

**Mr P Richards**

**11 Hampstead Hill Gardens  
London NW3**

**Planning and Heritage  
Assessment**

**P2: Basement**

**December 2009**

## **CONTENTS**

<b><u>Section</u></b>	<b><u>Page No.</u></b>
1.0 Introduction	1
2.0 Designations	2
3.0 Statement of Significance	3
4.0 Statutory Provision and Planning Policy Context	5
5.0 Planning History	12
6.0 Scheme Assessment	13
7.0 Conclusions	15

## **APPENDICES**

1.0 Location Plan
2.0 List Description
3.0 Planning History
4.0 Officer Report (Application Refs: 2008/4720/P & 2008/4785/L)
5.0 Plan of Lower Ground Floor (as existing and consented)
6.0 Submitted Plan for Conservatory (as proposed)

## 1.0 INTRODUCTION

- 1.1 Montagu Evans LLP have been appointed by Mr Paul Richards to provide town planning and heritage advice on the proposed works to 11 Hampstead Hill Gardens. A location plan identifying the site is included in **Appendix 1**.
- 1.2 This proposal considered in this report is for the construction of a basement at the property.
- 1.3 Section 2 of this report identifies the designations that are relevant to the site. This section also provides an overview of the special interest of the identified designations, including reference to English Heritage Conservation Principles.
- 1.4 Section 3 sets out the planning policy context, identifying national, regional and local planning policy applicable to the site.
- 1.5 Section 4 sets out the planning history of the site. Section 5 carries out an assessment of the proposed development in line with the policy context identified in section 3.
- 1.6 This assessment is concluded at section 6.

## 2.0 DESIGNATIONS

- 2.1 The following section sets out the heritage designations applicable to the site. We also provide a commentary on the significance of the designations.

### Listed buildings

- 2.2 11 Hampstead Hill Gardens is a Grade II listed building. It was listed in 1974. The list description for the property is included in **Appendix 2**.
- 2.3 The property dates from 1881 and was designed by Batterbury and Huxley who also designed the numbers 1 to 5 and number 7 Hampstead Hill Gardens. These are also Grade II listed. The buildings are handsome individual buildings, but were clearly listed for their group value.
- 2.4 The property is detached and has been described as a 'studio house' and reflects the artist's community that previously lived in Hampstead Hill Gardens. The property is red brick with a plain band at 1<sup>st</sup> floor level. The roof is hipped and tiled with a tall slab chimney stack, gabled dormers and coved eaves cornice.
- 2.5 The building has an irregular front of 3 windows with a bay window to the left and the entrance set off centre.
- 2.6 The low brick wall with cast iron railings to the street has stone capped gate piers and cast iron gate which the list description notes is of interest.

### Conservation Area

- 2.7 The site is within the Hampstead Conservation Area and makes a positive contribution to its character or appearance. The Council have adopted a Conservation Area Appraisal for the area and this is a material consideration for the determination of planning applications.
- 2.8 The appraisal identifies a series of sub-areas within the Conservation Area. Hampstead Hill Gardens is within sub-area 3 (Willoughby Road/Downshire Hill). Within the description of the sub-area, the document identifies Hampstead Hill Gardens as a specific character area; the road has an elegant curving alignment which combined with the change in level, gives it a distinctive character.
- 2.9 The Conservation Area Appraisal identifies Hampstead Hill Gardens as being part of an area with larger detached and semi detached houses. Development along this road began in the 1870's with stucco faced semi-detached villas which are three storeys with basements, a dentil cornice and parapet at roof level. Development carried through to the 1880s with grander detached and substantial red brick houses. The Conservation Area Appraisal does not specifically mention 11 Hampstead Hill Gardens or any of its neighbours with which it forms a group in any detail.

### 3.0 STATEMENT OF SIGNIFICANCE

- 3.1 In Conservation Principles (2008) English Heritage has identified 4 areas of value or significance that the historic environment may have. These are not discrete, self contained concepts but overlap and interact to some extent. These values have been adopted for the purpose of assessment as best practice. They are:

1. Evidential
2. Historical
  - a. Illustrative
  - b. Associations
3. Aesthetic
  - a. Design Value
4. Communal
  - a. Commemorative & Symbolic
  - b. Social

#### **Evidential Value**

- 3.2 This building, together with nos. 2- 5 (consecutive) and nos. 7-11 (odd), has some evidential value as a physical reminder of the area's Victorian development and represent evolving attitudes to suburban development in terms of architectural character (Queen Anne Revival) and layout. That being said they are not unusual building types nor is the layout and disposition of the development particularly innovative. It is not uncommon in Victorian middle-class suburbs.
- 3.3 Whilst the later alterations to the property could be regarded as physical evidence of its history and use they are manifestly of a lesser architectural and historic interest and as such we ascribe no significance to them.

#### **Historical Value**

- 3.4 The detached, late Victorian properties located on Hampstead Hill Gardens (of which the application site forms a part) illustrate the changes in attitude to middle class suburban lifestyle that emerged during the late Victorian period and reached their zenith in the Hampstead Garden Suburbs development.
- 3.5 The form of the building as a 'studio house' also provides illustrative evidence of the artistic associations to which middle-class householders in this part of London aspired.
- 3.6 The building has historical associations with its architects Batterbury (himself a local resident and member of the artistic community) and Huxley who were active in London and locally, but were not nationally known however. As a practice they designed many good examples of middle class Queen Anne Revival properties in north London suburbs.

