

**PLANNING STATEMENT AND
HERITAGE IMPACT ASSESSMENT**

**35 Elsworthy Road,
London NW3 3BT**

Prepared for

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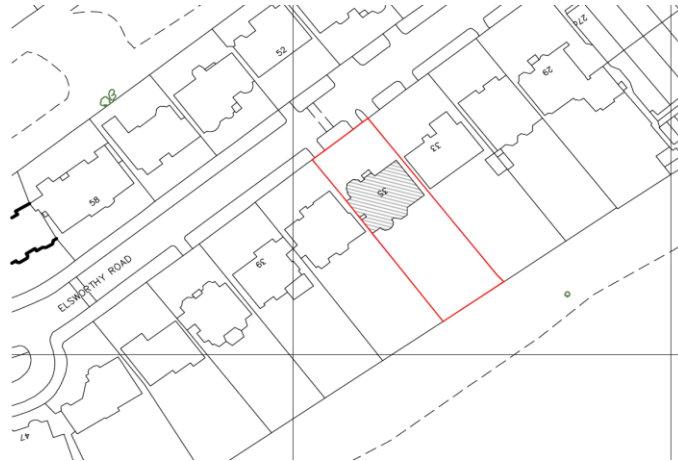
1 INTRODUCTION

- 1.1 This statement is written in support of an application for planning permission for the erection of a new front boundary wall, hardwood fence and gates together with a new front garden landscaping scheme.
- 1.2 This statement should be read in conjunction with the following:
- Architectural drawings of Burwell Architects;
 - Design and Access Statement 8th November 2024; and
 - Tree Support Statement of Tree Projects dated 8th October 2024
- 1.3 This statement firstly deals with preliminary matters and describes the application site and its surroundings; identifies any relevant planning history; and briefly describes the proposed development. Section 3 provides the planning policy framework in which this application needs to be assessed. Section 4 provides an overview of the Elsworthy Conservation Area (in which the site is located) and its significance as a designated heritage asset and provides an assessment of the impact the proposed development would have on that significance. Section 5 demonstrates why the proposals follow planning policy and Section 6 draws on the conclusions reached.

2 PRELIMINARY MATTERS

The Application Site

- 2.1 No. 35 Elsworthy Road is a detached three storey building situated on the south side of the road and backs onto the public open space of Primrose Hill.



- 2.2 The building is in the Arts and Craft style, constructed in red brick with painted timber framed windows.
- 2.3 Originally constructed as a single-family dwelling house, the building was converted post war into two self-contained units comprising a maisonette on the ground and first floors with a separate flat on the second floor. The top floor flat was accessed via a separate entrance on the west side of the building which was constructed in the 1960's.
- 2.4 The property is currently vacant and has been for several years.



37 Elsworthy Road

Relevant Planning History

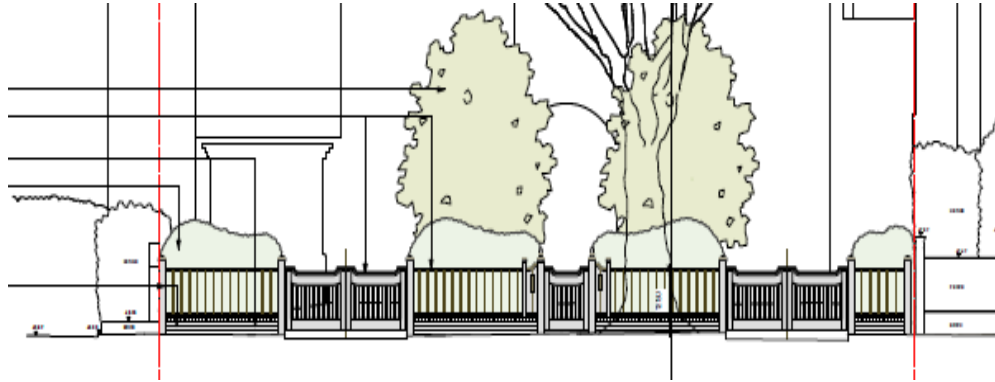
- 2.5 Planning permission was granted on 14th January 2015 under application ref. 2014/5463/P for conversion of the building from the 2 flats back into a single-family dwelling house and alterations and extension of the building including demolition of the side extension and excavation under the footprint of the house and rear garden to create additional habitable accommodation. This permission was lawfully implemented and such is certified by a Lawful Development Certificate issued by the LPA on 10th August 2018 (2018/2010/P).
- 2.6 In July 2023 planning permission was granted under Section 73 of the Act (2022/1085/P) for minor material amendments to the 2015 approved scheme which include changes to the size and depth of the basement and removal of two large lightwells in the rear garden; and elevational changes including amendments to the rear dormers and central windows. This permission has been implemented and building works are well underway.
- 2.7 Earlier this year, the LPA refused to grant planning permission (2024/0357/P) for the construction of new front boundary treatment and bin enclosure in the front garden; and rear garden outbuilding for plant and storage.
- 2.8 In essence the application was refused on the grounds that the front boundary treatment was not in keeping with the character of the local streetscape; and the rear garden outbuilding would be an incongruous feature detracting from the character and appearance of the conservation area.

