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**11 NETHERHALL GARDENS
LONDON NW3**

**CONSERVATION AREA APPRAISAL
AND PPG 15 ANALYSIS
of the
PROPOSED REDEVELOPMENT**

**For
Avonhead Investments Ltd**

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11 NETHERHALL GARDENS, LONDON NW3: BUILDING APPRAISAL AND PPG 15 ANALYSIS

1.0 PREAMBLE

- 1.1 This Report has been prepared to provide an Appraisal of the proposed redevelopment of No.11 Netherhall Gardens, Hampstead, Camden LB, London NW3, and its impact upon the character and appearance of the Fitzjohns/Netherhall Conservation Area. I have liaised with PKS Architects, authors of the proposals in the preparation of this Report and fine tuning of the design.
- 1.2 As a Chartered Architect and Town Planner, I have 35 years experience of planning and the historic built environment. In addition to five degrees from three universities, I am also, in addition to longstanding RIBA and RTPI membership, a member of the Institute of Historic Building Conservation and of The Victorian Society.
- 1.3 I am long familiar with the area, having lived in nearby Belsize Park in the early 1970s, while my experience as a local planning authority principal conservation officer was spent in Hertfordshire from 1972-87. I served as RTPI-appointed Director of Hampstead Garden Suburb Trust from 1979-2000, since when I have been Honorary Life President. I undertook extensive consultancy work for English Heritage during the 1990s, including spotlisting casework in Greater London, and a thematic study of Private Sector flats from 1880-1939. As consultant to Letchworth Garden City Heritage Foundation, I am at an advanced stage in preparing a comprehensive study to indentify Buildings of Local Merit, contributing to the historic character of pre-1930 development in the First Garden City,
- 1.4 As a sole principal in private practice since 1988, I have undertaken numerous consultancy projects, building appraisals, appeals and public inquiries across several London Boroughs. In particular, I have worked alongside PKS for several years on a range of projects involving development and redevelopment in context of the historic built environment.
- 1.5 This Report is to be read alongside the Architects' Design and Access Statement, the Arboricultural Constraints Report by Landmark Trees/Adam Hollis and the Structural Report by Watts Group/Jim Laithwaite.

2.0 HISTORICAL BACKGROUND

- 2.1 Development of the southern slopes south of the historic centre of Hampstead Village occurred during the 19th century through the machinations of the Maryon Wilson family, the Lords of the Manor, and was delayed by long disputes. The will of Sir Thomas Maryon Wilson divided his estate between his sons, but restricted their leasing of the land for anything but agricultural use. A long battle ensued to overturn the provisions of the will became ensnared with protests about restriction of access to Hampstead Heath. After the death of Sir Thomas Maryon Wilson Jnr., his heir and brother, Sir John was amenable to selling the rights to the Heath part of the estate, and agreed to divide the estate with his son, Spencer who was free to grant building leases.
- 2.2 Spencer's portion included two proposed roads, Fitzjohn's Avenue and Priory Road. The contact for laying out was let in 1875 to Culverhouse, a tenant who was also a builder, who used clay from a site near the Heath to make the brick from which many of the houses were built. Fitzjohn's Avenue ran south from Hampstead to Swiss Cottage, with a 50 foot carriageway and 10 foot pavements, planted with alternate red and white chestnuts, with a generous setback for the houses. The neighbourhood around Fitzjohn's Avenue was virtually completed within the decade 1876-1886. The adjoining roads were less generous than Fitzjohn's Avenue, but all were tree-lined with plots for large detached or semidetached houses. Netherhall Gardens, Maresfield Gardens and Nutley Terrace were named after a Manor and Parishes on the Maryon Wilson Estate in Sussex.
- 2.3 A significant influence on the layout of the area was the railway. The London and North Western Railway built a tunnel from Hampstead Heath Station to Finchley Road and Froggnal in 1860. The northern end of Netherhall Gardens was designed to lie over the tunnel. The Midland Railway pushed its main line forward from Bedford to St Pancras, where it arrived in 1868. The Belsize Tunnel determined the angled line of Nutley Terrace relative to Netherhall Gardens. The Belsize New Tunnel was built in 1884 to supplement capacity. It runs beneath the northwest corner of No. 11 Netherhall Gardens, an extension of turn of the 19th century date. The original house was most probably set back from the northern boundary of its plot by requirement of the railway company. Historic maps illustrating the development of Netherhall Gardens are contained in the Architects' Design and Access Statement.
- 2.4 Land agent F J Clark advised the Maryon Wilsons to build the main roads and sewers and to control granting leases for development carefully through covenants. This was done, and gave the area a reasonably consistent high standard, which preserved the value of the retained freehold. Architects such as Richard Norman Shaw, who was also working on the near contemporary Bedford Park Estate in Chiswick, provided models, which were emulated by lesser-known architects and builders. The styles ranged through Old English, Gothic, Queen Anne and Arts and Crafts.
- 2.5 No. 11 Netherhall Gardens is sited on the west side of Netherhall Gardens, which links Fitzjohn's Avenue with Finchley Road, vehicular access to which is blocked. The house stands about one third up the straight north-south central section of the road, a little way

from the Nutley Terrace, a direct link eastward across Fitzjohn's Avenue to Belsize Park. The road layout is typical of late 19th century upper middle class suburban development, with avenue tree planting and large, predominantly detached houses in spacious gardens, but with comparatively narrow plots, limiting the distance between many of the houses. There are semidetached houses on the west side, north towards the angled link to Fitzjohn's Avenue, and some later, and visually jarring, redevelopment at various points along the road, for example Imperial Towers, the flats beyond No. 13, which replaced Nos. 15 and 17 in the 1970s.

- 2.6 However, the predominant building type remain a tall late 19th century house, of dark red brick, with two to three storeys, entrance sometimes raised above a basement, and emphasized by an ornamental doorcase. Roofs are tiled and modelled with feature gables, sometimes with 'Old English' studwork, hipped ends and tall brick chimneys. There is a modicum of ornamental detail, including moulded brick, rubbed brick arches, contrasting brick dressings, terracotta panels and motifs, tilehanging, with plain and fish scale tiles, and crested ridge tiles, and ironwork including railings. This broad palette of materials created the eclectic architecture described above.
- 2.7 Two buildings in Netherhall Gardens are statutory listed: No. 6 at the lower end, near the turn towards Finchley Road, was built in 1882 (designed by Battersby and Huxley for the artist, Thomas Davidson); and No. 50 at the head of the avenue, originally a single house with No. 61 Fitzjohn's Avenue (1878, designed by Richard Norman Shaw for the artist, Edwin Long). No. 11 falls within the setting of neither. A number of buildings in Netherhall Gardens have been designated by Camden Council, in their Conservation Area Appraisal of Fitzjohn's/ Netherhall, as making a positive contribution to the character or appearance of the area. It is stated that: *The distinct quality of Fitzjohn's/ Netherhall is that it largely retains its homogeneous mid-late 19th century architectural character. For this reason most of the 19th century buildings make a positive contribution to the character and appearance of the Conservation Area. The general presumption should therefore be in favour of retaining such buildings.* The policy considerations of this will be discussed below. The buildings so selected are:

The Cottage, 1, 1s, 3-7, 7a, 9-13, 19-43, 47-55, 59-63; 2, 2a, 4, 8, 12, Otto Schiff House (original building), 20-40.

