nos.17-22. The addition of the proposed rooftop terrace is barely noticeable, as AVR 3 clearly demonstrates, and quite clearly has no impact on the ability to appreciate the significance of the listed buildings, a conclusion which also applies to the enclosure of the 7<sup>th</sup>-floor balconies and other proposed works to the front elevation.
- 2.3.9 In summary, it is quite clear that the proposal will not be detrimental to the existing form and character of the appeal building, the proposed extension simply continuing an existing structure in symmetrical form in a linear manner across the central line of the building, with a flat roof and using glazing as per the existing stair enclosure, the existing enclosure to the upper-floor balconies against the rear elevation and the existing glazed balustrade to the roof terrace.



- 2.3.10 It is equally clear that it will not have any impact, over and above the existing situation, on the significance, or ability to appreciate the significance of the Grade II listed Nos.17-22.
- 2.3.11 Setting is not a heritage asset in itself. The NPPF Glossary states that setting is, '*The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve.*' As the NPPG (Paragraph: 013 Reference ID: 18a-013-2019072; revision date: 23 07 2019) and Historic England guidance (*The Setting of Heritage Assets (Historic Environment Good Practice Advice in Planning Note 3; Second Edition Dec.2017, p.1; para.3)*) make clear, the twin roles of setting are that it can contribute to the significance of a heritage asset, and that it can allow that significance to be appreciated.
- 2.3.12 In this case, where the proposals do not have any direct physical effects on the listed buildings, the harm alleged in RR1 must be construed as arising from an effect on the setting of the buildings that harms their significance or the ability to appreciate that significance. I do not identify any such harmful impact arising from the proposed rooftop extension.
- 2.3.13 The Officer's Report makes no reference to the listed buildings within the London Zoo complex on the opposite side of Prince Albert Road, from which absence it must be assumed that the Council does not identify any harm arising to these buildings from the proposals. In this respect, I would direct the Inspector to the analysis set out at paragraphs 3.18 - 3.21 of the HIA, which concludes that the appeal building plays no role in the significance, or ability to appreciate the significance of, these listed buildings.
- 2.3.14 The Grade II listed St Mark's Church is mentioned in the Officer's Report (paragraph 3.14) as appearing in conjunction with the appeal building in a view from Primrose Hill (included as a photograph below paragraph 3.15 of the Report). In this view, the spire of the church can be seen rising above the roof of the appeal building. This is not a significant view of the church and it is equally clear that the proposals would have no material effect on it; the spire would appear as it does now.

2.3.15 There are other views towards the church which also take in the appeal building. These include the view east past the rear elevation of the latter through the gap between it and No.1 Albert Terrace (see Plate 2 of the HIA). No element of the proposals would be visible in this view and no impact is therefore identified. The church tower and spire also form the focal point of a view looking east along Prince Albert Road past the appeal building and Nos.17-22. There will be no impact whatsoever arising from the proposals on the ability to appreciate this view.

## **2.4 The conservation area**

2.4.1 The allegation of harm to the character and appearance of the conservation area is predicated on the allegation that there is harm to the appeal building itself, and that this harm therefore translates into harm to the conservation area, exacerbating the negative contribution that the appeal building is already deemed to make to the conservation area. The issues relating to the alleged intrinsic harm to the building itself are addressed above in section 2.2.

2.4.2 The principal focus of the Council's objection in respect of the conservation area is the proposal for the glazed extension to the roof terrace and specifically the impact this will, in its opinion, have on views from Primrose Hill.

2.4.3 Paragraph 3.8 of the Officer's Report says that, *'The proposed roof extension would measure approximately 2.4m, so would notably rise above the existing roof. It would also measure approximately 4m in depth and 3.9m in width, which would increase its visibility and add a significant bulk to a roofscape that is already particularly dominant in the surrounding area and conservation area more widely.'*

2.4.4 First, it should be recognised that there are existing approved manifestations on the roof, including the extension of the glazed staircase enclosure to serve the rooftop terrace (approved in 1995) and the glass balustrade around the rooftop terrace. Second, the proposed rooftop extension to the staircase enclosure does not exceed the height of the latter, uses the same materials (glazing) and is of similar form, such that it will not add either height or significant bulk to the existing rooftop structure.

