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## Design & Access Statement

### **26a Ferncroft Avenue, Hampstead, London, NW3 7PH**

Statement prepared by Chilcroft Heritage Planning  
March 2025



Corporate members of:  
The Society for the Protection of Ancient Buildings  
Historic Houses Association  
The Georgian Group



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## **1) INTRODUCTION**

- 1.1) I am Haig Dalton, founder of Chilcroft Heritage Planning, an established independent heritage consultancy since 2006. Previously I was a local planning authority Planning Officer and subsequently Design and Conservation Officer, within development control departments. I have worked on a wide range of projects throughout the United Kingdom, predominantly (but not exclusively) for private sector clients.
- 1.2) I hold a masters degree in Historic Building Conservation (MSc); a postgraduate qualification in Architectural History from the University of Oxford (Oxon); I am an Affiliate member of the Royal Institute of British Architects (RIBA) and of the Institute of Historic Building Conservation (IHBC).
- 1.3) Over the last 20 years I have specialised in planning and the historic environment, both in terms of understanding and analysing physical fabric, and in terms of policy application, specifically by assessing impacts, providing advice and supporting development proposals. My experience includes a diverse range of cases relating to the assessment of physical changes to, and development affecting all manner of heritage assets, and their settings, including in urban contexts.
- 1.4) I have undertaken numerous impact assessments where I have considered the impacts of new development on the historic environment (dealing with physical impacts, setting, townscape, views and inter-visibility), including dealing with the effects of development on heritage assets in urban contexts.
- 1.5) I have provided expert evidence at appeals, including public inquiries, on behalf of both appellants and local planning authorities. I continue to act in a number of capacities on behalf of local planning authorities, including in London Boroughs as well as other Government Departments.

- 1.6) I understand my roles as part of this statement; to give independent and objective evidence on matters within my expertise, based on my own independent opinion and uninfluenced by the instructing party; the applicant. I confirm that I have stated the facts and matters on which my opinion is based, and that I have not omitted to mention facts or matters that could detract from my conclusions.
- 1.7) I believe that the facts stated within this statement are true and that the opinions expressed are correct. I have drawn attention to any matters where I consider I lack sufficient information to reach anything other than a provisional conclusion. I have adhered to the standards and duties of the professional bodies I am a member of, and will continue to adhere to those standards and duties.
- 1.8) I was first approached in relation to the proposal in September 2021, when I was asked to provide an initial conservation assessment on behalf the applicant. My quote was based on several stages/elements, the first of which was an initial case review followed by a site visit in May 2022. I confirm that I am able to act as the applicant's heritage expert following this initial work.
- 1.9) As an independent expert witness, I have formed my own opinions and have come to my own conclusions about the effects of the proposed development on heritage assets.
- 1.10) This statement will describe the significance of any heritage assets affected, including any contribution made by the setting, as required by Para.207 of the *National Planning Policy Framework* (2024). It will assess the significance of the heritage assets by way of Historic England guidance *The Setting of Heritage Assets* (2017) in accordance with their preferred five-step procedure, identify, assess and explore the significance of their setting and consider the applicant's scheme in relation to them.

## 2) LEGISLATION AND POLICY

- 2.1) Legislation relating to listed buildings and conservation areas is contained in the Planning (Listed Buildings and Conservation Areas) Act 1990. Sections 16 and 66 of the Act place a duty on the decision maker to have special regard to the desirability of preserving listed buildings and their settings.
- 2.2) Section 72 of the Act places similar duty on the decision maker with respect to the desirability of preserving or enhancing the character or appearance of conservation areas, however this does not extend to the setting of conservation areas.
- 2.3) The **National Planning Policy Framework (NPPF)** constitutes the Government's current national guidance and policy regarding development in the historic environment. It is a material consideration and includes a succinct policy framework for local planning authorities and decision takers. It relates to planning law by stating that applications are to be determined in accordance with the local plans unless material considerations indicate otherwise.
- 2.4) Paragraph 203 of the NPPF deals with conserving and enhancing the historic environment with emphasis on "significance", defined in Annex 2 as:

*"The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site's Statement of Outstanding Universal Value forms part of its significance."*

- 2.5) Annex 2 of the NPPF defines the setting of a heritage asset as:

*The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral."*

- 2.6) Paragraph 207 of the NPPF places a duty on the Local Planning Authority (LPA) to require an applicant to describe the significance of any heritage assets affected by a proposal, providing a proportionate level of detail. The effects of any development on a heritage asset therefore need to be assessed against the four components of its heritage significance: its archaeological, architectural, artistic and historic interests.
- 2.7) Paragraph 208 of the NPPF notes that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 2.8) Paragraph 212 states with regard to heritage assets. that great weight should be given to their conservation (and the more important the asset, the greater the weight should be) irrespective of whether any potential harm amounts to substantial or less than substantial harm.
- 2.9) Conservation (for heritage policy) is defined in Annex 2 of the NPPF as:
- “The process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance.”*
- 2.10) The importance and relevance of this definition is that it does not suggest conservation to be the same as preservation. Indeed, what sets conservation apart is the emphasis on proactively maintaining and managing change and not on a reactive approach to resisting change. In its simplest interpretation conservation could amount to a change that at least sustains the significance of a heritage asset.