The Proposal

- 2.9 We have thus separated the two elements out and this application therefore relates only to works to the front garden and front boundary treatment. The rear garden shed and rear landscaping is currently being considered by the LPA under application ref. 2024/4452/P.
- 2.10 The revised scheme for the front boundary now comprises a low red brick wall with timber fence and gates. The painted hardwood fence and gates are in an Arts and Craft style in keeping with the character of the local street scene.
- 2.11 The proposals also include a landscaping scheme for the front garden.
- 2.12 Whilst a comprehensive landscaping scheme (by others) was approved in 2017 under application ref. 2017/4179/P to discharge Condition 6 of the planning permission

2014/5463/P, a subsequent planning application (2022/1085/P) submitted by the new owners was approved in 2023 under S73 of the Act to vary the earlier permission.

- 2.13 To that end, the new owners thus have a desire for a different landscaping scheme to that previously approved and hence the reason to include a new landscaping scheme with this application.



Proposed front boundary wall, fence, and gates

Please refer to the architectural drawings and Design and Access Statement for full details of the scheme proposals.

3 PLANNING POLICY FRAMEWORK

2023 National Planning Policy Framework (NPPF)

- 3.1 At the heart of the revised Framework is a presumption in favour of sustainable development which can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 3.2 The revised NPPF makes clear that the starting point for decision making is the development plan and a presumption in favour of sustainable development does not change that statutory status. Applications for development proposals that accord with an up-to-date Local Plan should therefore be approved without delay.
- 3.3 The NPPF recognises that the planning and development process is fundamental in achieving the creation of high-quality buildings and places in which to live and work and that good design is a key aspect of sustainable development.
- 3.4 The NPPF identifies the importance of heritage assets (includes Conservation Areas) both in terms of local historic value and highest significance such as World Heritage Sites and that they are an irreplaceable resource. LPAs should afford great weight to the asset's conservation relevant to its significance.
- 3.5 Paragraph 192 of the revised NPPF requires Local Authorities, when determining planning applications, to take account of "*the desirability of new development making a positive contribution to local character and distinctiveness*"

Development Plan

- 3.6 Having regard to the 2023 NPPF and Planning Practice Guidance, the proposal has been assessed in relation to relevant policies contained within the Mayor's London Plan dated March 2021 and the London Borough of Camden's Local Plan adopted on 3rd July 2017 where this is in general conformity with the revised NPPF.

The London Plan

- 3.7 The London Plan is a spatial development strategy for London which provides guidance to assist local authorities when preparing their local plans. Policies within local plans thus need to be in general conformity with the London Plan.

Camden's Local Plan 2017

- 3.8 One of the main objectives identified in the Council's Local Plan is to manage change

and growth in a manner that respects the character, heritage, and distinctiveness of the Borough for it to continue to be a popular place to live, work and visit.

3.9 The building lies within the Elsworthy Conservation Area, a designated heritage asset. It is not a statutorily listed building.