- 2.4.5 Third, in my view, the proposal arguably offers an improvement on the existing design, adding to overall symmetry by extending the existing staircase enclosure across the central line of the roof, introducing a cleaner line and more coherent form than the 'pop-up' structure of the staircase enclosure alone at one end of the roof.
- 2.4.6 Paragraph 3.10 of the Officer's Report goes on to say that, '*...the addition of excessive glazing in the form of the roof extension, would introduce uncharacteristic additions to the site. The glazing would be particularly problematic; glazing at this height and prominence would reflect light and draw attention to the addition, and the amount of glazing would easily collect grime and dirt, that would likely increase visibility. Therefore, the proposed extension to the roof would further contribute to the negative impact that the building has on the streetscape, setting of adjacent listed buildings, and wider conservation area.*'
- 2.4.7 I disagree with the view that an 'excessive' amount of glazing is to be used, and that the use of glazing is uncharacteristic in the context of the appeal building. It clearly is not. Indeed, glazing is used across the full width of the rear elevation of the appeal building at 7<sup>th</sup>-floor level (the elevation which faces the Primrose Hill viewing point) to enclose the continuous balconies there, and the stair enclosure is glazed through the full height of the centre of the same elevation. There is also a glazed balustrade around the rooftop terrace. Glazing is quite evidently fully characteristic of the upper levels of the building. It is also used to a large degree throughout the full height of the front elevation, where there are alternating bands of brickwork and glazing and where the glazing probably occupies more of the wall surface than does the brickwork.
- 2.4.8 The comments about grime and dirt are speculative at best. There is no such issue with the existing staircase enclosure or glazed balustrade, and it is highly unlikely that the appellants, or any future occupier of a penthouse apartment of this nature and in this location, would allow a rooftop extension, specifically constructed to be transparent and enable an appreciation of wide-ranging views in all weathers, would allow this to happen. Even if it were to happen, the likelihood of any such 'grime' being appreciable in the long-distance views under consideration is negligible.
- 2.4.9 In support of their objection to the rooftop extension, the Council cites PH18 of the Primrose Conservation Area Statement (2000), which states that, '*Roof extensions*

*and alterations, which change the shape and form of the roof, can have had [sic] a harmful impact on the Conservation Area and are unlikely to be acceptable where:*

- It would be detrimental to the form and character of the existing building*
- The property forms part of a group or terrace which remains largely, but not necessarily completely, unimpaired*
- The property forms part of a symmetrical composition, the balance of which would be upset*
- The roof is prominent, particularly in long views and in views from the parks*
- The building is higher than many of its surrounding neighbours. Any further roof extensions are therefore likely to be unacceptably prominent.'*

2.4.10 PH19 of the Statement lists all streets where, for the reasons set out in PH18, roof extensions and alterations '*which change the shape and form of the roof are unlikely to be acceptable...*'. This includes all buildings in Prince Albert Road.

2.4.11 The provisions of PH18 are discussed at paragraphs 4.5 – 4.7 of the HIA. This discussion is not repeated in detail here other than to reiterate the conclusions that the proposal would preserve the form and character of the appeal building; and that the spirit of the second and third bullet points of the policy is evidently primarily aimed at 19<sup>th</sup>-century terraces and crescents and other architectural set-pieces where changes to roof forms would have an obvious impact. The issue of visual prominence arising from points four and five is discussed below.