- 2.11) Paragraphs 214 to 215 describe two levels of potential harm that can be caused to the significance of designated heritage assets, namely substantial harm and less than substantial harm. These effects are to be weighed in the planning balance according to the guidance set out within the paragraphs, bearing in mind the statutory provisions above. Substantial harm to or loss of a grade II listed building should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, including grade I and II\* listed buildings should be wholly exceptional.
- 2.12) Paragraph 215 deals with cases of less than substantial harm and notes that any such harm should be weighed against the public benefits of the proposal. Heritage protection and the conservation of heritage assets are recognised as of benefit to the public.
- 2.13) Harm is defined by Historic England as a change which erodes the significance of a heritage asset.
- 2.14) Paragraph 219 of the NPPF notes that local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
- 2.15) **The National Planning Practice Guidance** provides advice on enhancing and conserving the historic environment in accordance with the NPPF. The PPG currently relates to the 2019 version of the NPPF but will be updated in due course to reflect NPPF 2023.
- 2.16) In regards to the setting of heritage assets the PPG notes:

*“The setting is the surroundings in which an asset is experienced, and may therefore be more extensive than its curtilage.”*

2.17) The guidance notes that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.

2.18) In relation to harm the guidance states:

*“Whether a proposal causes substantial harm will be a judgment for the decision taker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset’s significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.”*

2.19) Paragraph 020 of the document notes that public benefits can be heritage based and can include:

- Sustaining or enhancing the significance and the contribution of its setting;
- Reducing or removing risks to a heritage asset; and
- Securing the optimum viable use of a heritage asset for the long term.

2.20) The **Historic Environment Good Practice Advice in Planning** Note 3: The Setting of Heritage Assets (Historic England, 2017) is a document published by Historic England as a second edition in December 2017, replacing the earlier 2015 setting guidance. The document provides for a thorough understanding of the setting of a heritage asset and the relationship of the setting to curtilage, character and context.

2.21) The guidance document notes, in paragraph 18, that the protection of the setting of heritage assets need not prevent change. The document recognises that not all heritage assets are of equal importance and states that the contribution made by their setting to their significance will also vary. Not all settings have the same capacity to accommodate change without causing harm to the significance of the asset.

2.22) As per earlier Historic England guidance, the document advocates a stepped approach to assessing the impact of change within setting on the significance of heritage assets. This stepped approach is:

Step 1: identify which heritage assets and their settings are affected;

Step 2: assess whether, how and to what degree these settings make a contribution to the significance of the heritage asset(s);

Step 3: assess the effects of the proposed development, whether beneficial or harmful, on that significance;

Step 4: explore the way to maximise enhancement and avoid or minimise harm; and

Step 5: make and document the decision and monitor outcomes.

2.23) Guidance under Step 2 notes that the asset's physical surroundings and how the asset is experienced (such as views, noise, tranquillity, sense of enclosure etc.) should be taken in to consideration.

2.24) Step 3 is also important in making it clear that a proposed development should not be assessed in terms of its impact on setting; instead it should be assessed in terms of the impacts on significance. That is to say, what matters is not the extent of visibility of the development or change to the setting of an asset, but the extent of change to its archaeological, architectural, artistic or historic interest. In some circumstances, this evaluation may need to extend to cumulative and complex impacts which may have as great an effect on heritage

assets as large-scale development and which may not only be visual. At the very least the assessment should address the key attributes of the development in terms of its location and siting, form and appearance, additional effects and permanence.

- 2.25) Paragraph 39 notes that options for reducing the harm arising from development may include the relocation of elements of a development or changes to its design. It notes that good design may reduce or remove the harm.
- 2.26) **Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990** requires great weight to be given to preserving the setting of a heritage asset. In *Jones v Mordue [2015] EWCA Civ 1243* the court confirmed that if the decision-maker has worked through the relevant heritage paragraphs in the NPPF, they will have complied with the s66 duty.
- 2.27) In *Barnwell Manor [2014] EWCA Civ 137* the court confirmed that great weight should be attached to the desirability of preserving the setting of a heritage asset.
- 2.28) **Redington / Frognal Conservation Area Character Appraisal & Management Plan (December 2022)** notes that the Conservation Area will continue to change and adapt and that good conservation is about preserving or enhancing the character or appearance of the area, without causing harm.
- 2.29) Enhancement of the Conservation Area may be achieved through working with owners to reverse harmful alterations and to promote good design (see 5.1).
- 2.30) Building design should not support stylistic imitation and recognises the well established principle that buildings should be ‘of their age’ including design for superior environmental performance benefits (see 6.3).