Together with the two listed buildings this gives virtual blanket coverage of the road, with no differentiation as to variation of quality and subsequent alteration, which is considerable on many of the buildings.

Building Appraisal

- 2.8 The Camden Appraisal contains a brief description of No.11: *...The adjacent No. 11 has a more usual approach for the area with rubbed brick dressings, and sash windows with small lights at the top. Some ironwork remains above the first floor bay...* This is a somewhat cryptic audit of the building, which ignores significant features which detract from its authentic form, and thus from its contribution to the conservation area.

- 2.9 I have made an inspection of the building, and have also desktop-researched its history. It appears to have been built in the mid/late 1880s. There is very little information beyond that shown in the Conservation Area Appraisal. I have found no early records on the Camden Council Drainage Microfiche Archive. However, the Camden Local Studies and Archives Centre has some records of the Hampstead Parish Vestry (the predecessor of Hampstead Borough Council) who, on 19 April 1888, approved plans nos. 3642 (dated 25 April 1887) submitted by the builders H & E Kelly, of Fitzjohns Avenue, for a drainage connection to a house on the west side of Netherhall Terrace [sic], first north from 'Sompting'. This has been identified in the microfiche catalogue of the records as 11 Netherhall Gardens. The outline footprint of the building is consistent with its original incarnation. It was among a number developed by Sir Spencer Maryon Wilson, freeholder of the land, along the road. No architect was identified.
- 2.10 The original house was the double fronted portion to the left (south) of the site. It was a conventional late Victorian house, compared to the work of Richard Norman Shaw, in the Fitzjohns/ Netherhall neighbourhood, and during the previous decade at the fashionable Bedford Park suburb near Chiswick. The east, front elevation has a scale of two tall stories with attics within the steeply pitched roof. Although the entrance was central to the house, it was not symmetrical in design, having an angled, two-storey canted bay window to the left, with a tiled margin roof and ornamental ironwork. There is a two storey rectangular bay window to the right. There are double hung sash windows, with plain glazing except for small leaded lights in the upper sash, a characteristic detail of the 1880s. The entrance has a recessed porch, with double entrance doors, with an elliptical arch and ornamental ironwork cresting above a margin roof. The roof has a prominent gable, with an attic window at the left, but no corresponding gable on the right. It is possible, but unlikely, that there may have been an equivalent gable above the rectangular bay. However, the roof was reconstructed to a higher hipped profile around the turn of the 19th century, when the building was extended northwards across, close to the northern plot boundary.
- 2.11 This major extension increased the frontage of the house by two-thirds. The historic plans register (see above) records approvals of alteration to the drainage on 16 December 1897 and 7 May 1908. The latter was under the hand of S. Clifford of 50 Moorgate Street, who made subsequent alterations in 1922, under the title of S. Clifford Tee, Architect and Surveyor. The extension features a double width two-storey bay, with canted sides. The glazing is generous, with distinctive double sashes on the front, and similar sashes on the sides, separated at the corners and centre by tall slender pilasters. The glazing is plain in the lower sash, with nine small panes in the upper. The roof is set back below the flat top of the bay. Although the relationship between this extension and the original house is rather awkward, the front elevation has somewhat contrasting design values, which reflect the historical sequence of development.
- 2.12 The southern flank elevation has two tall brick chimneys, separated by a gable, with awkward flat roofed wings. However there is a muddle of projections, taking the building across to the boundary, with a setback entrance to one of the flats. Above this is a two-

storey projection with a flat roof, while forward of this is a single storey projection, with a lean-to hipped roof. These accretions seriously detract from the visual integrity of the building, but the extended house was never visually resolved in any case. .

- 2.13 The northern flank elevation retains the form of the extension, with chimneybreasts and brick chimneys above the roofline, retaining their distinctive oversailing courses and pots. There is a scatter of subsidiary windows on this elevation.
- 2.14 The rear west elevation is a very poor design, with a mishmash of uncoordinated extensions and further compromised by structural problems. A tall, ugly boiler flue was built alongside the original rear gable, while the setback flat roofed projection, noted above straggles amorously along the southern site boundary. In the centre is an original two storey canted bay window, but to the left the major extension has discordant fenestration on the first floor above a non-original flat roofed projection, which functions as a balcony for a first floor flat. This projection has raked buttresses, which are uncharacteristic of the general design of the house.
- 2.15 The roof retains its original tiling, with crested ridge tiles and bands of fish scale tiling. Its design is compromised by flat roofed dormers, with standard steel window frames, inserted during the postwar conversion. This was designed by Richardson and Mc. Laughlan, and was approved in August 1949.
- 2.16 The major devaluation of the building was the rendering over, covering the original red brickwork. That it was originally brick faced can be seen on the original rear bay window, where part of the render has fallen away. There were rubbed arches above the windows, which are now covered over, with the exception of the projecting moulded bricks and bands above. On the front elevation the arches were segmental. Between ground and first floor there is a plat band of channelled moulded brick and this is still exposed, as is the cornice above the first floor windows. However, the rendering has coarsened the character and appearance of the building irretrievably, highlighted by the white paint. This matter will be discussed further below.
- 2.17 The plan of the building as it now exists has been convoluted and scrambled by the botched conversion to flats, completed about 1950. This is not a listed building and the interior arrangement is not of consequence to the preservation or enhancement of the character of appearance of the conservation area.

Planning/ Byelaw History

- 2.18 The date of the construction of the original building appears to be 1887-88, upon the basis of the Hampstead Vestry Drainage records, referenced above. The cryptic entries in the Camden LB Microfiche Drainage Archive record drainage work approved 07/05/1908, Architect S. Clifford [Tee] of 50 Moorgate Street EC. This is consistent with the likely date of the extension. Further drainage work occurred in February 1916 (E. Bernard Westall) and 1922 (Clifford Tee).

- 2.19 The postwar planning history of the building began in 1946 with a permission Granted for conversion into 7 self-contained flats (Ref: TP1616/4531, decision 02/09/1946). In 1947 permission Refused for 'reconstruction' of the building (TP1616/004261, decision 18/07/1947). Later that year permission Granted for conversion to 12 self-contained flats, with alterations including provision of an additional floor (TP1616/7931, decision 23/10/1947). The additional floor appears to have been within the attic, and accounts for the insertion of dormer windows with standard metal frames. The Camden LB Microfiche Drainage Archive records Approval of conversion to 10 flats (17/08/1949), on plans submitted by Richardson and McLaughlan).
- 2.20 There have been two major planning applications since the turn of the twentieth century. Both sought total demolition and rebuilding.
Application No.CWX0202528 proposed new development of a four-storey block with 14 apartments. The design by Michael Scott Associates had a Lombardic character, with a low pitched roll tile roof and a pillared loggia on the first floor. The application was Refused for failing to provide a building of equal or greater benefit to the Conservation Area, and bulk, massing and height, which would result in an incongruous building.
Application No. 2006/0742/P, again submitted by Michael Scott Associates was a design with some generic resemblance to the existing building, and provided 14 apartments. This application was withdrawn without determination on 09/03/2007.

