

# Heritage Statement

## 12 Pilgrims Lane, London, NW3 1SN

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**On behalf of:** Mr A Shamash      **Ref:** 0429

### 1.0 INTRODUCTION

- 1.1 This Heritage Statement has been prepared by Ignus Froneman, Director at Cogent Heritage, in consultation with Wolff Architects.
- 1.2 The report considers the potential effects of proposed changes to the unlisted house at 12 Pilgrims Lane in Camden's Hampstead Conservation Area, a quasi-traditional house that was built in c. 1935 and subsequently extended.
- 1.3 Planning permission was granted on under refs. 2022/2398/P for changes and extension to the existing building on the application site (the 'approved scheme'). Following the grant of planning permission, it is now proposed to retain more of the existing building along the west, and to omit a side extension to the east. The author of this Heritage Statement also prepared the Heritage Statement that was submitted in support of the approved scheme, and is therefore familiar with the buildings, and the conservation area context.
- 1.4 The Heritage Statement should be read alongside the submitted information, but in particular the addendum Design and Access Statement, by Wolff Architects, which explains the changes that have been made, including comparison plans and illustrations, where the approved scheme can be seen alongside the current proposals.
- 1.5 The Heritage Statement provides a summary of the significance of the Hampstead Conservation Area and an assessment of the contribution of the existing building, followed by an impact assessment of the proposed changes – the changes here are assessed against the approved scheme.

### Heritage assets

- 1.6 The existing building is not locally listed, but it is identified as a positive contributor in the Hampstead Conservation Area Statement – although it should be noted that the building is of moderate quality at best, and has been extended; other buildings

of rather ordinary quality nearby have likewise also been identified as positive contributors.

- 1.7 There are listed buildings nearby at 7 & 9 Pilgrims Lane, a short distance to the west, and located on the opposite side of the street. Due a combination of the nature of these listed buildings, the townscape in which they are experienced, and the nature of the proposals, the proposed development could not reasonably be said to be capable of affecting their significance. In accordance with Step 1 of Historic England's *Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets* (second edition, December 2017), these listed buildings, and those in the wider context of the application site, have not been taken forward for detailed assessment.

### **Legislation and policy summary**

- 1.8 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.
- 1.9 **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 (which is not relevant in this case) and section 72(1) sets out the statutory duty in relation to any buildings or other land in a conservation area.
- 1.10 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 Application'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*".

1.11 The key legal principles established in case law are:

- i. 'Preserving' for the purposes of the s.66 and s.72 duties means 'to do no harm'<sup>1</sup>.
- ii. The desirability of preserving the setting of a listed building, or the character or appearance of a conservation area must be given 'considerable importance and weight'<sup>2</sup>.
- iii. The effect of NPPF paragraphs 205-208 is to impose, by policy, a duty regarding the setting of a conservation area that is materially identical to the statutory duty pursuant to s.66(1) regarding the setting of a listed building (and s.72 in relation to the character and appearance of a conservation area)<sup>3</sup>.
- 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)<sup>4</sup>.
- v. If harm would be caused, then the case must be made for permitting the development in question, and the sequential test in paragraphs 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 necessary<sup>5</sup>.
- vi. In cases where there may be both harm and benefits, in heritage terms, great weight has to be given to the conservation and enhancement of a listed building, and its setting, and the preservation and enhancement of a conservation area. It is, however, possible to find that the benefits to the same heritage assets may be far more significant than the harm<sup>6</sup>.
- vii. An impact is not to be equated with harm; there can be an impact which is neutral (or indeed positive)<sup>7</sup>.

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<sup>1</sup> *South Lakeland District Council v Secretary of State for the Environment* [1992] 2 AC 141 per Lord Bridge at p.146E-G in particular (obiter but highly persuasive).

<sup>2</sup> *Bath Society v Secretary of State* [1991] 1 WLR 1303, at 1319 per Glidewell LJ and *South Northamptonshire DC v SSCLG* [2014 EWCA Civ 137] (Barnwell Manor), at [22-29] per Sullivan LJ.

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

<sup>4</sup> *Jones v Mordue* [at 28] per Sales LJ.