3.10 The following policies within the Local Plan are therefore directly relevant in the consideration of this application:

- A1 - Managing the impact of development;
- C1 – Health and Wellbeing;
- D1 - Design;
- D2 – Heritage

Draft Local Plan

3.11 In January this year the Council published its new draft Local Plan which was subject to a first round of public consultation between January and March. It is thus very early days and no date has yet been fixed for the public examination into the new Draft Local Plan. On that basis we consider it carries only very limited weight in the consideration of this application.

Supplementary Planning Guidance

3.12 The following supplementary documents have also been considered:

- CPG1 – Design;
- CPG6 – Amenity;
- CC1 - Climate Change Mitigation

Planning (Listed Buildings and Conservation Areas) Act 1990

3.13 Whilst the NPPF and development plan are material considerations, the approach to conservation areas is underpinned by the statutory requirements in Section 72 of the Town and Country Planning (Listed buildings and Conservation Areas) Act 1990 (1990 Act) where; in determining development proposals, Local Planning Authorities should pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area or its setting.

4 The Heritage Asset and Assessment

4.1 Paragraph 194 of the NPPF requires applicants to describe the significance of a heritage asset and advises "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."

4.2 When reviewing development proposals, it is important to establish the heritage significance of an asset in question and an informed judgement needs to be made. This process is discussed in a publication produced by Historic England entitled "*Managing Significance in Decision-Taking in the Historic Environment*." Of note in page 2 of the document:

- *Understanding the **nature of the significance** is important to understanding the need for the best means of conservation....*
*Understanding the **extent of that significance** is also important because this can.... lead to a better understanding of how adaptable the asset may be....*
- *Understanding the **level of significance** is important as it provides the essential guide to how policies should be applied.*

4.3 It is therefore important to keep in mind that the heritage asset in this instance is the Conservation Area in which the application site is located, and not the building itself.

The Elsworthy Conservation Area

4.4 The Conservation Area was first designated in 1973, extended in 1985 and again 1991. It encompasses an area of approximately 16 hectares extending from Primrose Hill Road in the east to Avenue Road in the west.

4.5 Urban development of the area occurred between 1840 and the early 1900s following the construction of major roads in the late 1820s to provide links with central London with large middle class housing development starting in the 1840s along the newly created Avenue Road. The acquisition of Primrose Hill in 1842 for public recreation increased the attractiveness of the area for residential development.

4.6 The area is thus characterised by terraced townhouses, large semi-detached villas and large detached houses following a 'garden suburb' pattern built for wealthy families wishing to live in spacious and pleasant leafy surroundings within easy reach of central London, the character of the area which remains today.

4.7 Elsworthy Road runs east west from Primrose Hill Road to Avenue Road and is largely characterised by detached villas on generous plots consistent with the 'garden suburb'

pattern of development in the conservation area. Buildings are set back from the street and original boundary treatments consisted of low walls, wooden fences/gates, and privet hedges. Whilst some changes have occurred over the years, the character of the area is still one of spacious leafy streets and generous plot sizes.

- 4.8 The proposed front garden landscaping scheme behind a new low red brick wall and hardwood fencing and gates reflects the pattern of development in the area.
- 4.9 The supporting statement of Tree Projects demonstrates the London Plane street tree will be safeguarded and protected during construction works to ensure the visual amenity of the area is maintained.
- 4.10 The character and distinctiveness of the locality with its detached villas on generous plots in a leafy environment would thus be maintained ensuring therefore that the character and appearance of the designated heritage asset (the conservation area) is preserved.

Summary Conclusions

- 4.11 The significance of the conservation area lies in the urban development of the area in the 1840's to early 1900s with terraced townhouses, large semi-detached villas and large detached houses in spacious leafy surroundings following a 'garden suburb' pattern built for wealthy families.
- 4.12 The new front boundary treatment is founded on principles of good design. The use of traditional materials would be in keeping with the character and distinctiveness of the surrounding area.