### 3) ASSESSMENT OF SIGNIFICANCE

- 3.1) The proposed site is located in Ferncroft Avenue, to the northern side of the highway. It is a residential road made up of primarily detached dwellings set back from the highway with front gardens and driveways forward of their principal elevations. The dwellings are situated in rectangular sized plots with the majority of their respective curtilage made up at the rear of the buildings.
- 3.2) The dwellings within the immediate setting of the proposed site are not designated heritage assets. The building of 26a Ferncroft Avenue and the immediate area around it are situated within the protected area of the Redington/Frognal Conservation Area. It is a well established area, created from 1870 onwards, on former agricultural land. Although the streets and suburbs around it have evolved with some more modern buildings around them, the setting of Ferncroft Avenue maintains a quieter, more insular environment, away from the busier roads nearby and sits on the outskirts of Hampstead.
- 3.3) Ferncroft Avenue maintains a high degree of vegetation which adds to its idyllic feel and unique character and identity. The most prominent buildings within the broader setting are that of 6 & 8 Ferncroft Avenue, a Grade II listed building (**List No. 1078342**) to the west of the proposed site and 12 & 14 Ferncroft Avenue, also Grade II listed (**List No. 1078343**). The proposed site shares its Grade II listing with 26 Ferncroft Avenue (**List No. 1078344**).
- 3.4) 26a Ferncroft Avenue is located within the Redington/Frognal Conservation Area and historically remained as open farmland up until the mid 19<sup>th</sup> Century. The land was farmed by Manor Farm, Frognal up until 1843 when the then owner died. After this, many attempts were made by the then owners to lobby Parliament towards the favourable development of their land, without success. By the 1870's however, the pressure for more residential homes on the outskirts of London finally saw Parliament relent and the baton was swiftly taken up by an ambitious Irish builder-developer, George Washington Hart, who teamed up with architect Charles Quennell to oversee the development of the surround area.

- 3.5) Construction first started at the northern end of the Conservation Area with housing built in Clorane Gardens, Rosecroft Avenue, Hollycroft Avenue and Ferncroft Avenue. Charles Quennell's influence was such that Pevsner famously described this area as "Quennell-land", accounting for over 100 detached buildings constructed in 16 years. Their partnership continued up until the outbreak of WW1 in 1914, lasting a staggering 18 years. In that time, the areas around Hampstead were transformed into a metropolis of leafy avenues. Like many corner properties associated with their developments, 30 Ferncroft Avenue was famously built as an on-site sales office and prospective buyers would be shown plans of houses under construction and taken on tours of any sites that they were interested in. Although Quennell employed many architectural styles, the area is best known for the use of Queen Anne Revival, Neo-Georgian and Arts & Crafts.
- 3.6) Ferncroft Avenue is a straight road with mainly 3 and 4 storey semi-detached properties and detached villas. Garden trees disbursed along the pavements are an important part of the character of the area and soften an otherwise urban built landscape. Buildings are made up of red brick with plain tiles, tile hanging, timber sash and casement windows. Some buildings contain architectural detailing including the use of Dutch gables, bay windows, open porches and brick quoin dressings. 26 and 26a Ferncroft Avenue are specifically identified and a photo shown in the Redington/Frognaal Conservation Area Character Appraisal & Management Plan (Dec, 2022).
- 3.7) The principal dwelling of 26 Ferncroft Avenue shares its Grade II listing with the proposed site and comprises the more significant building of the two. Constructed as the largest and most significant villa within Ferncroft Avenue (see **Fig 1**), it was deliberately placed upon the brow of the hill, making it not only the most prominent building within the road but also giving it a commanding view over the other neighbouring villas. The three storey building has a pair of two large bay windows topped with a gable end to the west side and a carriage driveway, with a pair of entrances onto the road. It is finished off with three large chimney stacks, with the service wing and coach house to the eastern side. The significance of the dwelling is best derived from its principal elevation, as well as from its formal rear curtilage space to the north.

- 3.8) The buildings of 26 & 26a Ferncroft Avenue were historically built as one property, with the smaller 26a Ferncroft Avenue serving as the coach and later motor house to the main dwelling of 26 Ferncroft Avenue. Constructed in 1898 by George Washington Hart and designed by Charles Quennell, the building was converted into a dwelling in its own right in the 1980's. It shares its Grade II listing with the main house of 26 Ferncroft Avenue, to the side of it. Built of red brick over 2 storeys with a tipped tiled roof and timber casement windows, it has an asymmetrical design with a left handed gabled bay. At the foot of this is the former vehicle entrance, now in-filled with glazing and a single door. Historically there were a pair of full height timber doors (**see Fig 13**) with a single door opening to the right side and round headed brickwork (**see Fig 14**).
- 3.9) The rear elevation of the building has been extended in the late 20<sup>th</sup> Century with a 2 storey extension, completed in two parts, leaving a patchwork of brickwork that speaks of an incohesive design (**see Fig 7 & 8**). Although these existing extensions cannot be said to harm the listed building, they arguably fail to make any meaningful contribution to it and the overall design could be much improved. Whilst it is of a style and material finish consistent with the historic core of the building, it is arguably of least importance to the significance of the listed building or broader contribution to the appearance of the Conservation Area more generally. The irregular design gives a somewhat disjointed appearance to this northern elevation, which makes little contribution to the Conservation Area itself due to limited visibility or public views that carry. What views there are from this aspect focus on the roofline and upper elevations of the building and are mainly attributed to the neighbouring curtilages, as well as some glimpsed views from the rear curtilage space of dwellings within Hollycroft Avenue.
- 3.10) The character and appearance of the Redington/Frognaal Conservation Area is not substantively derived from archaeological or artistic interest but aesthetic value. Whilst there is some potential for archaeological interest in the form of evidence of Ferncroft Avenue's adaptation and use, this is unlikely to be of inherent special interest, or of considerable heritage significance. Neither can 26 & 26a Ferncroft Avenue be described as having any historic interest prior to its 1898 design, having been built on previously undeveloped farmland.