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

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

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

- 1.12 **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. The July 2024 consultation draft of the NPPF does not include changes to Section 16 of the NPPF.
- 1.13 Paragraph 195 of the NPPF states that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance.
- 1.14 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.
- 1.15 According to paragraph 205, which applies specifically to designated heritage assets, great weight should be given to a heritage asset's conservation (the more important the asset, the greater the weight should be). This reflects the provisions of the 1990 Act in that it applies irrespective of whether it involves total loss, substantial harm, or less than substantial harm to significance.
- 1.16 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.
- 1.17 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*".
- 1.18 The Development Plan is the London Plan (2021) and Camden's Local Plan (2017).
- 1.19 **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

- 1.20 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.
- 1.21 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.
- 1.22 **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 conservation areas, the Council will (amongst others):
- i. require that development within conservation areas preserves or, where possible, enhances the character or appearance of the area; and
  - ii. resist the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area.
- 1.23 The **Hampstead Neighbourhood Plan (HNP) 2018** contains two relevant policies:
- i. Policy DH1 – Design
  - ii. Policy DH2 – Conservation areas and listed buildings

## **2.0 ASSESSMENT**

### **Assessment of significance**

- 2.1 The Hampstead Conservation Area Statement is the starting point for a balanced assessment of significance and contribution. Indeed, that is confirmed from the outset, on page 2, where it is stated that the aim of the Conservation Area Statement "*is to provide a clear indication of the Council's approach to the*

*preservation and enhancement of the Hampstead Conservation Area” and it goes on to state that the document is intended for the use of, amongst others, “property owners, architects and developers as an aid to the formulation and design of development proposals and change in the area. The statement will be used by the Council in the assessment of all development proposals.”*

2.2 The conservation area is summarised, in the introduction, as one of considerable quality and variety, with an excellence and mix of buildings. The historic street pattern and Hampstead’s historical association with clean water and fresh air are noted, as well as many fine and interesting examples of the architectural development of London.

2.3 The Conservation Area Statement notes the 20th century development of the conservation area on page 11:

*“A number of striking modern houses were built in the 1930s around Frognal and in Willow Road that defied convention, and the Hampstead tradition of avant-garde architecture established in the 1870s, continued through the 20th century.”*

2.4 For the purposes of the Conservation Area Statement, the Hampstead Conservation Area is divided into eight sub areas, of which the application site falls in sub area 3: Willoughby Road/Downshire Hill. This area is summarised on page 27:

*“These streets form one of the most dense and homogenous parts of Hampstead, laid out somewhat like a grid. The houses are mostly of red or gault brick. Few are of high architectural quality, but many have attractive timber porches, ornamental brickwork or other flourishes typical of their period. [...] Architectural details vary from street to street adding character to the area as a whole. A few smaller, modern houses have been built on gap sites or back gardens. These generally have fewer floors, lower ceilings and smaller windows than the older houses and in some cases the disparity in scale is uncomfortable.”*

2.5 There is then the following short description of Pilgrim’s Lane:

*“From Willow Road the Lane is straight rising gently to Kemplay Road and is largely 1880s. The properties are two and three storeys with varied detail. Many have a pitched roof and dormer window, except Nos.22-34 that have no roof alterations and Nos.50&52 that have a gable. An extension to No.50 by Eldridge Smerin (2002) provides a contemporary insertion. Denning, Carlingford and Kemplay Roads terminate on Pilgrim’s Lane and there are views down towards Pilgrim’s*

*Lane, as well as views of those street's rear elevations looking back. The character of the road changes as it curves at its southern arm. At the curve of the road Nos.12-20 are two storey houses with pitched roofs of various periods. No.11 on the west side is a prominent two storey detached house at the corner with Kemplay Road. Built in the inter-war period it has a hipped tiled roof and is now rendered a terracotta colour. As the road turns towards Rosslyn Hill a group of contrasting properties sit well together. No.10 is a 1960s building redesigned by SHH Architects in stucco and wood. No.8 is an interesting Arts and Crafts influenced house. It has a gable with decorative brickwork and distinct chimneys. On the ground floor front elevation there is the unusual feature of a ships figurehead. Nos.2-6 is a terrace of red brick two storey houses with double height bays. Pilgrim's Lane was originally a short lane off Rosslyn Hill and the western end of the road shows this history with its fine late 18th and early 19th century houses; Nos.7, 9 and Rosslyn House (2a) are listed. Rosslyn House is the sole survivor of a terrace that ran down Rosslyn Hill [emphasis added]."*

