HeritageCollective

Heritage Assessment



Chalcot Yard, 8 Fitzroy Road, London

Addendum Report

On behalf of Mr and Mrs J. Gale

August 2013

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1.0 introduction

* 1. This heritage assessment has been written and prepared by Heritage Collective on behalf of Mr and Mrs J. Gale. It is an addendum to a heritage assessment written by Heritage Collective in April 2013 that was submitted to the London Borough of Camden (LBC) in support of applications for planning permission and conservation area consent. Like the earlier report, the present addendum relates to a former builder’s yard and works at Chalcot Yard, 8 Fitzroy Road, in Camden, within the Primrose Hill Conservation Area.[[1]](#footnote-1) It should be read in conjunction with the planning statement prepared by Planning Potential and in conjunction with two earlier heritage appraisals of 2012 and 2010 which were appended to the assessment dated April 2013. In addition, this assessment should be read alongside the Eckersley O’Callaghan (EOC) Planning Stage Structural Report dated 21 March 2011 and the EOC Structural Report dated 25 April 2013. An earlier report by Marshall Land & Property Associates LLP, dating to 2008, is relevant in that it is consistent with the material in the later reports by EOC.
	2. Assessments made in the Heritage Collective report of April 2013 have not been repeated here except where relevant.
	3. The context of this report is a meeting held at LBC on 19 July 2013 at which officers of the council were present, together with the applicants and their representatives. During that meeting there was a discussion between Charlie Rose, LBC’s conservation officer, and Jonathan Edis of Heritage Collective about paragraphs 132-134 and 138 of the NPPF, and their relevance to this case. In essence, the council wishes to see written justification for the demolition of unlisted buildings that it considers to have made a positive contribution to the character and appearance of the Primrose Hill Conservation Area. Without prejudice to the applicant’s position that the buildings made only a limited contribution, it was agreed that an addendum heritage assessment would be prepared from the council’s point of view - that is, from the point of view that the buildings made a positive contribution.
	4. Inherent in this exercise is the fact that the justification for the demolition of unlisted buildings at Chalcot Yard was based on structural considerations which were determined between EOC and the contractors. These are set out in the EOC report of April 2013, and they can be broadly summarised as follows:

**Building A**: Once its fabric was fully exposed and some excavation had taken place, the contractor considered the existing condition of Building A to be too fragile and it was removed on the grounds of safety.

**Building B**: The elevation of Building B was removed to allow for it to be rebuilt in its new form in accordance with the planning permission scheme. Some other works of rebuilding and underpinning have taken place.

**Building C**: The roof has been removed and there have been interventions in the main elevation where old brickwork has had to be renewed for structural reasons.

**Building D**: The existing structure in Building D was in a state of significant disrepair, with virtually every structural element either damaged, failing or showing signs of future shortcomings. EOC recommended in their previous report on this building that demolition of the facades was carried out as soon as possible to prevent any further danger to people on the site and the neighbouring property.

**Building E**: This has now been dismantled and removed from site for storage in accordance with the approved Conservation Area Consent

**Building F**: EOC understood that only a small proportion of the building was to remain. As such, it was deemed impractical to leave only a small part, and EOC understood that it was to be demolished and then rebuilt in its new form when the basement structure was constructed.

* 1. The demolition of Building E was authorised, and it is not discussed further in this report. Works to Building C take the form of repairs for which it is questionable whether conservation area consent is required, this being a matter of fact and degree. Therefore, this report focuses on what is in fact the real situation – the total demolition of Buildings A and D, and the substantial demolition of Building B. Conservation area consent is not needed for the demolition of Building F because it did not meet the size threshold.
	2. LBC has indicated that it wishes to see justification for demolition on the basis that the buildings made a positive contribution to the character and appearance of the conservation area, and this is the position adopted in the following part of the assessment.
	3. Strictly speaking there are two effects to consider. The first is the effect of demolition, which has an impact on the construction phase of the project. There is then the combined effect of demolition and mitigation through reconstruction, which has an impact on the operational phase of the project. To some extent these effects overlap, so for the most part they have been considered in the longer term, that is, the operational phase.