### **Aesthetic Value**

- 3.7 The aesthetic qualities of the external audit are most significant and provide the reason for listing. The application property forms part of a group of substantial red brick Queen Anne Revival properties with large street trees and planting in front gardens creating a pleasant green framework for the houses. The buildings display a variety of architectural character within the loose classical framework of the Queen Anne Revival style with a sense of homogeneity derived from the use of a common materials palette, understated brick detailing and scale. The mature gardens to the rear are on a lower level than that of the street frontage.
- 3.8 The building, typical of those in the street, is a robust and asymmetrical composition typical of properties of this style and date. It utilises classically derived motifs and detailing in an informal and pleasing manner. The materials employed have a rich colour palette with some variety. The success of its architectural character does not rely on strict adherence to classical principles of proportion, detailing and decoration.
- 3.9 The aesthetic value of this building lies primarily with its street elevation and its role within a consistent streetscene. The rear elevation has a much lesser degree of aesthetic significance as it is less ornate and has been previously altered. It is plainer and clearly of secondary importance, and was not designed for display. The internal configuration and layout of the building is entirely standard for properties of this date and has been altered significantly and as such we do not ascribe significant value to the interior of the building beyond the fact that it is, in some respects, characteristically late-Victorian (as is the front).
- 3.10 The group is attractive as a varied and picturesque composition of varied elements. They are united in their materials, character and range of motifs, but the individual compositions of each primary elevation vary one to another. There is, thus, a very satisfying interaction of topography and building position, reinforced by their variety in design. As existing, and to anyone who takes the care to notice the affected area, the consented rooflight is an incongruous feature.

### **Communal Value**

- 3.10 The listed building has a degree of communal value due to its role within a coherent streetscene from which it derives, at least in part, its significance at least. The significance is of a local nature only and does not extend beyond the immediate Hampstead context.

#### **4.0 STATUTORY PROVISION AND PLANNING POLICY CONTEXT**

- 4.1 This section sets out the planning policy that is relevant to the site; this includes national, regional and local guidance.

##### **Statutory Provision**

##### **Planning (Listed Buildings & Conservation Areas) Act 1990**

##### **Listed Buildings**

- 4.2 Section 1 of the Act requires the Secretary of State to compile lists of buildings of special architectural or historic interest or approve, with or without modifications, such lists compiled by the Historic Buildings and Monuments Commission (more commonly known as English Heritage) or by other persons or bodies of persons.
- 4.3 Section 7 of the Act means that listed building consent is needed for works which affect the building's character as a building of special architectural or historic interest, and in determining an application an authority or the Secretary of State 'shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses' (section 16(2) of the Act). The proposed conservatory will preserve the special interest of the listed building.
- 4.4 Section 66(1) of the Act requires decision makers when deciding whether to grant planning permission for development which affects a listed building or its setting to have a special regard for the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The application proposals will have no adverse effect on the special interest of the listed building. The proposed conservatory is of an appropriate high quality design and is located on a roof slope that has been previously altered.

##### **Conservation Areas**

- 4.5 Section 72 of the P(LBCA) Act – the 'preserve or enhance' test – states that when exercising their planning functions Local Authorities are required to pay special attention to the desirability of preserving or enhancing the special character of the conservation area. The meaning of preservation in this context (as set out in PPG15) is taken to be the avoidance of harm. The application proposals will not have a significant visual presence within the Conservation Area and is an entirely appropriate element for this building. It will therefore preserve the character or appearance of the Hampstead Conservation Area.

### **Statutory Development Plan**

- 4.6 The Statutory Development Plan comprises the London Plan (consolidated with alterations since 2004) February 2008 and the London Borough of Camden's Unitary Development Plan (adopted June 2006).

### **London Plan**

- 4.7 Chapter 4 'the crosscutting policies' of the London Plan and in particular Part B 'designs on London' outlines the strategic planning policies relating to all matters related to the design of the built environment including townscape assessment and design considerations for new developments.

- 4.8 Policy 4B.1 'Design principles for a compact city' sets out the criteria that the Mayor will, and boroughs should, seek to ensure that developments should:

- maximise the potential of sites;
- create or enhance the public realm;
- provide or enhance a mix of uses;
- are accessible, usable and permeable for all users;
- are safe for occupants and passers-by;
- respect local context, character and communities;
- are practical and legible;
- are attractive to look at and, where appropriate, inspire, excite and delight;
- respect the natural environment;
- respect London's built heritage.

- 4.9 In support of the above, paragraphs 4.41 goes on to state that

*"Good design is rooted in an understanding and appreciation of the local social, historical and physical context, including urban form and movement patterns and historical character. Development should show an understanding of, and respect for, existing character."*

- 4.10 The application proposals have been developed upon an understanding of the values and significance associated with the listed building. This is set out in more detail in Section 6.0 of this Statement.