- 2.6 The conservation area, in the local context of the application site, is mixed. There are good and consistent Victorian terraces, e.g. on the north side of Kemplay Road, but these are seen in the context of a more mixed southern part of the road, where there is an assortment of ages and styles, including early-mid 20<sup>th</sup> century houses and modern houses in a very contemporary style. There is again a mixed and varied collection of buildings along the west side of Pilgrim's Lane, where there are late 18<sup>th</sup>/early 19<sup>th</sup> century houses, mixed with late-Victorian houses and early/late 20<sup>th</sup> century houses. The NE part of Pilgrim's Lane shows perhaps greater consistency, inasmuch as there are rows of 19<sup>th</sup> century houses, though of different styles, and mixed with Edwardian houses, interspersed with early 20<sup>th</sup> century houses, and with some quite prominent modern additions/infills. Examples of these can be seen on the photos below (which highlight, in particular, the examples of recent development).



**Photo 1:** Pilgrim's Lane to the NE - Victorian houses (left) with a very modern infill and an early 20<sup>th</sup> century house on the right.



**Photo 2:** Pilgrim's Lane to the NE - a very modern, prominently sited corner addition to a consistent row of late-Victorian houses. Note the different styles evident towards the right.





**Photo 3:** Pilgrim's Lane to the NE - a very modern addition to a late-Victorian house.



**Photo 4:** Kemplay Road, very close to the application site - an early 20<sup>th</sup> century house on the left, a very modern addition next to an Edwardian house.



**Photo 5:** Kemplay Road, close to the application site - an Edwardian house (left) juxtaposed with a very modern house, next to a c. md 20<sup>th</sup> century house on the right.



**Photo 6:** Pilgrim's Lane immediately to the west of the application site - the "1960s building redesigned by SHH Architects in stucco and wood" (as per the Conservation Area Statement).



**Photo 7:** Pilgrim's Lane immediately to the NE of the application site – the rather ordinary quality 'positive' early 20<sup>th</sup> century houses at Nos. 14 & 16.

2.7 There is, therefore, some consistency and coherence in the Victorian and Edwardian housing in the local context of the application site, albeit with a good deal of variation in the styles of these. The traditional Victorian and Edwardian houses are interspersed with a notable collection of later houses, some early 20<sup>th</sup> century, some later, and a few notable modern additions, of which some are striking examples of highly idiosyncratic design, which impart a distinct flavour of a varied context, despite the more general consistencies in traditional, albeit also varied, styles.

#### **Contribution of the building to the conservation area**

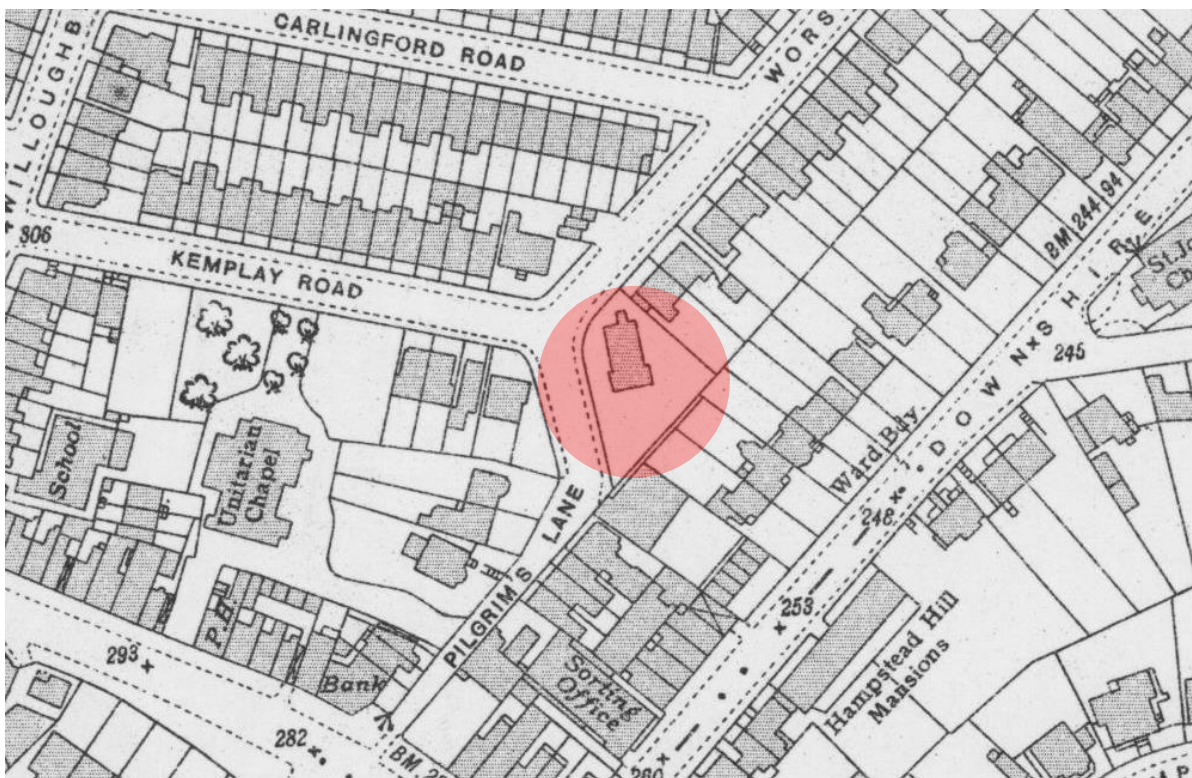
2.8 The starting point for considering the contribution of the building to the conservation area must be the recognition of the fact that the building is identified in the Conservation Area Statement as a positive contributor.

