

# Heritage Statement

## Flat 2, 16 Lyndhurst Gardens, NW3 5NR

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**Written by:** Ignus Froneman B.Arch. Stud ACIfA IHBC

**Date:** 14 February 2025

**Client:** Mr & Mrs Goldberg

**Ref:** 0454

### 1.0 INTRODUCTION

- 1.1 This Heritage Statement has been prepared by Ignus Froneman, Director at Cogent Heritage, in consultation with XUL Architects. The report considers the potential effects of proposed changes to an extant consent for changes to the building, including the existing extension, side conservatory and ground floor terrace, under Camden Council references 2023/0554/P and 2023/1186/L (the 'Extant Consent'). The author of this report provided a Heritage Statement in support of that application.
- 1.2 This Heritage Statement provides the same assessment of the significance of the listed building and then considers the effects of the proposed changes to the Extant Consent.
- 1.3 As before, it is noted that the building falls within the Fitzjohns/Netherhall Conservation Area, although the assessment is undertaken on the basis that any external alterations that preserves the significance of the listed would equally preserve the significance of the conservation area, which is not assessed separately in its own right.

### Legislation and policy summary

- 1.4 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 are summarised below.
- 1.5 **Legislation:** Legislation relating to listed buildings and conservation areas is contained in the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). Section 66(1) of the Act sets out the statutory duty in relation to development affecting the setting of listed buildings: and section 72(1) sets out the statutory duty in relation to any buildings or other land in a conservation area.

1.6 It is a well-established concept in case law that ‘preserving’ means doing no harm for the purposes of the 1990 Act. The Court of Appeal’s decision in *Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council* [2014] (EWCA Civ 137) established that, having ‘special regard’ to the desirability of preserving the setting of a listed building under s.66, involves more than merely giving weight to those matters in the planning balance. There is a strong statutory presumption against granting planning permission for any development which would fail to preserve a listed building or its setting. In cases where a proposed development would harm a listed building or its setting, the Barnwell decision has established that the duty in s.66 of the Act requires these must be given “*considerable importance and weight*”.

1.7 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 212-215 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 215 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 213-215 of the NPPF sets out how that is to be done. If that is done with clarity, then approval following paragraph 215 is justified. No further step or process of justification is necessary<sup>5</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 *East 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 Gilbart J [at 53].

- 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>.

- 1.8 **The National Planning Policy Framework:** Section 16 of the revised (February 2025) National Planning Policy Framework (the NPPF) deals with conserving and enhancing the historic environment, in paragraphs 202 to 221.
- 1.9 Paragraph 202 of the NPPF states that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance.
- 1.10 According to paragraph 207 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.
- 1.11 According to paragraph 212, 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.
- 1.12 Paragraph 213 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 214 continues on the subject of substantial harm.
- 1.13 Paragraph 215, 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*".

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

- 1.14 The **Development Plan** is the London Plan (2021) and Camden's Local Plan (2017).
- 1.15 **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
- 1.16 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.
- 1.17 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.
- 1.18 **Camden's Local Plan (2017):** Policy D2 deals with heritage and requires development to preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings. According to the policy, the Council will not permit development that results in less than substantial harm to the significance of a designated heritage asset unless the public benefits of the proposal convincingly outweigh that harm. Specifically in relation to listed buildings, the Council will resist proposals for alterations and extensions to where this would harm the special architectural and historic interest of the building.

## 2.0 ASSESSMENT

### Assessment of significance

- 2.1 The building was listed, along with its garden walls and gate piers, on the 1<sup>st</sup> of July 1998, with the following description (from Historic England's National Heritage List):

*"Formerly known as: Highcrofts LYNDHURST GARDENS. Detached house. c1886. By Harry B Measures. For William Willett and Son, builder-developers. Red and buff bricks, rubbed brick and terracotta dressings; tiled roofs with tall stacks. 3 storeys with attic in roof, L-shaped asymmetrical plan with projecting bay under gable to right. Timber sash windows, the upper sash to windows above the ground floor with small panes, under moulded keystones linked by string courses and divided by pilaster strips. Entrance in narrow centre of three-bay composition, with panelled door set under pedimented porch with small-paned top light. Pedimented gable with terracotta ball finials. INTERIOR not inspected. SUBSIDIARY FEATURES: dwarf garden wall in front with plinth, buttresses and polygonal piers topped by terracotta finials. The Willett houses in Lyndhurst Gardens form a compact and powerful group."*

- 2.2 This Statement does not consider the full history of the whole building, but highlights the most relevant changes to the ground and lower ground floors, which are well captured on a single drawing from 1998, and which is explained below. On 10 January 1997, planning permission was granted for a change of use of the lower and upper ground floor maisonette to form two self-contained maisonettes, together with the erection of a two storey extension and single storey conservatory at the rear, a part one/part two storey extension on the south flank wall, and changes to the fenestration on the north flank wall. This was before the building was listed, in July the following year. No drawings for this application could be found online.
- 2.3 However, on 24 August the following year, details of the foundation design, pursuant to Condition 3 of the 1997 planning permission, were granted (Ref. PW9802657). Of these drawings, a lower ground floor plan shows the then proposed layout of Flat 2. It is not clear whether this was implemented, but the layout as then proposed corresponds well with the present layout.
- 2.4 On 3 December 1998, under Ref LW9802753R1, permission was again granted for internal and external alterations and the erection of side and rear extensions, in connection with the conversion of the two lower floors to form two self-contained maisonettes. No drawings for this survive, although some details