2.0 policy and guidance

* 1. Particular emphasis has been placed by the LBC on paragraphs 132 to 134 and 138 of the NPPF. Paragraph 138 reads as follows:

*“Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area…should be treated either as substantial harm under paragraph 133 or less than substantial harm under paragraph 134, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area…”*

* 1. For clarity, this does not equate an unlisted building in a conservation area with a designated heritage asset. It simply states that the harm to the designated heritage asset (the conservation area) should be assessed proportionally within paragraph 133 or 134.[[2]](#footnote-2)
	2. Any doubt as to the interpretation of paragraph 138 can be dispelled by a number of appeal decisions, including, for example, a recent case in the London Borough of Greenwich:

*“In relation to the Appeal proposal the conservation area is a designated heritage asset. The existing dwelling on the Appeal site is not statutorily or locally listed. However in their decision to refuse consent for its demolition the Council has identified the dwelling as a heritage asset which contributes positively to the character and appearance of the conservation area. Accordingly, it is a non-designated heritage asset.”[[3]](#footnote-3)*

* 1. Therefore, in applying paragraph 138 to the present case, the buildings at Chalcot Yard are undesignated heritage assets, and the Primrose Hill Conservation Area is the designated heritage asset to be considered in relation to paragraph 133 or 134. Put simply, paragraph 138 does no more than act as a reminder that paragraphs 133 and 134 have to be considered in relation to impacts on the conservation area as a whole.
	2. For the avoidance of doubt, the identification of a positive contribution does not in itself give rise to the need to determine an application within paragraph 133 of the NPPF. There is no policy basis for such an approach, and it was not pursued by the inspector in the appeal referred to above.
	3. There is no formal definition of substantial harm within the meaning in paragraph 133 of the NPPF, but in paragraphs 132 and 133 it is equated with the “loss of a grade II listed building, park or garden” or with “total loss of significance of a designated heritage asset”. Given that the Primrose Hill Conservation Area has not been lost as a result of the proposed development, it is clear that this case does not involve substantial harm. Therefore, paragraph 133 of the NPPF does not apply.
	4. The impact on the Primrose Hill Conservation Area is therefore to be weighed in the planning balance within paragraph 134 of the NPPF – that is, on the basis of less than substantial harm.
	5. Paragraph 135 should also be taken into account because the demolition relates to non-designated heritage assets (unlisted buildings within the conservation area):

*“The NPPF states that when considering the impact of a proposal on the significance of a designated heritage asset great weight should be given to the asset’s conservation. The effect of a proposal on the significance of a non-designated heritage asset should be taken into account and a balanced judgement is required having regard to the scale of any harm or loss and the significance of the non-designated asset.”*[[4]](#footnote-4)

* 1. On this basis, paragraphs 134 and 135 of the NPPF should be applied to the present case.

3.0 EFFECT ON heritage significance

Introduction

1. Given that the starting point for this assessment is that the unlisted buildings made a positive contribution to the character and appearance of the conservation area, it must be notionally assumed that they ticked a number of the standard questions that are asked when assessing significance in these and similar situations. For example, it must be assumed that they made a positive contribution as a result of factors such as landmark qualities, architectural associations, the use of materials and design, past and present use, layout, scale, massing, historic associations, and so on. In order to make that positive contribution, those factors must have been broadly consistent with other aspects of the character and appearance of the conservation area, according to guidance published by English Heritage.[[5]](#footnote-5)
2. It is proposed to replicate the form, materials massing and grouping of the buildings as closely as possible in the current applications. Wherever possible, original fabric will be retained or reused. Therefore, insofar as there will be harm or loss of significance affecting the unlisted buildings within paragraph 135, and insofar as there will be harm or loss of significance affecting the conservation area within paragraph 134, the change lies in a number of specific areas discussed below.

Loss of historic fabric

1. The loss of 19th century and 20th century historic fabric is the main consideration, and to a large extent this applies to the external facings of the main exposed walls. It applies primarily to Building A, which was one of the older and more complete brick structures on the site, though to varying degrees it applies to other buildings as well. In any situation such as this there will be some inevitable loss of character because of the removal of brickwork that has weathered over the course of more than a century, and which clearly dates from an earlier period of time.
2. As a consequence of the demolitions, there has been a literal loss of fabric in that not all the bricks can be salvaged, and the original mortar cannot be reused. There is also some loss of detail in that the exact brick bond cannot be replicated in new work, although there can be some mitigation by adopting a strategy towards new brickwork and pointing to make it look as authentic as possible. This was discussed at the meeting on 19 July and the scheme architects are currently working on an appropriate strategy in conjunction with the contractors.
3. Roof coverings rarely last much beyond 75 years, and in the case of the older structures (Buildings A, C and D) they had either been replaced since the original time of construction or were missing altogether by 2010. The roofs can be replicated without loss of heritage significance in accordance with the current proposals.
4. The underlying roof structures have seen a loss of fabric. In the case of Building D it had already gone by 2010. In the case of Buildings A and C the timber framed structures were of 19th century date, and there has been some erosion of significance.
5. Overall, therefore, there will be a change in the detailed character and appearance of the elevations facing into Chalcot Yard, and there will be some erosion of heritage significance because it will not be possible to replicate those details in the new work. The harm falls within paragraph 134 of the NPPF and should be put into the overall planning balance on that basis. A further mitigating factor (additional to the structural reasoning in the EOC report) is that even if the original structures had been retained, legitimate repairs such as repointing could have had a very profound effect on the appearance of the buildings. This does not in itself justify the demolition, but it is a factor in taking a proportional approach to the works as executed.