2.9 However, it is well established that being identified as a positive contributor does not itself prevent development. That is especially the case when considering the apparent blanket way in which this was done in the Conservation Area Statement, with no specific mention of the building at all, or any consideration of the qualities that make it a positive contributor.

2.10 The building dates from the early 20th century. There was no house on the site on the 1912 OS map (**Fig 1**), when the plot had not yet been created, and the house is present on the 1938 OS map (**Fig 2**). This date is consistent with its design.

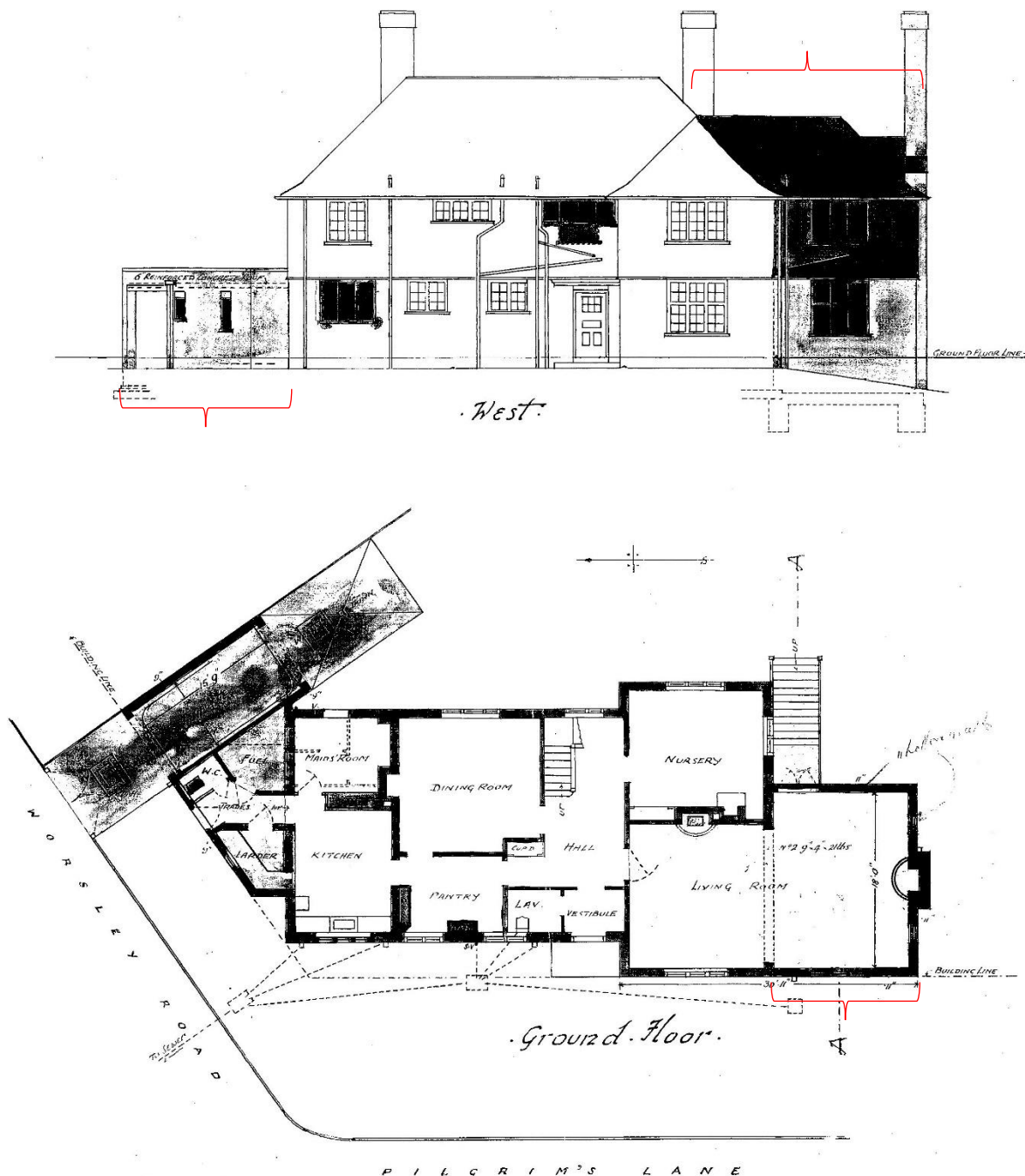


**Fig 1:** An extract of the 1912 OS map.



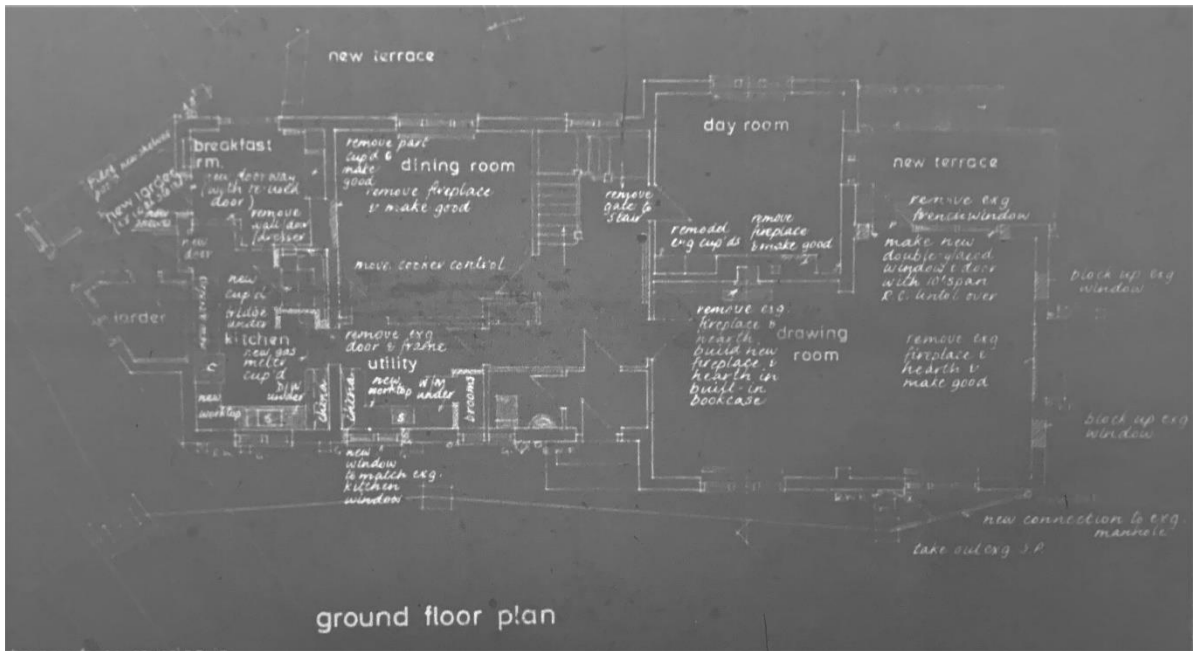
**Fig 2:** An extract of the 1938 OS map.

2.11 The earliest sourced drawings for the building are from 1935 (**Fig 3**), when it was proposed to alter and extend the house for Mr J Alan Pugh to the south, and add a garage to the north; the house as then existing had the same footprint as is recorded on the 1938 OS map, corroborating this as the original footprint.