2.5 Returning to the lower ground floor plan associated with the discharge of a condition in 1998 (application PW9802657), an annotated version of the lower ground floor plan is included at **Figure 1** below, which shows in red the former plan form (it should be noted that this is unlikely to have been the *original* plan form, as is explained below). The internal layout as shown corresponds well with the present layout, but for now that is not important. What is important, is that the red outlined walls give a very clear indication of the original plan form, which was very simple and essentially comprised a smaller front room with a bay window, and a larger rear room (the end with the canted corners appears to have been added).



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corresponds with the location of the fireplace to the ground floor room above. The front/rear rooms would have been entered via doorways off the hallway, either side of the dividing cross wall between them. The ground floor would have had the same layout.

- 2.7 As noted above, the plan at **Figure 1** shows in red the former plan form, not the original plan form. This was not the original plan form, because it would appear that the canted bay at the rear was added later. That can be seen from the relatively crude red brick of this element, which features none of the fine detailing, such as moulded brick coursing, or polychromatic brick, seen elsewhere on the rear elevation (**Photos 1 & 2**). Also, it is notable how the front chimneybreast sits in the centre of the room, whilst it is markedly off-centre to the (now enlarged) rear room. That may be expected of lower status rooms, but not a principal ground floor room, which therefore corroborates that the rear bay was likely added later. The rear bays of the other houses in the group designed by Harry B Measures tend to rise the full heights of the elevations, and carry through the detailing, unlike at Flat 2, where the bay is very simple, in contrast with the more ornate upper parts of the original house.



**Photo 1:** A photo of the rear elevation of Flat 2.





**Photo 2:** The same photo of the rear elevation of Flat 2, showing the added rear extension.

- 2.8 There are further observable differences in the detailing of the rear windows when compared with the original ones to the front (e.g. mouldings), which indicate these to be non-original.
- 2.9 Of course the layout of Flat 2 comprises only about half of the footprint of the original large house, which would originally have had a set of two other opposing rooms to the north. From what can be discerned from the hallway and fragmentary evidence of older plans, the stairwell was located between the northern front and rear rooms, with both of the northern rooms consequently slightly smaller than the southern ones in Flat 2 (which again mark these as the originally the highest status rooms in the house).
- 2.10 Turning then to the interior, it is clear from the historic layout of the house that the staircase in Flat 2 is not in the original position; it sits within what would have been part of the original front room, and it is removed from the original central stairs hall and main staircase. Moreover, it is very obviously entirely modern in its fabric and construction. The rooms have been fitted with non-original Georgian style box cornicing that follows later inserted partitions and crude, reeded mock



Georgian style architraves. It may be observed that the Georgian detailing is not period-appropriate for the late-Victorian Arts & Crafts/Queen Anne style house.

- 2.11 Internally there are no features within Flat 2 that appear to be original, aside from the marble chimneypiece to the ground floor rear room, which seems to have been reassembled/refurbished and with the top shelf replaced (the hearth and grate etc. are all modern).
- 2.12 As **Photos 3 & 4** below illustrate, the building has a good street presence; the “*compact and powerful group*” noted in the list description is easy to appreciate (**Photo 3**). The idiosyncratic design of the house itself has clear architectural interest in the Queen Anne design and, like the other buildings in the group, is a good example of Harry B Measures’ domestic work (he was also notable in particular for barrack/military architecture and Underground stations for (what is now) the Central Line). It is a deftly-handled and well-detailed house (e.g. **Photo 4** below) that is an excellent example of the style/period, at least externally.



**Photo 3:** A photo 16 Lyndhurst Gardens in context with two of the original houses on the right.





**Photo 4:** Frontal view of 16 Lyndhurst Gardens.

- 2.13 Like the other houses in the group, the flank elevations are rather utilitarian and with little by way of architectural distinction, and the north flank elevation of the building has had windows inserted. There is an oddly shaped two storey c. 1990s extension on the southern part of the subject property, though all that is visible of it from the front is a 'lean-to' wall.
- 2.14 The large, canted rear bay, which appears to have been added later, is a relatively crudely detailed structure of little intrinsic interest; the elevation above it,

however, features fine detailing and a clear design intent, which makes a valuable contribution to the significance of the house; a similar theme that can be observed at the other houses in the group.

- 2.15 As has been noted, whilst the hallway has retained some very good original features (e.g. joinery, cornicing, skirting, stained glass and the original staircase), there does not appear to be anything original to Flat 2, aside from the reassembled chimneypiece, and also the front door with carved doorcase off the hallway, which also reflects the original entrance to the front room. However, the 1990s refurbishment seems to have resulted in the near-wholesale loss of features and a good deal of the plan form of the house too, with only the rear ground floor room in Flat 2 retaining its proportions/plan form. Whilst it is not suggested that the interest of listed building is limited to their exterior or frontages, it is clear that, in this case, there is very little of any interest to the interior of Flat 2, and the rear and side elevations in their present state have also lost a good deal of significance due to later alterations/additions.