3.0 PROPOSED DEVELOPMENT AND CONSERVATION AREA IMPACT

- 3.1 The objective of the present proposals is to use the existing house as a starting point, recognising its current aesthetic and structural limitations, and to provide alterations and extensions, which while they involve elimination of its unsatisfactory features, will enhance both the building and its Conservation Area context. The structural problems have arisen from continuing movement, despite previous underpinning (See Architects' *Design and Access Statement* Para 5.5 and *Structural Engineer's Report*). The proximity of the house, particularly the northern extension, to the Belsize New Railway Tunnel limits the scope for further piling, and the proposed solution is to comprehensively reconstruct the existing underpinning, tied back to a substantial basement concrete box, which can also be utilised as basement accommodation.
- 3.2 The remodelling will involve demolition of the unsatisfactory south side and rear extensions, together with the rear wall. The original and extension flank walls will be retained, together with some internal spine walls, on ground and first floors. As reported in the *Architects' Design and Access Statement*, very few original features escaped the internal conversion. The original staircase survived, a conventional late 19th century dogleg type. This will be demolished.
- 3.3 The remodelling of the front elevation will involve the refurbishment of the major elements, such as the bay windows and main entrance. The appearance of the front elevation has been significantly compromised by the render, which covers all of the original brickwork, leaving the existing surviving decorative features in an alien context. It is not considered to be feasible to remove the render and re-expose the original brickwork. However, deterioration of the brickwork beneath the harsh cement render is a continuing concern. The state of the brickwork can be seen on the rear of the north extension, where patches of render have fallen away. It is therefore proposed to remove the render, to clean and repoint the brickwork as necessary, and to re-render with a permeable lime mix. Localised repairs will be made to the surviving exposed decorative features, notably the moulded brick and terracotta cornice and banding.
- 3.4 The most visible alterations will be in the roof, which will be reconstructed, but retaining a slightly reduced version of the step in the ridgeline, with a sloping end in line with the flank of the south end gable. The north end of the extension presently has a double-hipped end with a central valley. This will be retained, with the central setback dormer window brought forward, but still keeping the articulation of the roof over this flank end. The efficient use of the lofty roof space will enable two levels of accommodation, with dormers of types drawn from characteristic features of house types along Netherhall Gardens. The extension of the roof will result in the centre having a crown flat top. However, this will be invisible due to careful modelling of the adjacent traditional tiled roof slopes. The increase in height of the ridge will not appear disproportionate, when viewed from street level, due to the receding effect of perspective.
- 3.5 Over the broad bay window of the extension, which already has a flat top, will be a full height canted window complementing the original below, with an iron balcony railing.

The gable at the south end will be remodelled to provide a sheltered rooftop loggia, with full-length windows recessed. The open gable front will feature timbers in the form of a king post truss, a traditional treatment found in the vicinity. There will be a three light, segmental pedimented extension above the original right hand (now central) rectangular bay window and a small, low, two light dormer window above the entrance, contained between the two major attic features. These will read as an attic storey, below the subservient upper dormer, which will be set well back against the receding roof slope. Divided by the chimneystack, on the line of the original end of the house, this feature has an appropriate horizontal emphasis, and is based upon an inventive Arts and Crafts detail. The overall character of the remodelled front east elevation will put the original features into an improved context of 'balanced asymmetry', a key feature of late 19th century Queen Anne revival and Arts and Crafts domestic architecture. The tall brick chimneystacks will be retained and repaired as important roofscape features.

- 3.6 The most comprehensive alteration of the building will occur at the rear, which has the most unsatisfactory existing west elevation. The remodelling is bound up with the formation of the basement, which in turn will contribute to safeguarding the structural integrity of the building. A ramp will be constructed along the south of the building to enable provision of parking beneath the building. Levels generally fall towards the rear of the plot, and this will enable the construction of a leisure suite, and lower garden level to Flat 1, beneath terraces serving Flats 1 and 3 as private open space on the nominal front Ground Floor level. A ground floor extension on the south in turn provides a private terrace to Flat 4 on the first floor.
- 3.7 The full height extension grows out of the ascending terraces. Taking the central bay window of Flat No. 4 as a datum, this projects 2m from its containing gable, which is the major feature of the remodelled and extended west elevation. This gable is 3m beyond the limit of the existing extension along the south boundary, apx. 7.6m beyond the western projection of the main north extension, and apx. 9.5m from the main rear wall of the house. Seen in footprint there is a carefully graded stepped recession from the centre to each side of the plot, generated by analysis of the varied rear building lines of the adjoining plots.
- 3.8 'Balanced asymmetry' is the key to the form of the rear extensions, which feature three gables. At the right is a slender rebuilding of the original rear gable, which will retain a rendered finish. It relates to the rebuilding of the small side extension, and the projecting terrace to which reference is made above. In turn the centre gable grows out of the garden level extension and terraces, and has the projecting two-storey canted bay window, which forms the central projection for this elevation. The design of this feature closely follows the original, which is the most satisfactory element on the existing west elevation. Its sash windows are detailed to match the types found on the original building. It will be set against a central gable, the most prominent feature on the rebuilt elevation. Above the bay window, with its tiled roof margin is a three light attic window, with a small balcony on to the roof of the bay window below. The apex of this gable sits apx. 0.6m below the upper ridgeline of the reconstructed roof. Alongside, to the left is a second gable, treated in a more subservient manner, setback 2 metres, and appearing to be partly behind the central

gable. This has a bay window with a chamfered outer corner, which forms a small balcony to Flat No. 2. On the second floor is a recessed loggia, sheltered beneath the open gable, which has a small king post truss just below the apex. Between the gables, set back is a small tile-hung dormer window, with to the left a single conservation rooflight, and to the right, between the new main gable and the refurbished original an upper level two light dormer, providing the windows to the upper levels of Flats Nos. 8 and 9.

Conservation Area Impact

- 3.9 The Design Analysis above has emphasised the manner in which the approach has built upon the remaining positive aspects of a house which has been significantly devalued over the past 60 years, and which is now also manifesting structural problems. The architects have analysed the design features and materials prevalent in Netherhall Gardens and nearby streets, and used these as the basis for their intervention into the built form.
- 3.10 The public realm of the conservation area, the street scene, will be enhanced by the front elevation having eliminated incongruous features such as the existing attic dormers and the ugly break between the dominant hip roof and the left hand gable. The proposed attic dormers are strongly related to existing features and will read against the lower roof. Ornamental work such as the ironwork cresting and the ornamental terracotta and moulded brick banding will be repaired and retained. The revised treatment of the left hand gable, with the timber truss-exposed is based upon local precedents. While it is not possible to re-expose the brickwork, the removal of the render will enable repair to take place, and the substitution of a permeable lime render, more compatible with the age and potential quality of the building. The untidy south elevation will be improved, as will the important north elevation which will retain its twin hip roofs, and quirky dormers, which will be rebuilt in improved form and slightly smaller. This will cumulatively result in an improved appearance of the public realm, and enhance the conservation area.
- 3.11 The principal alteration of the building will be the rear extension, replacing a poorly designed and visually incoherent rear elevation. The projection into the garden has been carefully considered, and the greenery of the terracing of the lower levels will result in a more intricate but also improved relationship between house and garden. The architecture of the rear extension is again based upon typical details, and its use of dark red brick will temper the visual impact of the render. The building will retain the character of a large late Victorian house, typical of this street.
- 3.12 Furthermore, there will be an improved engagement between building and context. I have concluded that the impact of the proposals will be positive and benign, fulfilling the obligation to ensure preservation and enhancement of the character or appearance of the conservation area.