2.4.12 Paragraph 3.13 of the Officer's Report says that the proposal would '*result in a roof design that is even more incongruous than currently exists. The building – and particularly its roof – is clearly visible from many points in the surrounding area, including from along Prince Albert Road, at numerous places within Primrose Hill, and in the north part of Regent's Park, on the bridge that forms the north section of The Broad Walk.*'

2.4.13 The Council supports its objection with the inclusion of a number of photographic views in the Officer's Report.

- 2.4.14 As part of the application, the appellants submitted a series of Accurate Visual Representations (AVRs) to demonstrate how the proposals would appear from a number of viewpoints. This included a view (AVR 4) taken from the formal viewing point at the summit of Primrose Hill, and is similar to the view included at paragraph 3.6 of the Officer's Report. The analysis of this AVR included in the HIA (see paragraphs 3.26 and 4.13 – 4.14 of that report) is key to refuting the Council's position that the proposed rooftop extension will be so visible in this view that it will have a harmful impact on the character and appearance of the conservation area (or indeed on the Registered Park and Garden from which the view is taken, an impact which the Council does not, however, allege).
- 2.4.15 Because of the key nature of this view to the Council's objection to this element of the proposals, the analysis in the HIA bears reiteration here. The appeal building is not a focal point of any of the views from the summit, but the upper floors of the rear and west elevations of the building are partially visible rising out of the trees in the middle ground of the general view south-east. The red brickwork of the building is visible in the mid-ground of what is a wide-ranging vista of distant City buildings, which mostly comprise structures of glass and steel with an overall 'grey' appearance. At this distance, however, little detail of the existing rooftop structures on the appeal building is visible.
- 2.4.16 Even when magnified in a photographic image (which it must be acknowledged is a 'false' representation as it does not represent a 'naked eye' view), the existing glazed structure and balustrade (because of their transparency) blend with the tree cover in front and behind and are not in any way visually prominent. The red brickwork is certainly more prominent visually than is the glazing, as one might reasonably expect.
- 2.4.17 As AVR 4 demonstrates, there is simply no appreciable additional visibility of the proposed glazed rooftop extension at this distance. Its transparency means it does not add appreciable bulk. If the AVR is magnified, the existing glazed stair enclosure is visible, most notably the curved north-facing section of its roof, which (like that of the angled sky-facing glazing enclosing the continuous 7<sup>th</sup>-floor balconies to either side of it) reflects the sky and is therefore more visible than the vertical glazing of the staircase enclosure elevation through the building. Similarly, the proposed extension, the only visible part of it being the vertical west elevation, blends with the dense tree

coverage beyond and is barely visible, and is certainly not visible in any prominent or otherwise meaningful way that could have any detrimental effect on this wide-ranging view.

- 2.4.18 The Officer's Report includes a number of other photographs which, in the Council's view, demonstrate the visibility of the appeal building, and by extrapolation the impact of the appeal proposals on the conservation area. In response to this, the appellants have commissioned some additional AVRs from these viewpoints in support of the appeal so that this impact can be assessed. The photographs forming the basis of these additional AVRs were taken during the winter months so that the visual effects can be judged in the 'worst case scenario,' when there is reduced leaf cover.
- 2.4.19 AVR 5 is taken from the same viewpoint as AVR 4. This reveals that while a larger part of the side and rear elevations of the appeal building become visible in the view from the Primrose Hill viewing point in the winter months, the degree of visibility of the roof remains the same. As in AVR 4, the proposed extension is barely, if at all, visible at distance, and certainly not, therefore, visually prominent. The loss of leaf cover behind the building in these views makes no difference to the degree of visibility.
- 2.4.20 AVR 6 represents the view shown in the fourth image at point 7.1 (Appendix) on p.9 of the Officer's Report. This is taken looking south-east towards the appeal building from close to the junction of two public footpaths across Primrose Hill, south-east of the viewing summit and on lower ground. In this view, the top of the appeal building can be seen.
- 2.4.21 It is evident from this image that the proposed extension will have no impact whatsoever on this view from the Registered Park and Garden. First, the view is not one with any design intent or that reveals anything of particular significance in the Park or within the conservation area beyond; and second, insofar as the proposal will even be noticeable, it is unlikely to be generally observed. The glazing of the proposed structure will minimise its visibility and, if observed at all, it will be seen simply as a 'natural' extension of the existing glazed rooftop extension. It will not project above the existing roofline of the latter.