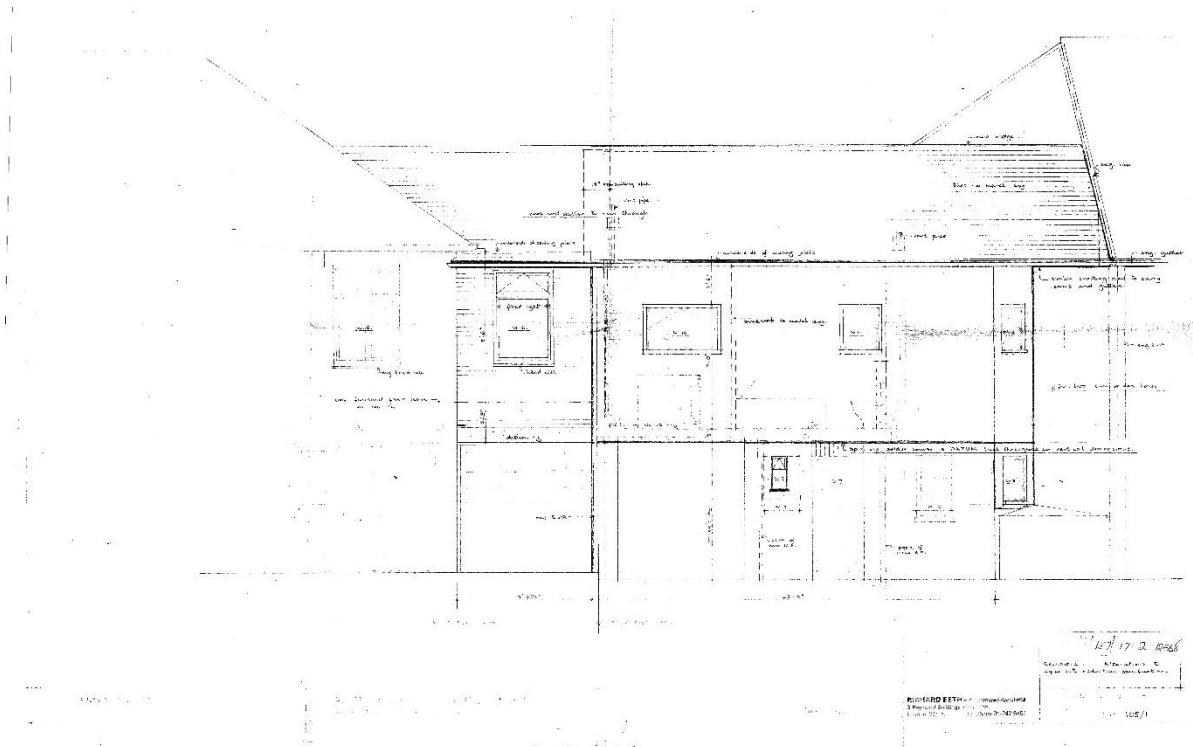
**Fig 3:** An extract of a drawing from 1935, showing alterations and extensions to 12 Pilgrim's Lane, for Mr J Alan Pugh (the extensions are highlighted in red).

2.12 In 1965 further alterations were made (**Fig 4**), when windows were blocked and replaced, and when a rear terrace was added behind the 1935 extension. These can be seen today, so they have been implemented.



**Fig 4:** An extract of the 1965 drawing, showing alterations.

2.13 In 1971 the present, angled two storey garage infill structure to the NE of the house, which now connects it with No. 14, was added (**Fig 5**). The extension was built as proposed, and can be seen on **Photo 8**.



**Fig 5:** An extract of the 1971 drawing, showing the front elevation of the NE side extension.



**Photo 8:** A frontal view of the somewhat awkwardly angled and poorly detailed two storey garage infill structure to the NE of 12 Pilgrim's Lane.

2.14 Turning then to the quality of the house, the close photo of the façade (**Photo 9**) shows a relatively poor quality and lacklustre quasi-traditional design, with pipes disfiguring the frontage in a way that was apparently part of the original design, as evidenced by the 1935 drawing.