4.0 POLICY ANALYSIS

National Legislation

- 4.1 The statutory obligation is contained in the Planning (Listed Buildings and Conservation Areas) Act 1990:

s.72 (1) of the Act requires that

In the exercise, with respect to any buildings or other land in a conservation area, of any [planning functions] special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area.

PPG 15: Planning and the Historic Environment

- 4.2 PPG 15 provides comprehensive advice on the controls for the protection of historic buildings and conservation areas, elaborating the obligations contained in the primary legislation quoted above. The role of planning is defined as an important instrument for protecting, preserving and enhancing the historic built environment in town and country, with the objective of reconciling the need for economic growth with the need to protect the natural and historic environment (para. 1.2)

- 4.3 Section 2 of PPG 15 deals with development plans and development control, elucidating the primacy of development plans in determining applications, and the necessity that

Plans should set out clearly all conservation policies relevant to the exercise of an authority's development control functions, and also policies which are relevant to cases where development and conservation issues are linked and will need to be addressed together. (Para. 2.3)

- 4.4 Paras. 2.11-2.15 deal with development control

They [local authorities] should expect developers to assess the likely impact of their proposals on the special interest of the site in question, and to provide such written information or drawings as may be required to understand the significance of a site or structure before the application was determined. (Para. 2.12)

- 4.5 Section 4 of PPG 15 deals with Conservation Areas. Para. 4.4 counsels the clear definition and analysis of the special interest of a conservation area as a sound basis for developing control decisions, and advises the use of detailed guidance set out in the English Heritage Guidance Note *Conservation Area Practice*

The more clearly the special architectural or historic interest that justifies designation is defined and recorded, the sounder will be the basis for local plan policies and development control decisions, as well as for the formulation of

proposals for the preservation and enhancement of the character or appearance of an area. ... The assessment should always note those unlisted buildings which make a positive contribution to the special interest of the area.

The applicants have noted the visual and character analysis in the Netherhall/ Fitzjohn's Conservation Area Conservation Area appraisal document, which presents a comprehensive audit of the built form and mix of uses throughout the area, but demur from the blanket assessment that virtually all existing buildings of 19th century origin in Netherhall Gardens site contribute positively to the character or appearance and special interest of the area. There seems to be no acceptance that buildings may elicit differing degrees of contribution, based upon their original intrinsic merit, their location and public visibility, their individual or group value and the impact of subsequent alterations or extensions. I have discussed this below with reference to the English Heritage checklist in *Guidance on Conservation Area Appraisals*.

- 4.6 The opportunity for enhancement is stated in para. 4.17, in respect of '*Buildings that make no positive contribution to, or indeed detract from, the character or appearance of the area.*' I consider that the 'positive' contribution of No. 11 Netherhall Gardens has been seriously eroded by the insensitive alterations, resulting from the postwar conversion to flats, and most significantly by the rendering over of the elevations. The thrust of applying para. 4.17 should be appropriately weighted in consideration of the overall package of retention, refurbishment and redevelopment. Consequently

[its] replacement should be a stimulus to imaginative, high quality design, and seen as an opportunity to enhance the area. What is important is not that new buildings should directly imitate earlier styles, but that they should be designed with respect for their context as part of a larger whole which has a well-established character and appearance of its own.

The proposal for No. 11 Netherhall Gardens retains and enhances what is potentially most distinctive, while removing the insensitive extensions, and reintegrating the rear of the building within a well-considered extension. The existing building and its context has formed the catalyst for the imaginative, high quality design of this application, thus meeting the advice of para. 4.17.

- 4.7 Para. 4.18 advises on the production of detailed drawings and documents to show the proposals in context, and to enable the planning authority to appraise them. The Architects' *Design and Access Statement* contains a full analysis of the site in its broader conservation area context, including historic maps to clarify the evolution of the existing building, and the rationale for the application proposals. This Report supplements this with a written account of the historical background and context of the site, and the application of national and local policies. This provides the level of detail envisaged in para.4.18, and, in effect, provides the design brief out of which the proposals have evolved, with '*special regard for such matters as scale, height, form, massing, respect for the traditional pattern of frontages, vertical or horizontal emphasis and detailed design*'.

- 4.8 Para. 4.19 advises that the Courts have confirmed that

Planning decisions in respect of development proposed to be carried out in a conservation area must give a high priority to the objective of preserving or enhancing the character or appearance of the area. If any proposed development would conflict with that objective, there will be a strong presumption against the grant of planning permission, though in exceptional cases the presumption may be overridden in favour of development which is desirable on the ground of some other public interest.

I consider that this exceptional justification should not be required for the demolition involved, but should the Council maintain that the intrinsic value of the existing building remains so positive that the limited demolition and the adaptation would have harmful impact, the quality of the replacement should be held to justify granting planning permission, and conservation area consent.

- 4.9 Para. 4.20 advises on the precise interpretation of ‘preserve or enhance’.

As to the precise interpretation of “preserve and enhance”, the Courts have held (South Lakeland District Council v. Secretary of State for the Environment [1992] 2 WLR 204) that there is no requirement in the legislation that conservation areas should be protected from all development which does not enhance or positively preserve. Whilst the character and appearance of conservation areas should always be given full weight in planning decisions, the objective of preservation can be achieved either by development which makes a positive contribution to the area’s character or appearance, or by development which leaves character and appearance unharmed.

This is an important point, as the Camden Development Plan, which will be cited below, states that it will only grant consent for demolition of an unlisted conservation area building where it can be shown that the building detracts from the character of the area. This goes beyond what is required under 4.17, with its reference to ‘*buildings that make no positive contribution to or indeed detract from, the character or appearance of the conservation area*’. This sentence by definition includes neutral buildings. I consider that the Council’s evaluation of the existing building fails to take account of the erosion of its character and appearance, which marginalises its contribution. Moreover, the proposed development will make a positive contribution to its context.

- 4.10 Paras. 4.25-29 address the issue of conservation area control over demolition. Para. 4.26 advises that the obligation to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area should be the prime determinant when assessing an application for conservation area consent to demolish an unlisted building in a conservation area. The part played by the building in the area and the impact of demolition on the surroundings are important factors. Para. 4.27 states that

The general presumption should be in favour of retaining buildings which make a positive contribution to the character or appearance of the area.

I believe that this behoves the Council to make a more considered assessment of the contribution of the building concerned, rather than to cleave to the undifferentiated schedule contained in the *Character Appraisal*.