- 3.11) Whilst 26a Ferncroft Avenue is undoubtedly of merit to the Conservation Area, that merit is currently largely derived by the appreciation of its principal elevation as seen from the public aspect of Ferncroft Avenue (**see Fig 2**). The Conservation Area also benefits from the frontage of the building, including the set back of its building line, the driveway approach and existing landscaping, which all contribute to its character and appearance.
- 3.12) Overall, the proposed site and curtilage of 26a Ferncroft Avenue plays a peripheral, albeit positive, role in the character and appreciation of the Redington/Frognaal Conservation Area and as part of the setting of the late 19<sup>th</sup> Century development that comprises this part of the area, with a degree of associative interest. In terms of how the curtilage contributes to the character and appearance of the Conservation Area of the building, it plays an important role as part of a collective appearance.
- 3.13) The proposed development would involve the extension and partial remodelling of the existing dwelling, amounting largely to a single storey rear extension, to create an enhanced ground floor open-plan living space. The humble design of the principal elevation is a key feature within this part of the Conservation Area and of importance to the significance of the neighbouring listed building of 26 Ferncroft Avenue. Therefore, a sensitive design approach is required, one that preserves or better reveals this significance.
- 3.14) The location for an extension is deemed to be the most acceptable, being located at the rear of the building which makes the least contribution to the character and appearance of the Conservation Area. The rear elevation of the building is not witnessed from the streetscape of Ferncroft Avenue and has been extensively altered with late 20<sup>th</sup> Century extensions, that are of no significance to the listed building. The proposed design would focus on enhancing this modern rear aspect of the building, whilst retaining the historic frontage of the building in full. The principal elevation of 26a Ferncroft Avenue, which makes the greatest contribution to the character and appearance of the Conservation Area, is therefore likely to remain unchanged.

#### 4) PHOTOGRAPHIC SURVEY



**Fig 1:** 26 Ferncroft shares its Grade II listed status with the proposed site neighbouring it. Together they were built in 1898 and are of a Queen Anne Revival, style of architecture.

© Chilcroft 2023



**Fig 2:** 26a Ferncroft Avenue is the original coach/motor house of the adjacent 26 Ferncroft Avenue. The Grade II listed building may have been built shortly after the main house but together are of the same architectural style.

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**Fig 3:** 26 Ferncroft Avenue and 26a Ferncroft Avenue are a Grade II listed building, formerly built as one and now separated into two dwellings. The former motor house remains subservient to the main house.

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**Fig 4:** Ferncroft Avenue is a straight road made up of mainly semi-detached and detached villas built around c.1900. The tree lined road has buildings set well back from the frontage, with wide curtilages.

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**Fig 5:** The former vehicle entrance originally had a pair of timber barn style doors, with the lintel being original. The existing door and windows are from the late 20<sup>th</sup> Century and of no historic fabric value.

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**Fig 6:** The historic doorway to the residential first floor will be maintained. A pair of small timber garage doors added in the 1980's will be returned to a single arched doorway, as it originally was in c.1898.

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**Fig 7:** At the rear of the building, the building has been previously extended in the late 20<sup>th</sup> Century. Completed at different stages, it lacks a coordinated design that truly enhances the listed building.

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**Fig 8:** The rear elevation of 26a Ferncroft Avenue displays a piecemeal approach to being extended and is capable of significance improvement. The proposed design would improve upon this and enhance it.

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**Fig 9:** The proposed design would retain the subservient feel of the former motor house in relation to 26 Ferncroft Avenue beside it. The design would uphold their shared significance and their setting.

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**Fig 10:** The existing rear curtilage of 26a Ferncroft Avenue contains modern late 20<sup>th</sup> Century landscaping and fabric. The proposed single storey extension would not result in the loss of any historic curtilage fabric.

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**Fig 11:** The original access and doorway to the first floor will be retained, which is considered to be of significance to the listed building, its appreciation and the character of the Conservation Area.

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**Fig 12:** The existing front window does not contain any historic fabric and dates from the late 20<sup>th</sup> Century, when the building was converted to a dwelling. Many of the internal features date from this conversion.

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**Fig 13:** A photograph taken in the 1980's during the buildings conversion into a dwelling. It shows the original large garage opening with barn style timber doors, with views out to the garden beyond.

© London Borough of Camden 2023



**Fig 14:** The photo shows the building under conversion in the 1980's with a pair of smaller garage doors in the side opening and the brickwork to the first floor staircase badly damaged and now subsequently rebuilt.