**Photo 9:** An oblique view of the façade, showing poorly detailed frontage disfigured by pipes.

- 2.15 Although some of the windows have been modified in 1965, there is an odd scattering of non-aligned windows (there was a little more order in 1935, though even then the design seems to have always been somewhat lackadaisical). Today, the street frontage is mainly of interest as a vaguely traditional arrangement, dominated by the roof and with the tile hanging providing a vernacular flavour, though hardly convincing of the traditional Wealden house that seems to have been the original design intent, before the house was extended in 1935.
- 2.16 It is not an example of the kind of houses highlighted in the Conservation Area Statement, e.g. the "*striking modern houses were built in the 1930s around Frognaal and in Willow Road*". Neither was it part of the tradition of avant-garde architecture that has become established in Hampstead. Instead, it is a rather watered-down example of historicist architecture of the early 20<sup>th</sup> century. The Conservation Area Statement also highlights architectural flourishes and details to buildings, typical of their period, though there are none to be seen at 12 Pilgrim's Lane, making for a somewhat bland street frontage.
- 2.17 That said, the building is largely obscured from view by mature vegetation, despite its relatively prominent location, making for a recessive street presence that is glimpsed in parts, rather than seen on the whole, as can be seen from the photos below. Even in closer views, it is mostly the 1935 extension that is seen; to the NE it is unfortunately the poor quality two storey 1971 extension that is seen most prominently and unobscured in street scenes. This poor quality addition, which reaches the same eaves level as the house, plainly detracts from the quality and character of the conservation area.





**Photo 10:** A close view of the façade, from Kemplay Road.



**Photo 11:** A close frontal view of the façade, from Pilgrim's Lane, where mostly the 1935 extension is seen.



**Photo 12:** An oblique view of the façade, from Pilgrim's Lane.



**Photo 13:** A longer oblique view from Pilgrim's Lane.

2.18 The back of the house is quite plain and unremarkable (**Photo 14**).



**Photo 14:** An oblique view of the rear.

2.19 When considering the contribution of the house to the conservation area, the following can be noted in summary:

- i. The building is identified in the Conservation Area Statement as a positive contributor. However, there are other examples of buildings of limited interest also similarly identified, and this does not imply any great interest or notable contribution.
- ii. The contribution of the house is mainly down to the vaguely traditional arrangement and vernacular flavour, though it is hardly convincing as a traditional building and does not display any evidence of good composition, detailing or architectural flourishes.
- iii. On the contrary, the pipework and elevational arrangement show a lack of careful detailing and a lackadaisical approach to design; this was never a building of any great architectural quality or design aspirations.
- iv. The building has been successively altered and extended, with the 1971 extension in particular being a poor quality addition that is seen unobscured and prominently in street scenes. This element is plainly a detractor.





**Fig 8:** An extract of the approved rear elevation.



**Fig 9:** An extract of the proposed rear elevation.



**Fig 10:** An extract of a modelled view of the approved rear elevation.



**Fig 11:** An extract of a modelled view of the proposed rear elevation.

3.2 When looking at the comparison images above, it can be seen that although there are differences between the two, the impact of the present proposal would be similar to that of the approved scheme. The front elevation of the retained building would be similar in the two schemes. In terms of the extensions, on one

hand, the present proposal retains the modern western extension (which is of dubious quality), but on the other it omits the eastern extension. At the rear, the interventions are pared down, and there is no additional impact; there would simply be fewer changes than what was previously approved.

- 3.3 The house would retain its character and legibility, and would continue to contribute positively to the conservation area in much the same way it does presently, and would have done under the approved scheme. This means the significance of the conservation area would be preserved.

#### **4.0 CONCLUSION**

- 4.1 This Heritage Statement presents an understanding of the significance of the conservation area, and the contribution of 12 Pilgrim's Lane to the significance of the conservation area, with consideration also given to the building's intrinsic interest.
- 4.2 It is a modified early 20<sup>th</sup> century house of vaguely traditional design, but of lacklustre quality and compromised by the large side extension.
- 4.3 The proposed changes to the approved scheme would not affect the building's contribution to the conservation area, thereby preserving the significance of the conservation area.
- 4.4 No harm has been identified to the significance of the conservation area. There are therefore no conflicts with the Development Plan policies. The references to harm in paragraphs 206-208 of the NPPF are not engaged. The proposed development also complies with the statutory duties in s.72 of the Planning Listed Buildings and Conservation Areas Act, 1990.