- 2.4.22 The appeal building has been judged to be a 'negative contributor' to the conservation area. That may be the case, and in a view such as this, it certainly does not add anything that better reveals the significance of either the conservation area or the Registered Park. The proposed extension on the rooftop plainly will not cause the building to detract further from the significance of these heritage assets.
- 2.4.23 AVR 7 represents the view included at paragraph 3.15 (p.7) of the Officer's Report. This is taken from towards the western end of the footpath that runs east from the entrance to Primrose Hill off Ormonde Terrace to the entrance at its south-eastern corner onto Prince Albert Road. The view is channelled by a series of traditional-style lampposts along the left-hand side of the footpath and provides a clear view through the Park between these two entrance and exit points. The top floor and rooftop of the appeal building can be seen, as can, partially, the spire of St Mark's Church rising behind the building, partly appearing behind the existing glazed staircase enclosure. This is a transient and kinetic view in which the appeal building disappears behind trees as one walks further eastwards along the footpath.
- 2.4.24 The visibility of the spire (limited though it is – this is not a significant view of this Grade II listed building) is unaffected by the proposals and, similarly, there is no impact on the character and appearance of the conservation area – all that can be seen of the latter from this vantage point, even in the winter months, is the roof of the appeal building and glimpses of the houses along Prince Albert Terrace, heavily filtered by trees. The appeal building is not so prominent that the eye is particularly drawn to it and the verified view makes it quite clear that the extension of the glazed enclosure on the roof will have no material impact on the quality of this transient view across the Registered Park.
- 2.4.25 AVR 8 represents the view shown in the first image at point 7.1 (Appendix) on p.9 of the Officer's Report. It is taken from towards the eastern end of the footpath described above at paragraph 2.4.23, from which AVR 7 is also taken, and illustrates how the transient nature of such kinetic views (as one moves along the footpath) change. In this closer view, the top of the appeal building is well below the treeline in the foreground and the spire of the church is no longer visible.

- 2.4.26 In the winter months, the appeal building's western side elevation is visible, filtered through a mature tree (in the summer months, the appeal building is concealed by the tree). The existing staircase enclosure cannot be seen from this vantage point because of the height of the building and the angle of the view. The proposed extension to it will be similarly invisible as the image demonstrates.
- 2.4.27 The roof of the appeal building is certainly not the focus of this view as one leaves the Park and, while in some ways it is unfortunate that the appeal building marks the corner of, and an entrance into, the conservation area, its negative qualities in relationship to the 19<sup>th</sup>-century houses to either side of it are not defined by what might be on its roof, especially in this kinetic, filtered view. It should be reiterated that the proposed extension does not exceed the height of the existing rooftop structure.
- 2.4.28 AVR 9 represents the view shown in the fifth image at point 7.2 (Appendix) on p.10 of the Officer's Report. This is taken from The Broad Walk, just within the northern boundary of Regent's Park, where it crosses a footbridge over the canal before emerging through the entrance onto Prince Albert Road east of the appeal building.
- 2.4.29 This encompasses an oblique view of the front elevation of the appeal building seen across the canal and against a foreground of canal-side boundary treatments of low visual quality and various built structures within the London Zoo complex. Part of the listed No.22 can be seen sandwiched between the appeal building and an unattractive flat-roofed building associated with the Zoo in the foreground.
- 2.4.30 This is neither a high quality nor an attractive view of built form, and is certainly not in any way a prepossessing or otherwise significant view from the Registered Park into the conservation area. The primary views from the footbridge are those along the canal in either direction. It is quite evident from the verified view that the addition of the rooftop extension (and the enclosure of the 7<sup>th</sup>-floor balconies beneath it) will have no harmful impact whatsoever on the quality of this view.
- 2.4.31 The Council's view of harm appears to be predicated on the basic fact of visibility of the building. It must be recognised that the simple fact of visibility of a new structure within a view does not, in and of itself, equate to a harmful impact, and I can find no



quantifiable harm to heritage assets arising from the visibility of the proposal in these or any other views.