- 4.11 Para. 4.27 also states that there is an expectation by the Secretary of State that proposals to demolish such buildings should be assessed against the same broad criteria as proposals to demolish listed buildings (as stated in paras. 3.16-3.19 of PPG 15). Nor should consent be granted ‘*unless there are acceptable and detailed plans for any redevelopment*’. While para. 6.16 of PPG 15 has been superseded, which provided a useful distinction between national and local interest, the general hierarchical approach, stated in para. 3.17 of PPG15, that the higher the grade, the stronger the justification required, must also be applicable to a non-listed building, which does not enjoy the full protection of statutory listing. I consider that this must be reflected by appropriate proportionality in the application of the tests, when they are considered to be applicable.
- 4.12 I have concluded that the variable quality, impact of alterations and poor design of extensions has lessened the positive contribution of No. 11 Netherhall Gardens to a marginal degree. Consequently, the emphasis on evaluating the proposed alterations (which involve demolition and remodelling) must be on the quality of the design approach, which is based upon retention and enhancement of the remaining worthwhile qualities of the building. I consider that the buildings along Netherhall Gardens show a wide range of intrinsic merits, degree of survival of original features, and appropriateness of subsequent alteration or extension. This does not justify a blanket assessment that all contribute equally positively to the Conservation Area. I consider that No. 11 is among the poorest for reasons given above. Consequently, assessment by the Council should be weighted towards the provisions of Para 4.17. This view was endorsed by the Inspector, when determining a comparable Appeal in Camden – see below.
- 4.13 With reference to PPG 15, para. 3.19 tests contain the following (summarised) components:
- (i) *The condition of the building(s), the cost of repairing and maintaining it in relation to its importance and to the value derived from its long term use.*
 - a) The condition of the building has given cause for concern over the past few years. As the history of the building states, No. 11 Netherhall Gardens is partly built over the Belsize New Railway Tunnel, the position of which is shown on the survey site plan. Furthermore, the subsoil is highly plastic London clay, susceptible to seasonal movement, which has affected the stability of the building. The original foundations of comparatively shallow brick offsets, a traditional detail of the late 19th century have been supplemented by limited underpinning at the rear of the property, but movement and cracking have continued. Furthermore

there is also cracking of the internal partitions and excessive deflection of internal floors.

- b) Remedial measures require more comprehensive underpinning, and alternative forms have been investigated. This will need careful design and approval from the railway authority, Network Rail, who confirmed that any piling would be within the zone of influence of the tunnel. It is proposed to form a structure box to underpin the building, which will also form a basement, and the foundation for the rear extensions. The retained perimeter walls would be underpinned by a specially designed trench foundation.
- c) The render appears to have a high cement content. It is not known when the render was applied but it has proved susceptible to cracking over many years. The cracking has permitted water ingress has penetrated the brickwork beneath, which has hastened the deterioration through frost damage. At the rear of the building the render is falling away in places, revealing the ravaged brickwork. It will be necessary to remove the whole of the render, but it will not be feasible to repair the brickwork to a state where it could remain exposed.
- d) Burke Hunter Adams have prepared a costed schedule of repairs based upon a visual inspection of the property, the survey plans, the outline feasibility Report of the Watts Group, and a comprehensive external and internal photographic survey. This Schedule is based upon refurbishment of the building in its present form, with the existing flats. The total cost estimate is as follows:

	£	p	£/m2	£./sq.ft
Gross Building cost	1,574,300.00		1,968	182.82
Project Contingency	110,200.00			
	<hr/>			
Total Building Works	1,684,500.00			
	<hr/>			
Professional and Statutory Fees @ 17.5%	295,000.00			
	<hr/>			
	1,979,500.00			
Value Added Tax @ 17.5%	346,500.00			
	<hr/>			
Total Project Cost	2,326,000.00			
	<hr/>			

Please see the Burke Adams Report for itemised costing of the principal elements.

- e) It is considered that a repair programme of this magnitude is not viable in terms of the poor arrangement of flats, which are little changed from the 1949/50 conversion. Their layout would result in a depressed resale value which would not adequately cover the cost. Nor would the flats aspire to the high value and status of Netherhall Gardens as residential area. The enhanced value of the building derived from its continued use cannot be recouped without the proposed extensions, which will enhance the problematic rear of the building, and the front elevation adding value to its presence in the conservation area street picture. Please also refer to the valuation report.
- f) PPG 15 was written in 1995, and a replacement is long overdue. The comments about listed buildings offering *proven technical performance, physical attractiveness and functional spaces* flies in the face of the concerns for energy conservation and efficient performance, reflected in the constant uprating of Building Regulation requirements since this PPG was issued. Were the building statutory listed (as opposed to an unlisted building in a conservation area) then there would be the possibility of a waiver from the strict compliance, as well as VAT relief on certain repair elements. But it is not listed; moreover any real character of the building was removed through the unthinking manner in which the conversion was carried out. It is technically obsolete, deteriorated and devalued through a long slow decline, which needs to be reversed through the proposals.

(ii) *The adequacy of efforts to retain the building in use.*

- a) The building has remained in use, but has now reached a state where it requires comprehensive refurbishment. It will remain in use following implementation of the proposals, with a far higher probability of sale of the completed apartments within the extended building than were the present arrangement to be perpetuated. Much of the advice in this section is not relevant to the present application, which seeks to retain the existing building on an enhanced basis, both in terms of physical form and viability, rather than to replace it with a new building.

(iii) *The merits of alternative proposals for the site.*

- a) The merits of the alternative proposals for the site are that they have retained rather than demolished the parts of the building that potentially make a positive contribution to the conservation area, and that the extensions have been carefully designed to enhance the building and its context within the conservation area. As I have demonstrated above, the design of the extensions has been drawn from the palette of forms and

materials existing in the area. This is amply confirmed by the montage of illustrations in the architects' Design and Access Statement.

- b) It should be appreciated, and accorded appropriate weight in the assessment process that the existing building is retained to a significant degree, particularly in the public realm. In that respect I consider that the proposals effectively meet '*the challenge presented by retaining listed buildings*', and this has been '*a stimulus to imaginative new design to accommodate them*'.

4.14 In addition to PPG 15, the regulation of demolition of listed buildings, also involves **DoE Circular 01/01** which clarifies the handling arrangements for heritage applications. In Greater London, reference to English Heritage is required for the following:

- (2) (vi) *for works for the alteration of any grade II (unstarred) listed building which comprise or include:*
 - (aa) *the demolition of a principal external wall of the principal buildings; or*
 - (bb) *the demolition of all or a substantial part of the interior of the principal building.*
- (3) (a) *a proposal to retain less than 50 per cent of the surface area of that part of a principal building represented on any elevation (ascertained by external measurement on a vertical plane, including the vertical plane, including the vertical plane of any roof) shall be treated as a proposal for the demolition of a principal external wall;*
- (b) *a proposal to demolish any principal internal element of the structure including any staircase, load-bearing wall, floor structure or roof structure shall be treated as a proposal for the demolition of a substantial part of the interior.*

4.15. If the procedures applying to demolition of statutory listed buildings, Grade II (unstarred) are followed by the letter, then the demolition, extension and reconstruction of the rear elevation, demolition and reconstruction of the roof, and internal demolition involved at No.11 Netherhall Gardens would bring the works within the ambit of Circular 01/01. There is little of significance in the interiors or plan form, which were scrambled during the conversion to flats in 1949-50. The prime purpose of the Circular appears to have been to clarify cases where external consultation is required, on a quantitative rather than a qualitative basis. Irrespective of whether English Heritage is involved, I consider that the concept of 'substantial' demolition requires a proportionate approach, given the nature of what is involved, which I have discussed in relation to PPG 15.