© London Borough of Camden 2023

## 5) PLANNING STATEMENT

- 5.1) This proposal is made following the refusal of 2023/3083/P and 203/3881/L by Camden Borough Council (LPA). The previously refused design has subsequently been revisited by ourselves as historic buildings specialists and this proposed design has been born out of a fresh re-evaluation. Subsequently the design of the proposal represents a more concise and simplified design, one that has listened to the comments received by the officers and has amended the proposed design to better take account of their former comments. As a result, the proposed design's description can now be better described as follows, with the former two storey extension, triple glazing, PV panels, garden landscaping, bin & bike store and ground floor terrace having all been dropped:

*“Part first floor and single storey rear extension with first floor terrace”*

- 5.2) The previous refusal reasons centred around harm to the significance of the listed building and character of the Conservation Area, in addition to the loss of the London Plane Tree. The two refusal reasons were as follows:

- 1) The proposed ground floor and first floor rear extension, by reason of their scale, material and design would be detrimental to the character and appearance of the host building, streetscene and surrounding area. This would harm the significance of the host listed building, the adjacent Grade II listed building at No. 26 Ferncroft Avenue due to the impact on its setting, and the significance of the Redington/Frogna Conservation Area.
- 2) The proposed removal of the large, mature London Plane Tree in the rear garden, in the absence of adequate information demonstrating that the tree is causing significant structural issues to the host property, would (be) contrary to policy A3 Biodiversity of the London Borough of Camden Local Plan 2017. The removal of the tree also harms the significance of the Redington/Frogna Conservation Area.

- 5.3) Firstly it should be noted that the Conservation Officer did not previously visit the property, this being delegated to the case officer to take photographs in their absence. Although there is no binding requirement for a Conservation Officer to conduct a site visit, as a former Senior Conservation Officer myself, I would suggest that in the case of a design and host building as complex as this, it should be self-evident that a site visit is necessary by the Conservation Officer themselves. Although a case officer can take photographs, there is no substitute for seeing a building in person, walking the site and examining the fabric of the building close up. In the absence of such a visit, the Conservation Officer has not had the benefit of examining the building in situ as I have done. This is not intended as a criticism, but merely an observation. Had they attended a site visit, I have no doubt that their conclusions, particularly on matters of historic fabric, would have been different. A case officer however experienced is not a Conservation Officer, with different training and expertise. In the absence of this specialist expertise, a site and building can be easily misunderstood.
- 5.4) The Delegated Officers Report set out the reasoning behind the refusal decisions which we have read with care prior to the design of the proposal. These throw up many of the concerns raised in 5.3 and it is sincerely hoped that these are not repeated and where error has occurred, we have set it out.
- 5.5) The previous proposal received one objection from a neighbour who raised the concern that the host building was the “*only surviving example of 21 Georgian Houses built in this location.*” This statement is untrue however as neither 26 nor 26a Ferncroft Avenue are of Georgian architecture. The buildings were built in 1898, at the very end of the Victorian period, and can be best attributed to being of a Queen Anne Revival style. The dwellings built along both sides of Ferncroft Avenue were built at the same time in a similar architectural style. Although many of these buildings use sash windows and perhaps this why the neighbour is confused by the architectural style, the fact remains that nearly all of the original late 19<sup>th</sup> Century houses built in this part of Ferncroft Avenue remain. Far from being the only survivor, the host building is one of many similar buildings found throughout this area.

- 5.6) The Bloomsbury CAAC raised objection to the additional storey, impact on Georgian character and hierarchy within the streetscene. It should be noted however that these comments were received before the design was amended to a part first floor and single storey extension, and the new proposal has now further reduced this. Once again the consultee confuses Georgian architecture with a design that is from the late Victorian period and therefore fails to understand the correct use of this design. Furthermore they raise issues of the streetscene which again was written prior to the later design amendment. The proposed design does not include the use of PV panels or triple glazing and now involves only a part first floor and single storey extension at the rear of the building, the streetscene remaining unaffected.
- 5.7) The Redington Frogna! Neighbourhood Forum raised objection stating that the “*modern design is at odds with (the) Arts and Crafts style of original building.*” Whilst the host building may easily be mistaken as being from this early 20<sup>th</sup> Century period, as previously stated it is from the late Victorian period and owes its architectural style to the Queen Anne Revival. The sweeping statement that modern design is at odds with a historic building is also not supported by policy, the Redington / Frogna! Conservation Area Character Appraisal & Management Plan (December 2022) stating that “*Building design should not support stylistic imitation and recognises the well established principle that buildings should be of their age.*”
- 5.8) In the Delegated Report, 3.1.2 quoted Historic England Advice Note 1 (second edition, 2018) which states that “*where the significance of a heritage asset has been compromised in the past by unsympathetic development to the asset itself or its setting, the Council will consider whether additional change will further detract from, or can enhance, the significance of the asset.*” In the case of the host building, there is little doubt that the building has been unsympathetically developed when it was converted to residential use in the 1980’s. Not only was the layout of the building crudely altered, historic fabric was lost and an unsympathetic two storey rear extension built. Added to this, repairs to fabric were not carried out on a like-for-like basis, notably to brickwork and internal joinery, rendering harm to the significance of the listed building. The proposed design offers an opportunity to enhance upon this earlier development.