Loss of interiors and internal plan form

1. The NPPF treats historic buildings as complete entities for the purposes of assessing significance. While the internal plan form of unlisted buildings has not in the past been seen as particularly relevant, it is nevertheless a consideration. In this case the majority of the internal plan form of the buildings has been lost, and there has been some loss of significance. However, the positive contribution made by these particular buildings did not rely heavily on the internal plan forms, and the consequent loss is therefore not significant.

Other aspects of change: NPPF and English Heritage Guidance[[6]](#footnote-6)

1. In formal NPPF terms the five main areas of potential change in significance can be described as follows:

Archaeological interest: There has been an effect on the archaeological interest of the buildings as a result of the loss of built fabric, particularly the visible walls of some of the buildings facing the yard itself. This falls to be considered within paragraph 135 of the NPPF, and there is a smaller effect to be considered within paragraph 134.

Architectural interest: There has been an effect on the buildings as examples of 19th and 20th century industrial and commercial architecture, similar to the effect on archaeological interest described above, and falling within paragraphs 135 and 134 of the NPPF.

Historic interest: There has been an effect on Chalcot Yard as a physical historic record of past industrial and commercial use in this part of the conservation area, which falls to be considered within paragraphs 135 and 134 of the NPPF.

Artistic interest: Even when approaching this assessment from the point of view of the buildings having made a wholly positive contribution, it is difficult to define any material loss in their artistic interest.

Setting, context, character and appearance: The purpose of the previous permissions was to improve the setting, context, character and appearance of the buildings in Chalcot Yard. The demolitions have had an effect on those objectives in detail, to be considered within paragraph 135 of the NPPF, but for the purposes of paragraph 134 it is the effect on the designated heritage asset as a whole (that is, the whole of the Primrose Hill Conservation Area) that is the relevant consideration.

1. In terms of English Heritage’s guidance the twelve main areas of potential change in significance can be described as follows:[[7]](#footnote-7)

Architect/designer: There is relatively little impact on the historical connection with the original “architect”, who was in effect the builder who maintaned the yard in the 19th century. This is a minor effect within paragraph 135 of the NPPF.

Landmark quality: The landmark quality of Chalcot Yard has not been significantly affected by the demolitions, and the mitigating effect of recreating buildings of a similar form will in time have a neutral impact. This is a neutral effect within paragraphs 135 and 134 of the NPPF.

Age, style, materials and form: There is clearly an impact on the age of the buildings as a result of their demolition and replacement. In detail, the style and materials will change, but the form will remain much the same. This is a neutral effect within paragraphs 135 and 134 of the NPPF.

Significant relationships with neighbouring designated heritage assets: Insofar as there is a significant relationship between Chalcot Yard and 19 Chalcot Square and its attached railings, which is a grade II listed building (part of the listed terrace at 15-19 Chalcot Square) the demolitions have not caused any significant effect. This is a neutral effect within paragraphs 135 and 134 of the NPPF.

Contribution to setting of neighbouring designated heritage assets: With regard to the setting of 19 Chalcot Square, which is a grade II listed building, the demolitions have had no material effect except to improve the condition of the party wall between Building D (in Chalcot Yard) and 19 Chalcot Square. There are no issues arising from the application of section 66 of the Planning (LBCA) Act. This is a neutral effect within paragraphs 135 and 134 of the NPPF.

Contribution to recognisable spaces: The construction phase has brought about a radical change to the space within the yard, but in due course the completed operational phase will return the spaces to much their original form. In the long term these relationships will not be greatly affected. This is a neutral effect within paragraphs 135 and 134 of the NPPF.

Designed landscapes and gardens: Insofar as Chalcot Yard was designed within the surrounding private garden spaces, the relationships will not be significantly changed in the long term. This is a neutral effect within paragraphs 135 and 134 of the NPPF.

Illustration of the development of the settlement: Chalcot Yard illustrates the development of this part of the conservation area, and it probably contributed significantly to its construction in the mid-19th century. This historical dimension will remain when the development is complete. This is a neutral effect within paragraphs 135 and 134 of the NPPF.

Significant historic relationship with road layout: The relationship between Chalcot Yard and Fitzroy Road will not be affected by the proposed demolitions. This is a neutral effect within paragraphs 135 and 134 of the NPPF.

Historic associations with local people: Insofar as there are local historical associations of significance, these will not be affected by the demolitions. This is a neutral effect within paragraphs 135 and 134 of the NPPF.