Proposed front boundary treatment

- 4.13 The host building retains its sense of place within the street scene as a detached villa on a generous plot set within a green and leafy environment, an important facet of the character of the Elsworthy Conservation Area. As such, the historic value and significance of the conservation area would be preserved.
- 4.14 Paragraph 202 of the NPPF advises that where a development proposal will lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal.
- 4.15 Taking account of the Council's character appraisal for the Elsworthy Conservation Area and in assessing this against the proposed development, it is held that the proposals would not result in any harm to the historic value and significance of the conservation area and therefore public benefits do not need to be demonstrated. That said, the new front boundary treatment would be a public benefit improving the local townscape thereby enhancing the character and appearance of the conservation area.
- 4.16 The proposed development would not harm the historic value or significance of the Conservation Area (the heritage asset) and it will be wholly conserved in compliance with the overarching objectives of the NPPF and relevant policies contained within Camden's Local Plan.

5 THE PROPOSAL AND PLANNING POLICY COMPLIANCE

- 5.1 As the NPPF advises, planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.2 The proposed development meets the aims and objectives of national and local planning policies and planning permission should therefore be approved without delay in accordance with the NPPF.

Mitigating the effects of Climate Change

- 5.3 Policy CC1 of the Local Plan requires all development to minimise the effects of climate change. The building is currently undergoing major refurbishment works following the grant of planning permission in 2015 and more recently amendments to the approved scheme under application ref. 2022/1085/P which ultimately provides an opportunity to reduce carbon dioxide emissions by improving the thermal efficiency of the building and lower energy usage through upgrade of internal services and renewable energy technologies.

Impact of the Proposals on the Visual Appearance of the Building

- 5.4 Local Plan Policy D1, amongst other criteria requires development to be sustainable, high quality in design with materials which complement local character.
- 5.5 The new front boundary treatment comprising a low red brick wall, with painted hardwood fence and gates reflects the style and materials found in the locality thereby ensuring the prevailing character of the local street scene is maintained.

Impact of the Proposals on the Conservation Area

- 5.6 Although not a statutorily listed building, the application property lies within a designated heritage asset, being the Elsworthy Conservation Area. It is important therefore to keep in mind that the heritage asset is the conservation area in which the building is located, and not the building itself. Section 72(1) of the 1990 Act states that special attention must be paid to the desirability of preserving or enhancing the character and appearance of the conservation area.
- 5.7 Policy D2 requires development to preserve and where possible, enhance the character and appearance of the Conservation Area.
- 5.8 The new front boundary treatment would be in keeping with the style and pattern of development in this part of Elsworthy Road where low walls, timber fences, gates and

hedges are prevalent within the street scene and thus form part of the character and distinctiveness of the local area. The use of traditional materials would respect the host dwelling and local context.

5.9 The landscaping scheme will enhance the green and leafy nature of the street scene thereby enhancing the character and appearance of the surrounding area generally.

5.10 Overall, the proposed development would preserve and enhance the character and appearance of the Conservation Area.

Impact on Residential Amenity

5.11 Local Plan policy A1 seeks to protect the living conditions and quality of life of existing occupiers and neighbours.

5.12 The small scale of the proposals to the front boundary and front garden of the application site would not have a detrimental impact on the living conditions of neighbouring occupiers.

5.13 The proposed development therefore complies with policy A1.

In Summary

5.14 For the reasons given in Section 5 of this statement, the proposed development meets the aims and objectives of the adopted Local Plan, particularly those policies relevant to this application as referenced in Section 3 of this Statement.

6 CONCLUSIONS

- 6.1 The proposed development comprising a new low brick wall, timber fencing and gates to the front boundary would be respectful to the style and pattern of development in the locality and would not therefore harm the visual appearance of the building or local townscape. The proposed development would meet the needs of the present without compromising future generations to meet their own needs.
- 6.2 The architectural and historic integrity of the property and wider context are protected and the character and appearance of the conservation area would be preserved.
- 6.3 The use of the building as a single-family dwelling house would safeguard existing residential amenity.
- 6.4 The proposed development is in accordance with Section 72 of the 1990 Act and complies with the aims and objectives of the development plan and with central government advice in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. In our judgement no other material considerations weigh against it.
- 6.5 Accordingly, we trust the London Borough of Camden will determine that the application for planning permission can be approved.