- 5.9) The LPA openly acknowledged in 3.1.8 of the Delegated Report that “*a series of extensions were added to the rear elevation in the 1980’s which do negatively impact on the fabric and plan form*” of the building, a serious admission given that these changes were permitted at the time. Although there is no suggestion that the LPA bare any blame for this as they were acting under the planning laws and policy at the time, it is an acknowledgement that unsympathetic development occurred, which triggers the matters raised by Historic England guidance in 5.8. In view of this, there can be no doubt that the LPA should look for opportunities to redress the harm caused by the permitted changes in the 1980’s. The newly proposed design offers an opportunity to rectify and amend many of the unsympathetic changes that were previously made and whilst no future development can ever make up for historic fabric that has already been lost, it does offer the best opportunity to make amends and enhance the listed building where possible.
- 5.10) In the case of the proposed rear extension, the LPA noted in 3.1.10 that the ground floor extension would project further than the rear elevation of the neighbouring properties. This came as a surprise to the applicant upon reading the Delegated Report as it was always their intention that it should sit behind it. Following our heritage based design input, the proposed design here before you has been amended to ensure that the new extension now sits behind the rear elevation of 26 Ferncroft Avenue, with a comfortable set back between the two. In doing so, the proposed extension will remain clearly subservient to existing, ensuring that the historic host building of 26 Ferncroft Avenue remains pre-eminent, with the lesser building of 26a Ferncroft Avenue set behind it.
- 5.11) Once again 3.1.10 of the Delegated Report made reference to the hierarchy of the proposed extension, including a first floor extension and roof terrace. Firstly, the part first floor extension to the building will not protrude beyond the existing rear elevation of the building and will sit lower than the existing modern two storey extension that sits beside it. In the matter of the roof terrace, the design raised no issues on grounds of amenity or overlooking issues, the design being capable of being harmoniously achieved.

- 5.12) Although the proposed design would represent an increase in size over existing, the proposed ground floor extension is considered to be well thought out in relation to the location and setting of the building around it and will utilise the topography. The rear curtilage aspect here is largely sunken, which will diminish the visible bulk from the neighbouring properties, including the adjacent listed building, as well as from the wider area of the Conservation Area itself. When taken as a whole, including the presence of the roof terrace which was found to have no amenity impact, there would be no harmful awareness to the setting of the listed building or Conservation Area. The part first floor extension will mirror the overall scale of the modern first floor extension that sits beside it, whilst being smaller. Whilst some elements such as new windows and doors may alter the external appearance of this part of the appeal scheme, this is not considered to be harmful.
- 5.13) The rear elevation of the host building is a modern 1980's extension which does not contain historic fabric. Apart from copying the use of brickwork and casement windows, it does not make any discernible contribution to the significance of the listed building, a fact conceded in the LPA's earlier comments in 3.1.8 of the Delegated Report. In 3.1.11 the LPA appear to suggest that the rear elevation does have interest and refer to its "*original character*" a statement which is completely at odds with their earlier reference to the rear extensions to the building having a "*negative impact*." Frankly, they cannot have it both ways. If the LPA are suggesting that the rear extension does have character, this is clearly the reverse of something that is having a negative impact. We fail to see how this is a credible statement. Furthermore, the LPA's objection to the use of modern contemporary features is at odds with local policy which promotes the use of modern design and materials. This is particularly relevant where they are used on an extension to a historic building, thereby better emphasising the distinction between what is old and new, an approach supported by Historic England guidance *Making Changes to Heritage Assets* (2016). The Redington / Froggnal Conservation Area Character Appraisal & Management Plan (December 2022) also supports this by saying that "*Building design should not support stylistic imitation and recognises the well established principle that buildings should be of their age.*"

- 5.14) In 3.1.12 of the Delegated Report, the LPA acknowledge that reinstating the original proportions of the coach/motor house into an entrance hall is a positive improvement but countered this by claiming that the cellular partitioning of the front room the opposite side would meant that *“the fireplace would be subsumed within the new en-suits, which would be an illegible feature.”* This however is incorrect given that the existing ground floorplan is not how it was historically set out. The LPA’s comments assume that the existing floorplan is of historical significance, when in fact it is not. The existing living space was historically part of a store and not habitable living space, the residential space being historically located on the first floor level. Added to this, the Conservation Officer has mistakenly assumed that the existing fireplace on the side wall of the building is historic but it is in fact a modern chimney stack with a metal flu at the top, added when the building was converted in the 1980’s. However well established the existing living space and fireplace now appear, the fact remains that they are modern fabric, rather than historic features of the building. This existing ground floor living space has no significance by way of the historic floorplan and therefore the partitioning of this space is not at odds with how the 19<sup>th</sup> Century building was originally laid out. At first floor level, parts of what was historically the rear wall would be opened up to bring the emphasise of the first floor living space back to the building, as it was historically once used. Nibs will be left at each corner and across the ceiling space to clearly retain the legibility of the original building from inside, opening up to the modern 1980’s extensions beyond. 3.1.14 stated that the design would result in a loss of historic fabric however, the Conservation Officer has not had the benefit of examining this fabric close up as I have done and floorboards, fireplaces and joinery are modern fabric where intervention is now proposed. On balance, the design is considered proportionate and capable of enhancing the significance of the heritage asset, its fabric and how the building is best appreciated.
- 5.15) In summary, although the proposal does represent an element of change, it would not harm the historic legibility of the floorplan and the internal appreciation of the heritage asset. The proposed extensions are considered proportionate and capable of preserving the significance of the listed building and the setting of the listed building, including 26 Ferncroft Avenue.