Traditional functions and uses: The traditional uses have changed in Chalcot Yard over the years, and the future use has already been agreed and is not in dispute. This is at the very worst a neutral effect within paragraphs 135 and 134 of the NPPF.

Contibution of its use to the character of the area: The new use of Chalcot Yard, and its reuse, are hopefully regarded as positive by all parties. This is a beneficial effect within paragraphs 135 and 134 of the NPPF.

1. In summary, the demolition of the unlisted buildings at Chalcot Yard has had an effect on their intrinsic fabric and their architectural and historic interest. This falls to be considered first within paragraph 135 of the NPPF as a material consideration in itself, and then within paragraph 134 in terms of the effect on the designated heritage asset – that is, the effect on the character and appearance of the Primrose Hill Conservation Area. In many other respects, the impacts will be neutral in effect, or they will be positive.
2. This assessment is made on the basis that the unlisted buildings made a positive contribution to the character and appearance of the Primrose Hill Conservation Area. Such an assessment does not require consideration under paragraph 133 of the NPPF which is not relevant to this case.
3. The effect of demolition is at its greatest during the construction phase of the project. It will then diminish as the mitigating effects of reconstruction become apparent, and over time the neutral and positive impacts will overtake the negative impacts of demolition. The residual impact of the demolition falls to be considered within the planning balance against the wider benefits of the project, which have been extensively described elsewhere in this application.

4.0 Conclusions

1. Paragraphs 133 and 134 of the NPPF refer to policy tests in relation to harm to designated heritage assets, first in respect of substantial harm, and second in respect of harm that is less than substantial. These tests apply to the designated heritage asset, in this case the Primrose Hill Conservation Area.
2. Paragraph 138 of the NPPF acts as a reminder that harm arising from the demolition of unlisted buildings in conservation areas should be considered either in relation to paragraph 133 or 134. It does not suggest that the unlisted building should be treated as a designated heritage asset, or that the demolition of an unlisted building that makes a positive contribution should automatically be interpreted as substantial harm within paragraph 133. Instead, the NPPF is quite clear that the test should be applied to the designated heritage asset, in this case the Primrose Hill Conservation Area. This position is apparent from the NPPF itself, and from appeal decisions relating to the demolition of unlisted buildings in conservation areas. The final wording of paragraph 138 was amended to reflect the need for a proportional approach to decision making in this regard.
3. Without prejudice to its position that the unlisted buildings at Chalcot Yard did not make a positive contribution to the character and appearance of the Primrose Hill Conservation Area, the applicant has, at LBC’s request, assessed those buildings in light of paragraphs 133, 134 and 138 of the NPPF as though they made a positive contribution. This assessment has taken account of the NPPF and English Heritage’s guidance on managing change in conservation areas.

Even when it is assumed that the unlisted buildings made a positive contribution, the result is that the main effects of demolition relate to the construction phase of the works in this case, rather than the operational phase. They should properly be considered within paragraph 135 of the NPPF, as a material consideration, insofar as they affect the detail of the yard itself. Any effect on the character and appearance of the Primrose Hill Conservation Area falls within the definition of less than substantial harm in paragraph 134 of the NPPF, and it is mitigated by the longer term effects of reconstruction.

1. The front cover image shows the yard as it was in 1957, from the Goad insurance plan. [↑](#footnote-ref-1)
2. It should be noted that paragraph 138 of the NPPF differs materially from the wording in the draft NPPF, which at paragraph 187 stated that: “Loss of a building (or other non-designated heritage asset) that makes a positive contribution to a Conservation Area or World Heritage Site should also be treated as substantial harm to a designated heritage asset.” An online consultation response to the draft NPPF by LBC welcomed the draft text (in paragraph 59 of the LBC document). However, the change in the final wording clearly indicates that the draft text was considered to be too restrictive, and that a proportional and balanced approach should be adopted. [↑](#footnote-ref-2)
3. Paragraph 5 of the appeal decision letter by Inspector Lawrence in respect of 8 Meadowbank, Blackheath, 25 July 2013, APP/E5330/A/13/2195007 and APP/E5330/E/13/2195012 [↑](#footnote-ref-3)
4. Paragraph 6 of the Meadowbank appeal decision, referenced above. [↑](#footnote-ref-4)
5. Currently to be found in a checklist in Table 2 on page 15 of English Heritage’s *“Understanding Place: Conservation Area Designation, Appraisal and Management.”* March 2011. [↑](#footnote-ref-5)
6. English Heritage Guidance incorporates the Practice Guide, which is still extant. [↑](#footnote-ref-6)
7. Assuming, on a without-prejudice basis, that all these factors made a positive contribution to the character and appearance of the conservation area. [↑](#footnote-ref-7)