2.4.32 As the Historic England 2017 guidance on setting says (at its paragraph 10, p.6), *'The contribution of setting to the significance of a heritage asset is often expressed by reference to views... Views which contribute more to understanding the significance of a heritage asset include:*

- those where the composition within the view was a fundamental aspect of the design or function of the heritage asset*
- those where town- or village-scape reveals views with unplanned or unintended beauty*
- those with historical associations, including viewing points and the topography of battlefields*
- those with cultural associations, including landscapes known historically for their picturesque and landscape beauty, those which became subjects for paintings of the English landscape tradition, and those views which have otherwise become historically cherished and protected*
- those where relationships between the asset and other heritage assets or natural features or phenomena such as solar or lunar events are particularly relevant'*

2.4.33 None of these considerations applies in this case, but as the guidance goes on to say, *'This does not mean that additional views or other elements or attributes of setting do not merit consideration,'* before going on to refer to:

- views identified as part of the plan-making process (the fact that the appeal building lies outside the Protected Vistas identified in the London View Management Framework March 2012 from Primrose Hill towards the City is discussed at paragraphs 3.24 – 3.26 of the Heritage Statement);
- views identified in character appraisals;
- important designed views from, to and within historic parks and gardens that have been identified as part of the evidence base for development plans; and
- views that are identified by local planning authorities when assessing development proposals.

- 2.4.34 Of these, the first three bullet points do not apply in this case. Of the last bullet point, should the Council insist that the views identified in the Officer's Report have important qualities that contribute to the significance of heritage assets (despite there being no formal recognition of these views in that respect) then it should set out the evidence for this assertion and quantify the harm.
- 2.4.35 It should be clear from the above that my own professional view is that the proposed works to the appeal building will not have any harmful impact on any designated heritage asset.

### **3.0 CONCLUSION**

- 3.1 In short, and for all the detailed reasons set out in this Statement, I am of the view that the Council's reason for refusing the application does not stand up to scrutiny.
- 3.2 As will be clear from the content of this Statement, it is my professional opinion that, contrary to RR1, the appeal scheme will not have any harmful impact on designated heritage assets. The settings of the listed buildings discussed are not affected such that the significance of the buildings is affected, and the character and appearance of the conservation area is preserved.
- 3.3 The appeal scheme is therefore compliant with policies D1 and D2 of the London Borough of Camden Local Plan 2017, the relevant content of Chapter 16 of the NPPF, and meets the statutory tests set by Section 66(1) and 72(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990.
- 3.4 I therefore respectfully urge the Inspector to allow this appeal.

## **APPENDIX 1:**

### **Qualifications and Experience**

SARAH LUCILLE WATT, B.A.(Hons), PGDip Archaeol, DipEnvPol (Open), PGCert Architectural History (Oxon), MCIfA, Director of Asset Heritage Consulting Ltd.

After reading Ancient History and Archaeology at the University of Birmingham (1992-1995) and completing a post-graduate qualification in archaeology there, I worked for several years as an archaeologist, both in the UK and abroad, for Birmingham University Field Archaeology Unit. Between 2001 and 2005 I held two part-time positions, as an archaeological consultant at CgMs Consulting Ltd., a large planning consultancy also specialising in archaeology and historic buildings, and as a Research Assistant in a post funded by English Heritage coordinating the production of the West Midlands Regional Research Framework for Archaeology, of which I edited the resulting published volume.

In 2005, I moved within CgMs to a full-time post as a historic buildings consultant, undertaking a post-graduate course in Architectural History at the University of Oxford alongside this. Since 2005, I have continued a career in the historic built environment, providing advice to a wide range of private- and public-sector clients on historic buildings and conservation areas. In 2011 I joined the recently-established Asset Heritage Consulting as a Director, a specialist heritage consultancy based in Oxford but working across the country.

I have over 25 years' professional experience in the heritage sector, am a Member of the Chartered Institute for Field Archaeologists and also a member of the Society of Architectural Historians of Great Britain.

I am of course familiar with the appeal building and surrounding area.