- 5.16) On matters of trees, the LPA stated that the London plane tree *“makes a positive contribution to the character and appearance of the conservation area.”* There is no dispute that the upper portions of the tree are visible from the streetscene of Ferncroft Avenue and that the tree is relatively attractive, so it is right to say that it makes a contribution to the Conservation Area. The concern here is one of structural impact and whether the tree can coexist in this location, given its proximity to the listed building.
- 5.17) There is considerable cracking to the rear sections of the listed building, both externally and internally. Although this damage largely affects parts of the building which were built in the 1980’s, when a listed building is extended, that new extension becomes part of the listed building and protected under the same listing cover that the designated heritage asset status affords it. This means that the damage being caused by cracking is harming the listed building.
- 5.18) There is no suggestion that the London plane tree is being removed to enable the creation of the single storey extension, rather it is sought to safeguard the existing listed building itself. Although we acknowledge that the tree has value to the Conservation Area, if it is found to be endangering the structure of a listed building, whatever the contribution the tree may be making, its continued existence in that location is not assured.
- 5.19) As part of the former application process, the LPA were presented with the written opinion of a structural engineer and arboriculturist stating that they believed the cause of the cracking to be the London plane tree. In 3.2.9 of The Delegated Report, the LPA state that *“it would appear that no investigation has been undertaken to demonstrate that the tree is the cause of the damage”* and that *“the Council would require evidence that the tree is the cause of the damage.”* Although in practice, an investigation of the tree is possible, the arboriculturist confirms that the necessary suite of evidence would need at least 12 months for it to be conclusive, given the level of monitoring that would be needed. Not only is this unreasonable, it is impractical given that the LPA has a statutory 12 weeks to determine the application and we have 6 months following their decision in which to appeal it. Be it a planning application or an appeal, this leaves insufficient time to gather the information requested.

- 5.20) In his report of the 8 February 2024, the arboriculturist states that *“To satisfy the LPA’s objections to the scheme it seems likely it would be looking for a suite of evidence to prove the tree is the cause of the harm such as: soil investigations, level monitoring, crack monitoring, trial excavations and DNA testing of root samples. We have carried out the above trial excavations and there is no doubt that the plan tree’s roots are abutting and exerting pressure on the rear elevation of the listed building. The full suite of evidence would not be possible within the time frame available to us and neither do we think it is necessary or reasonable to require this. Principally this is because level monitoring ought to take place for at least 12 months for it to be conclusive.”* The LPA have set an unrealistic level for evidence gathering and the reports of the arboriculturist and structural surveyor should be sufficient for this purpose.
- 5.21) Mr Hudson a structural surveyor concludes upon similar lines in his report of the 14 December 2023 stating that *“whilst many of these issues can occur with more remote trees, the risks are significantly higher with such a substantial tree in such close proximity”* to the listed building. It is notable that the damage he identifies to the listed building is centred around those parts of the building which sit closest to the London plane tree. If the shrinkable soils of the Claygate Member upon which the whole building is built were the sole reason for the damage, the front half of the building would show evidence of cracking too. No other factors identified in the surveyors report could be the source of the damage. He concludes that the tree should be removed to prevent further damage to the listed building and allow for it to be properly repaired.
- 5.22) Whilst the loss of the London plane tree would be regrettable, this should be weighed against the loss of the listed building and harm to historic fabric. The proposed design offers an opportunity to put right the ongoing damage to the listed building and resolve the source of that damage. Left unchecked, the damage will only increase and the harm caused to the listed building will increase. As the level of harm would amount to substantial at the upper end of the scale, this cannot be supported. This should be weighed against the fact that the London plane tree is too young to have been planted at the time that the listed building was constructed in 1898, therefore the tree was not established as part of the deliberate streetscape associated with this part of Ferncroft Avenue. Its loss, though regrettable, would therefore maintain the Conservation Area.