### **Impact assessment**

- 2.16 The changes to the Extant Consent are summarised below and then considered in turn.

#### Lower ground floor:

- i. Various floor plan alterations to the rear bedroom.

#### Ground floor:

- ii. Adjustment in the height of the opening from the stairs into the side extension (to match the height of the doorway to the rear ground floor room).
- iii. Relocation of the kitchen from front to rear.
- iv. Changes to the internal layout of the existing extension.

#### Front Elevation:

- v. A new, traditional sash window at the ground floor level of the modern side extension. Two new, traditional sash windows at the lower ground floor level, aligned with those above (one of which replaces the door and window as previously approved).
- vi. A slight adjustment of the existing extension's roof and parapet slope, with brick detailing to match the existing.

- vii. Reversion of the approved/existing door in the lower ground floor bay window, to a sash window.

Side Elevation:

- viii. Rationalisation of the extension's roof, as per the Extant Consent (it would have tapered on a downward slope from the rear to the front), to a less complicated, level and straight roof, as existing. This does not involve a change in the height of the roof.
- ix. The single roof light over the extension is to be divided into two, to follow the revised internal layout of the extension.

Rear Elevation:

- x. Timber cladding elements removed from the rear extension.
- xi. The previously approved window at the ground floor of the rear extension is changed to a set of sliding doors
- xii. Modification of the glazing arrangement on the lower ground floor of the rear extension to match that of the ground floor level.

- 2.17 **Lower ground floor:** The floor plan alterations to the rear bedroom affect modern fabric that is devoid of any interest or significance and this would have no effect on the significance of the listed building.
- 2.18 **Ground floor:** Adjustment in the height of the opening from the stairs into the side extension (to match the height of the doorway to the rear ground floor room). The existing double door opening would be proportionally adjusted to match the existing nearby doorway and this would leave the significance of the listed building unaffected.
- 2.19 **Relocation of the kitchen from front to rear:** This will leave the significance of the building unaffected. There is no chimneybreast in the room. The marble chimneypiece seems to have been reassembled/refurbished with the top shelf, consoles, hearth and grate etc. all modern. This will largely modern feature of dubious authenticity would nevertheless be retained as a boxed-in feature. The relocation of the kitchen would preserve the significance of the listed building.
- 2.20 **The changes to the internal layout of the existing extension** would have no effect on the significance of the listed building.

2.21 **Front Elevation:** The proposed arrangement of aligned, traditional sash windows at the ground floor and lower ground floor level of the modern side extension can be seen on the drawing extract at **Fig 2** below. The new windows would be traditional, ordered, well-spaced and well-proportioned, as well as being clearly subservient to the host building. This would preserve the significance of the listed building.



**Fig 2:** An extract of the proposed front elevation.

2.22 The slight adjustment proposed to the existing extension's roof and parapet slope, can be seen on the elevation at **Fig 2** above. The brick detailing would match the existing. This would not materially affect the relationship between the host building and the extension, and there would be no effect on the significance of the listed building.

- 2.23 The reversion of the approved/existing door in the lower ground floor bay, to a sash window, can be seen on the elevation at **Fig 2** above. The reinstated window here would, if anything, be an enhancement.
- 2.24 **Side Elevation:** The proposed rationalisation of the extension's roof, as per the Extant Consent, from a tapered form to a less complicated, level and straight roof (as existing). This does not involve any change in the height of the roof, and would leave the significance of the listed building unaffected.
- 2.25 The division of the single roof light, as per the Extant Consent, into two would affect only the modern structure and there would be no fundamental change to what has been consented; this would not result in any additional effect.
- 2.26 **Rear Elevation:** The removal of the previously proposed timber cladding elements from the rear extension would be a minor design change that is immaterial in terms of the acceptability, or effect, of the extension.
- 2.27 As above, the change of the previously approved window at the ground floor of the rear extension to a set of sliding doors, and the modification of the glazing arrangement on the lower ground floor of the rear extension to match that of the ground floor level, would be a minor design change that is immaterial in terms of the acceptability, or effect, of the extension.



### **3.0 CONCLUSION**

- 3.1 This Heritage Statement presents an understanding of the significance of the listed house, and specifically Flat 2 as a component of the listed building. The flat was created in the c. late 1990s and has been extensively reconfigured and with no historic features, only modern features that reflect the tastes of the time (a somewhat inappropriate Georgian style was chosen for the internal décor scheme). The existing side extension was created at the same time.
- 3.2 As has been found in the Extant Consent, the proposed minor changes would not affect any historically significant fabric, features or plan form of the building. Similar to the Extant Consent, the present proposal would cause no harm, and preserve the significance of the listed building.
- 3.3 For this reason, the proposed minor changes to the building would leave the significance of the listed building unaffected. As such there are no policy conflicts, or conflicts with the provisions of s.66 and s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It is therefore respectfully submitted that consent should be granted.