Camden LB Replacement UDP, as adopted June 2006

4.16 The Local Development Plan is the Replacement Unitary Development Plan (UDP), adopted June 2006. In accordance with the transitional arrangements introduced under the Planning and Compulsory Purchase Act 2005, UDPs will be replaced with Local Development Frameworks (LDFs). However, the policies in the UDP will retain their 'development plan' status in planning decisions for three years after adoption, while the Council brings forward new planning policies in the LDF format. In the London regional context, the Mayor of London is obliged to prepare a 'spatial development strategy for London', to provide the London-wide context for borough planning policies. Borough UDPs must be in general conformity with the London Plan. The UDP and the London Plan form the development plan for Camden.

4.17 The UDP contains a number of strategic Planning Aims, set out in para. 21 of the Introduction. Inter Alia, these include:

It is important to ensure that all development takes place in a way that minimises the impact on the environment, locally and globally, the UDP aims to protect Camden's natural environment, including open spaces and the variety of plant and animal species. It aims to reduce the use of resources, promote efficient use of energy and reduce waste. It also seeks to improve our surroundings through good design in new development, and by conserving what is best about the Borough's built environment, both in individual buildings and across wider areas.

These matters are dealt with in the Architects' *Design and Access Statement*.

4.18 The spatial strategy is outline in paras. 22-25. The UDP recognises the need to protect environment and amenity, through, inter alia:

- *Recognising and protecting the character of the Borough's special areas such as conservation areas; ...*

These matters are dealt with in the Architects' *Design and Access Statement*. In particular, reference should be made to the photographic survey of the road, the Design Vocabulary illustrations in Sections 4.1 and 4.2, and Section 4.3 on Trees and Landscaping, all of which affirm that the *genius loci* has been placed at the heart of the design process. See also my comments in Sections 2 and 3 above.

4.19 The strategic policy for Sustainable Development (Section 1) undertakes that, inter alia:

S2 The Council will seek to ensure that development promotes a high quality of life for all members of the community, contributes to sustainable land use patterns and does not harm local amenity.

Under Built Environment (Section 3)

S7 The Council will seek to protect and enhance the Borough's historic environment and ensure that all development is designed to the highest standard and enhances its surroundings.

4.20 Section 3 – Built Environment contains the policies relevant to the built environment and carers issues of Design, Conservation Areas, Archaeology and Reviews. In para. 3.2, the aims of the built environment policies are stated as to:

- *Enhance and protect our built environment and encourage sensitive change; and*
- *Promote the highest possible standards of design in the Borough.*

4.21 Under Design, it is stated under para. 3.4 that ‘Camden is committed to design excellence’. Under para. 3.5 ‘the Council wants Camden’s buildings, spaces and places to be of the highest quality and seeks to conserve and protect positive assets and to encourage the highest quality in new development’. Policy B1 states

B1 - General Principles

The Council will grant planning permission for development that is designed to a high standard. Development should:

- a) respect its site and setting*
- b) be safe and accessible to all*
- c) improve the spaces around and between buildings, particularly public areas*
- d) be sustainable by promoting energy, efficiency and efficient use of resources*
- e) be easily adaptable to changing economic and social requirements*
- f) provide appropriate high quality landscaping and boundary treatments and*
- g) seek to improved the attractiveness of an area and not harm it appearance or amenity.*

In assessing how the design of a development has taken these principles into account, the Council will consider:

- h) building lines and plot sizes in the surrounding area*
- i) the existing pattern of routes and spaces*
- j) the height, bulk and scale of neighbouring buildings*
- k) existing natural features, such as topography and trees*
- l) the design of neighbouring buildings*
- m) the quality and appropriateness of detailing and materials used*
- n) the provision of visually interesting frontages at street level; and*
- o) the impact on views and skylines.*

Applicants should submit a ‘design statement’ with proposals for large-scale developments and for sites in B3 or sensitive locations.

The Architects' *Design and Access Statement* is a comprehensive fulfilment of these precepts. It fully justifies the design approach, which will result in enhancement of the character and appearance of the building and the conservation area context.

4.22 In the narrative on Design the following appear to be germane:

- 3.12 *The height, scale, massing, proportions and bulk of development should be informed by, and respect, the local and adjoining buildings. Where possible, buildings should be oriented or designed to make best use of the energy of the sun ('solar gain'), as set out in Policy SD9C in section 1 – Sustainable Development. Existing developments of a size that cause harm to their environment should not be used as a precedent for new proposals. Buildings that are significantly higher than their surroundings will require specific justification.*
- 3.13 *Architectural detailing should be carefully integrated into a building. The quality and sustainability of materials including their texture, colour and durability will be carefully considered. Further information on the use of sustainable materials is included in Policy SD9 – Resources and Energy. Where planning permission is granted, the Council will seek to ensure that architectural quality is maintained throughout the implementation of a project and, in particular, that inferior detailing or materials are not substituted at a later date. Where appropriate, this will be done through the use of planning conditions.*
- 3.16 *Landscaping, such as planning and paving, and boundary features, such as walls and fences, should be provided to a high standard. Landscaping should form an integral part of the layout of a development and therefore be considered at the earliest stages in the design process. Designs should respond to the natural assets of a site and its surroundings, such as slopes and height differences, trees and other vegetation. There is a general need for more greenery, and to enhance wildlife habitats in our urban environment, particularly in densely built-up parts of the Borough. Reference should be made to Policy N5 – Biodiversity, in the Natural Environment section, on methods of enhancing the natural environment by incorporating greenery and providing habitats for wildlife. Consideration should be given to the use of sustainable drainage techniques, such as permeable paving in landscaping proposals, as set out in policy SD9B. Supplementary guidance provides more details on landscaping.*

The Architects' *Design and Access Statement* is a comprehensive fulfilment of these precepts.

4.23 Policy B7 deals with Conservation Areas

B7 – Conservation Areas

A – Character and appearance

The Council will only grant consent for development in a conservation area that preserves or enhances the special character or appearance of the area. The Council will not grant planning permission for development outside a conservation area that it considers would cause harm to the conservation area's character, appearance or setting.

B – Demolition of unlisted buildings

The Council will not grant conservation area consent for the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area, unless exceptional circumstances are shown that outweigh the case for retention.

4.24 The following paragraphs from the narrative appear to be germane:

- 3.69 *Applicants will be expected to provide sufficient information about a proposed development and its immediate setting, in the form of a design statement (see policy 81), to enable the Council to assess potential harm on the character or appearance of the conservation area. Conservation Area Statements contain more detail in the form of an assessment of the character and appearance of the conservation area. They also contain information on shopfronts of historic or architectural interest.*
- 3.70 *The Council has a general presumption in favour of retaining buildings that makes a positive contribution to the character or appearance of a conservation area. When a building is considered to make little or no contribution to the character or appearance of a conservation area, the Council will assess the contribution made by any replacement building. The replacement building should enhance the conservation area to an appreciably greater extent than the existing building.*
- 3.71 *When considering applications for demolition, the Council will have to be satisfied that effective measures will be taken during demolition and building works to ensure structural stability. Before conservation area consent for demolition is granted, the Council must be satisfied that there are acceptable detailed plans for the redevelopment. Supplementary guidance provides further information on the demolition of unlisted buildings in conservation areas.*
- 3.72 *Many unlisted buildings make a positive contribution to the character and appearance of a conservation area and their retention is important to the preservation of that character and appearance. When determining proposals for total or substantial demolition in a conservation area, the Council will take account of the group value, context and setting of buildings, as well as their quality as individual structures and any*

contribution to the setting of a listed building. Applications must clearly show which buildings or parts of buildings are to be demolished.