- 5.23) Following the delegated decision, a trial excavation was dug on 8<sup>th</sup> February 2024 within the root plate of London plane tree No. 1 to better ascertain the depth, spread and location of the tree roots in relation to the existing building. The assessment was carried out by Anthony Harte of SJA Trees, an Arboricultural Planning Consultant, with his findings itemised below:

*“A trench up to 600mm width x 600mm depth was excavated alongside the face of the extension wall. This revealed significant rooting to the full depth of the trench, consisting mostly of a single structural root leading from the buttress root on the south-west side of the tree’s trunk. The structural root grows alongside and significantly close to the extension wall, extending to the wall’s full length before terminating at the west-most corner where the root has been historically severed. At its point of origin immediately beneath the soil, the structural root measures 280mm diameter and gradually tapers to 80mm diameter. At its furthest distance, the structural root is located at 400mm from the building wall, and at its closest, presses into the part of the wall adjacent to the extension’s west corner resulting in a crack measuring 20mm width x 250mm height within the brickwork directly above.*

*We were also able to partially uncover a seemingly separate root (110mm diameter) located at 1m from the east corner of the extension that was also growing tight against the building wall, but which did not appear to result in any clear evidence of associated damage to the adjacent brickwork directly above. However, I should note that due to the density of rooting we were limited in how far we could excavate without the need to sever or damage significant roots (or without using specialist tools such as air lances and a soil vacuum). As such, I would not be surprised if there were additional deeper roots pressing against the building wall and causing further associated damage to the brickwork. I should also note that we were able to excavate the upper 200mm of the soil within the narrow gap between the trunk base and extension where we partially exposed the root flare of the trunk base, the edge of which was located at 100mm from the wall. This is significantly close and it seems unavoidable that, as the tree grows, this root flare will be the first part of the trunk base that will eventually start to push into the wall. Please see a selection of four photographs showing the trial excavation.”*



**Fig 15:** The London Plane Tree is situated immediately abutting the existing rear wall of the listed building.  
© SJA Trees 2024



**Fig 16:** The tree roots are extensive and well established, directly abutting the listed building.  
© SJA Trees 2024



**Fig 17:** The size of the tree roots relative to the brickwork of the rear wall of the listed building.  
© SJA Trees 2024



**Fig 18:** With the tree roots exposed, there is evidence that they are going under the foundations of the listed building.

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## **6) SUMMARY AND CONCLUSIONS**

### **Legislation, Policy and Guidance**

- 6.1) The Planning (Listed Buildings and Conservation Areas) Act 1990 contains a statutory duty to give considerable importance and great weight to the desirability of preserving the setting of a listed building in the planning balance. Preserving means to do no harm.
- 6.2) The NPPF lays down an approach that corresponds with the statutory duty of the 1990 Act. In cases where harm occurs, the NPPF requires balancing the benefits of a proposal against harm resulting from it.
- 6.3) The Camden London Borough Council's adopted Development Plan policies require development proposals to conserve heritage assets (such as listed buildings) and their settings.
- 6.4) The guidance in Historic England's Conservation Area Appraisal, Designation and Management provides a framework for identifying and managing change.

### **Conclusions**

- 6.5) The part first floor and single storey rear extension represents a proportionate increase in the size of the listed building and will improve upon the existing poor quality 1980's extensions at the rear of the dwelling, in accordance with Historic England Advice Note 1 (second edition, 2018).
- 6.6) The design and use of materials is of its age and accords with the Redington/Frognal Conservation Area Character Appraisal & Management Plan (December 2022), to maintain a clear distinction between old and new. Overall, it will preserve the significance of the listed building and maintain the character and appearance of the Redington/Frognal Conservation Area.
- 6.7) The London plane tree is too young to have been planted in 1898 and was therefore not planted as part of the deliberate streetscape of Ferncroft Avenue.

## **7) APPENDIX**

### **Historic England List Entry**

#### **26 AND 26A FERNCROFT AVENUE**

Grade II

List Entry Number: 1078344

Date first listed: 11 January 1999

#### **DETAILS**

TQ2585NW FERNCROFT AVENUE 798-1/24/433 (North East side)  
Nos.26 AND 26A

Detached house and attached former coach/motor house now converted to a dwelling. 1898, coach/motor house possibly later. By CHB Quennell; built by GW Hart. No.26: red brick with tile-hung 1st floor. Tiled hipped and gabled roofs with overhanging bracketed eaves, tall brick chimney-stacks and dormer with small gable. Asymmetrical design. 3 storeys. 3 windows plus single storey 2-window right hand bay. Left hand gabled bay with canted bowed bay sash windows to ground having entablature lintel which continues across the facade on columns and 1st floor with pulvinated lintel and cornice and tile-hung apron. 3rd floor Venetian type sash window in gable with short lengths of moulded cornice at angles to appear as a broken pediment. Central entrance bay with porch formed by entablature and columns with enriched capitals and cast-iron and glass hood; part-glazed panelled door with overlight. To right, a tripartite sash with corresponding sash at 1st floor and single sash above porch. Single storey bay has 2 sashes with gauged brick flat arches, a brick modillion cornice and blocking course. No.26A: red brick. Tiled hipped and gables roofs with overhanging eaves and eaves cornice extending across the gabled left hand bay to form a pediment. Asymmetrical design. 2 storeys. Irregular fenestration of 2 windows.

Former vehicle entrance in gabled bay converted to a window and entrance with central casement above having relieving arch in pediment with arrow slit window above. Right hand bay with segmental-arched window appearing behind a C20 window and staircase leading to 1st floor entrance with porch formed by entablature carried on a column; 3-light 1st floor window. INTERIORS: not inspected. (British Architect: 2 September 1898).

Listing NGR: TQ2546985978



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