3.73 Applicants will be required to justify the demolition of a building that makes a positive contribution to a conservation area, and have regard to paragraph 3.19 of Planning Policy Guidance 15: Planning and the Historic Environment and the English Heritage publication 'Conservation Area Practice' (1995). The Council's conservation area statements identify buildings that make a positive contribution to the special character and appearance of the areas, using the criteria set out in the English Heritage leaflet 'Conservation Area Appraisals' (1997).

4.25 The Camden policies are closely based upon the conservation area imperatives of s.72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the advice of PPG 15. With reference to B7A, I consider that I have demonstrated that the proposals will not only preserve or enhance the conservation area in terms of the current interpretation of neutral, ie. avoiding harmful impact, but will add value and positive gain. Under B7B, I consider that I have provided the justification for the demolition proposed. Under the narrative para. 3.70. reference to demolition of a building which makes little or no positive contribution to the character of the area bringing the requirement to enhance the conservation area to an appreciably greater extent than the existing building, goes beyond the current advice on conservation area impact under para. 4.20 of PPG 15. I do, however, consider that the proposals meet the requirements of the Council, and that the redevelopment constitutes acceptable detailed plans for redevelopment. Under 3.72, I have addressed the concern about 'substantial' demolition above, with reference to DoE Circular 01/01, and under para. 3.73, I have had appropriate regard to para. 3.19 of PPG 15, and the English Heritage guidance in *Conservation Area Appraisals*. (see below)

4.26 Consequently, I have concluded that the proposals meet all policy requirements in context of the historic built environment, and merit approval.

Guidance on Conservation Area Appraisals

- 4.27 Advice on the evaluation of unlisted buildings in conservation Area is now given in Appendix 2 of *Guidance on Conservation Area Appraisals* (English Heritage 2005: hard copy 2006). The text is identical to that originally included in *Conservation Area Practice*, published in October 1995. I have substituted numbered criteria for bullet points for ease of reference.

- i) *Is the building the work of a particular architect of regional or local note?*

No architect has been identified as designer of the original house built 1887-8; the builders were H&E Kelly of Fitzjohns Avenue. The extension of 1897/1908 was designed by S. Clifford or S.Clifford Tee, Architect and Surveyor. No information about this architect, or other work, has been traced.

- ii) *Has it the qualities of age, style, materials or any other characteristics which reflect those of at least a substantial number of the buildings in the conservation area?*

It reflects a somewhat cautious and mundane style compared with others in Netherhall Gardens; its materials were characteristic, but its appearance has been fundamentally altered by the rendering over of the original brickwork.

- iii) *Does it relate by age, materials or in any other historically significant way to adjacent listed buildings, and contribute positively to their setting?*

It relates in general terms of age to the two listed buildings in Netherhall Gardens – No. 6 (1882, Battersby and Huxley) and No. 50 (1878, Richard Norman Shaw) both of which are more individual and progressive designs. No. 11 falls into the setting of neither.

- iv) *Does it individually, or as part of a group, serve as a reminder of the gradual development of the settlement in which it stands, or of an earlier phase of growth?*

The building, both individually and in context reflects the late 19th century development within which it stands.

- v) *Does it have significant historic association with established features such as the road layout, burgage plots, a town park, or a landscape feature?*

It is associated with the layout and development laid out by the Maryon Wilson family during the 1870s. This included Fitzjohn's Avenue, Priory Road, Netherhall Gardens and Nutley Grove. The layout of this estate is characteristic of later 19th century high quality residential development, but

lacks the individuality of such landmark developments as Bedford Park, Chiswick, or the later Redington Road/Frognaal area.

- vi) *Does the building have landmark quality, or contribute to the quality of recognisable spaces, including exteriors or open spaces with a complex of public buildings?*

The building has landmark quality on the negative sense, as it stands out due to the incongruous white painted render covering its visually more reticent stark red brickwork.

- vii) *Does it reflect the traditional functional character or, or former uses within, the area?*

It reflects the traditional functional character of a substantial late 19th century house, and also, through the poorly designed alterations and extensions, that of an outmoded conversion to flats.

- viii) *Has it significant historic associations with local people or past events?*

The only known historic association is with the original freeholder, Sir Spencer Maryon Wilson.

- ix) *Does its use contribute to the character or appearance of the conservation area?*

Its residential use is congruent with the predominant use in this part of the conservation area, but its contribution in this respect is marginal due to the devalued state of the building.

- x) *If a structure associated with a designed landscape within the conservation area, such as significant wall, terracing or a minor garden building, is it of identifiable importance to the historic design?*

The building has no association with a designed landscaping scheme other than the tree planting with its frontage.

In English Heritage's view, any one of these characteristics could provide the basis for considering that a building makes a positive contribution to the special interest of a conservation area, provided its historic form and values have not been seriously eroded.

- 4.28 If the checklist/questions are to be more than a tick-box exercise, then the response must be more than a simplistic 'yes/no'. I believe that the response is generally positive overall, as would be expected for an original but unexceptional house along Netherhall Gardens. However as the rider to the English Heritage checklist indicates, account must

be taken of the impact of ‘unsympathetic alteration’. The impact of the rendering is so pervasive (and irreversible) that the building must be considered to be devalued to the point where its contribution to the character and appearance is marginal.

- 4.29 It will be noted in the narrative about unlisted buildings which make a positive contribution to the character or appearance of the conservation area that the Council does not reveal any methodology by which it chooses such buildings, nor does it concede that there might be variation in quality of such buildings. Above, I have critically analysed the building against the English Heritage checklist, from which I concluded that 11 Netherhall Gardens makes no more than a marginal contribution to the area. Camden’s blanket approach to selection of ‘positive’ buildings is unsatisfactory. My opinion is substantiated by the Inspector’s Report, when determining an Appeal Inquiry held in 2008, concerning Nos. 18-20 Lancaster Grove, NW3 4PB, located in Camden. (Appeal Refs: APP/X5210/A/07/2048015 and 2048016 (Copy Appended) One of the main issues concerned whether the existing dwellings on site made a positive contribution to the Belsize Conservation Area, as the Council had maintained, and had resisted their demolition, requiring a full PPG 15 justification of the demolition, and invoking Policy B7(B) of the UDP.
- 4.30 The building concerned had been built as stables and garaging to a large dwelling at the rear. The link had been severed in 1948, when a conversion into two independent dwellings was made, involving numerous alterations at the time, and subsequent alterations, although it appeared that no further alterations had occurred since the building had been selected for the schedule of ‘positives’ in the Conservation Area Appraisal (Report paras 10, 11 and 8). The Inspector found that *‘a much more thorough examination of the history and quality of the dwellings has been undertaken by the parties, than would have been likely than when a substantial number of buildings was surveyed for the purpose of the BACS’* (Para 8). *‘... these characteristics and the general aesthetic quality of the dwellings have been significantly diluted by the numerous unsympathetic alterations’* (Para 13). The Inspector concluded, *‘For the foregoing reasons, I have concluded on this point that the dwellings make no more than a little contribution to the Conservation Area. Accordingly, the proposal falls to be considered in the light of the proposed dwelling and its suitability for this particular site ...’* (Para 15). This would be in accord with para 4.17 of PPG 15.
- 4.31 While the scale and location of the buildings are different, I consider that the Inspector made a key point: that the actual intrinsic characteristics, including the impact of alterations had specifically to be weighed when applying para 4.27 of PPG 15.
- 4.32 Notwithstanding the Inspector’s comments in respect of the above appeal, Camden have insisted on a full justification of the proposals under paras. 3.16-3.19 of PPG 15. Many of the defects of the building are self-evident, as is the general basic standard of the accommodation currently provided. However, the applicant has commissioned the appropriate consultants’ reports, which provide a detailed and convincing narrative as to why the proposed works are both desirable and necessary, if the building is to be renewed with a long-term viable future. The overall justification for the proposals is summarised

in the architect's Design and Access Statement, and in this Conservation Area Appraisal and PPG 15 Analysis of the Proposals. Further reference should be made to:

- 1) Report from Andrew Firebrace Partnership dated 29 Aug 2001 (structural)
- 2) Letter from Andrew Firebrace dated 7 Jan 2004
- 3) Letter from Network Rail dated 14 Mar 2008
- 4) Reinstatement report from Watts dated 1 Aug 2008 including
- 5) Letter from Jim Leathwaite (SE) of Watts of same date and ground investigation report.
- 6) Arboricultural Constraints Report by Landmark Trees
- 7) Feasibility Budget by Burke Hunter Adams.

5.0 SUMMARY AND CONCLUSIONS

- 5.1 In the foregoing Report I have set out my qualifications and experience relevant to this proposed development.
- 5.2 Having analysed the historical background to the proposal I have noted that No. 11 Netherhall Gardens was built c.1887/8 on the west side of the road, as part of the Fitzjohns/Netherhall Estate, laid out by the Maryon Wilson family, Lords of the Manor, from 1875. This was a high status residential development, characteristic of late 19th century practice, with individual imposing houses of eclectic architecture, with generous gardens and tree planting, along the road, and on individual plots.
- 5.3 The original house was close to the Belsize New Tunnel, which runs beneath the north side of the plot, and over which a substantial extension was built in c.1897/1908.
- 5.4 The house was originally faced with dark red brick, typical of the development, and had a prominent roof, projecting bay windows, with ornamentation of moulded brick and terracotta. The later extension did not replicate the design of the original house. Further alterations arose as a result of a conversion to flats in 1949/50, including, ill-proportioned dormer windows, a crude boiler flue, and most damaging, cement rendering over the facing brickwork.
- 5.5 Notwithstanding the devaluation of the building, Camden Council included it on a list of buildings, which they considered made a positive contribution to the character or appearance of the Fitzjohns/Netherhall Conservation Area. They did not differentiate the quality, either of the original design or of the impact of later alterations, but stated a general presumption in favour of retaining all such buildings.
- 5.6 In section 2 of my Report I have included a detailed appraisal of the building and its significance, and have concluded that in its existing state it makes no more than a marginal contribution to the conservation area. I have substantiated this conclusion against the checklist for unlisted conservation area buildings contained in the English Heritage publication *Guidance on Conservation Area Appraisals*.
- 5.7 The building also suffers from structural problems, caused by the plastic clay subsoil upon which it is built, resulting in cracking, both internally and externally, and deflection of floors due to inappropriately robust supports to internal walls inserted during the conversion to flats. The cost of repairs to the building has been assessed at £2.30 million.
- 5.8 The applicants consider that this cost cannot be justified unless there can be significant reworking of the building, with appropriate extension, to raise the quality of accommodation with the flats to a level that accords with a building in this favourable location.
- 5.9 The proposed development seeks to retain the three major external walls, including the visually prominent front wall, and to redevelop with demolition of the rear wall, and

extension into the garden. The falling levels of the plot enable a basement, with parking, and with habitable rooms overlooking the garden, to be incorporated, with extensions above, based upon the architects' analysis of the varied forms and palette of materials characteristic of the area. An upper loft is proposed above the rebuilt attic storey within the roof. Great care has been taken to integrate the extensions with the existing building, and to enhance its character with sympathetic design. In my impact analysis in Section 3, I have concluded that the impact of the proposals on the building and its setting would be benign.

- 5.10 The statutory obligation is contained in the Planning (Listed Buildings and Conservation Areas) Act 1990:

s.72 (1) of the Act requires that

In the exercise, with respect to any buildings or other land in a conservation area, of any [planning functions] special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area.

- 5.11 PPG 15 provides comprehensive advice on the controls for the protection of historic buildings and conservation areas, elaborating the obligations contained in the primary legislation quoted above. The role of planning is defined as an important instrument for protecting, preserving and enhancing the historic built environment in town and country, with the objective of reconciling the need for economic growth with the need to protect the natural and historic environment (para. 1.2)
- 5.12 I have assessed the proposals against the detailed advice contained in PPG 15, particularly Section 4. I consider that the key test of ensuring that the proposed development should not have harmful impact is fully met, and that the opportunity for enhancement, involving regeneration of buildings that make a marginal contribution to the conservation area should give due weight to para. 4.17, which commends 'replacement [as] a stimulus to imaginative and high quality design, and seen as an opportunity to enhance the area. The proposal in fact retains what is potentially most distinctive, while removing the insensitive extensions, and reintegrating the rear of the building within a well-considered extension.
- 5.13 Due to the amount of demolition involved (which I have assessed against DoE Circular 01/01) Camden has invoked para. 4.27 which states the expectation of the demolition being assessed against the same broad criteria as for listed buildings, as in paras. 3.16-3.19 of PPG 15. The above Report contains my detailed assessment, which incorporates structural information and repair costs from the specialist consultants' Reports. I have concluded that the proposed development meets the criteria, and that due weight should also be accorded to the significant merits of the proposals for the site under 3.19 (iii)
- 5.14 I have also tested the proposals under the relevant policies in the Camden LB Replacement UDP, as adopted June 2006. I consider that the proposals meet the policy and related criteria of B1-General Principles and B7-Conservation Area A – Character and Appearance and B-Demolition of Unlisted Buildings.

- 5.15 The Camden policies are closely based upon the conservation area imperatives of s.72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the advice of PPG 15. With reference to B7A, I consider that I have demonstrated that the proposals will not only preserve or enhance the conservation area in terms of the current interpretation of neutral, ie. avoiding harmful impact, but will add value and positive gain. Under B7B, I consider that I have provided the justification for the demolition proposed. Under the narrative para. 3.70. reference to demolition of a building which makes little or no positive contribution to the character of the area bringing the requirement to enhance the conservation area to an appreciably greater extent than the existing building, goes beyond the current advice on conservation area impact under para. 4.20 of PPG 15. I do, however, consider that the proposals meet the requirements of the Council, and that the redevelopment constitutes acceptable detailed plans for redevelopment. Under 3.72, I have addressed the concern about ‘substantial’ demolition above, with reference to DoE Circular 01/01, and under para. 3.73, I have had appropriate regard to para. 3.19 of PPG 15, and the English Heritage guidance in *Conservation Area Appraisals*. (see below)
- 5.16 Consequently, I have concluded that the proposals meet all policy requirements in context of the historic built environment, and merit approval.