- 4.11 Respect for local context and communities are encouraged in Policy 4B.7 which states that the Mayor and Boroughs should seek to ensure that new developments "preserve or enhance local social, physical, cultural, historical, environmental and economic characteristics". The current proposals have been developed in response to the local physical and historical characteristics of the area and as such are deemed to preserve them.



### **LB Camden UDP**

- 4.12 The development plan for the site includes the London Borough of Camden Unitary Development Plan which was adopted in June 2006. There are no policies directly concerned with basements, but we set out below general design policies.
- 4.13 General Design Principles are set out in policy B1. This gives a number of criteria that development will be considered against, including sustainability, robustness and landscaping. The current proposals are considered to be in compliance with the requirements of this policy for reasons set out in Section 6.0 below.
- 4.14 Policy B3 sets out the local authority's policies on alterations and extensions. The policy states that the Council will not grant permission for alterations and extensions that it considers cause harm to the architectural quality of the existing building or to the surrounding area. The policy gives a number of criteria that the Council will consider in determining applications. This application is considered to be in conformity with the requirements set out in Policy B3 of the UDP, again for reasons set out in Section 6.0 below.
- 4.15 Policies for listed buildings and conservation areas are set out in policy B6 and B7 respectively. These reflect guidance contained in PPG15 (see below).
- 4.16 Policy N8 of the UDP relates to the protection of trees in the Borough. The policy notes that the Council will not grant permission for developments that would result in the loss of or harm to the health of trees protected by TPO's or located within a Conservation Area. As demonstrated in the technical arboricultural report that accompanies this application the proposals will not harm the health of adjoining/nearby trees.

### **Material Planning Considerations**

#### **PPG15: Planning and the Historic Environment**

- 4.17 National guidance relating to the historic environment is contained in Planning Policy Guidance Note 15: Planning and the Historic Environment, 1994 (PPG15). Relevant paragraphs are summarised as follows.

- 4.18 PPG15 also sets out guidance on the considerations that should be taken into account when assessing proposed alterations and extensions to a listed building at paragraph 3.13:

*“Many listed buildings can sustain some degree of sensitive alteration or extension to accommodate continuing or new uses. Indeed, cumulative changes reflecting the history of use and ownership are themselves an aspect of the special interest of some buildings, and the merit of some new alterations or additions, especially where they are generated within a secure and committed long-term ownership, should not be discounted. Nevertheless, listed buildings do vary greatly in the extent to which they can accommodate change without loss of special interest. Some may be sensitive even to slight alterations; this is especially true of buildings with important interiors and fittings - not just great houses, but also, for example, chapels with historic fittings or industrial structures with surviving machinery...”*

- 4.19 In this instance the proposed development would not affect the special interest of the listed building. As set out earlier in this report, the special interest of the building is in its external appearance and its relationship to other buildings in the street. Internally, the building has been subject to significant change with the sub-division of the building into two independent flats. The Officers delegated report for a previous application (included in appendix 4) highlights the lack of interest internally. The Council has granted consent for the property to be returned to a single dwelling and part of its special interest recovered.
- 4.20 This general guidance on alterations and extensions is elaborated in Annex C of PPG15. This part of the guidance provides a summary of those elements and features which make up the special interest of the listed building, though it is acknowledged that this cannot be comprehensive and that the guidance is indicative. The basement excavation will not affect the special interest of the building as the works will be wholly internal and will not be visible from the exterior of the building.
- 4.21 Paragraph 3.4 highlights that applicant's for listed building consent should be able to justify their proposals. Applicants should, according to the paragraph, 'be able to show why works which would affect the character of a listed building' are 'desirable or necessary'. The basement is to provide additional accommodation for family living. This is an entirely reasonable change to seek to make because it improves the way the house can be used in line with current aspirations and lifestyles.
- 4.22 The issues that are generally relevant to the consideration of all listed building consent applications are set out in paragraph 3.5 and are as follows:
- (i) the importance of the building, its intrinsic architectural and historic interest and rarity, on both national and local terms;
  - ii) the particular physical features of the building;
  - iii) the building's setting and its contribution to the local scene;
  - iv) the extent to which the proposed works would bring substantial benefits

for the community (here not applicable).

- 4.23 We have set out in section 3.0 of this report our assessment of the building's significance and values. We consider that by virtue of the conservatory's design, siting and modest size/scale it will not result in the loss of any significant historic fabric or features of note, nor would it undermine the aesthetic value, which is the principal justification for the listing. There will be no change to the building's significant setting, or its contribution to the local scene.
- 4.24 Paragraph 3.12 states that in judging the effect of any alteration or extension, it is necessary to have assessed the elements that make up the special interest of the building in question. Paragraph 3.15 highlights that it is possible to balance proposals for alteration or extension with the special interest of the listed building. The proposals achieve this objective: the house' usability and attractiveness will be significantly increased without any loss of special interest. The special interest of the building – the exterior appearance – will not be affected by this proposal.
- 4.25 With regard to Conservation Areas, paragraph 4.2 notes that the experience of historic areas depends upon much more than the quality of individual buildings and rather on the historic layout of property boundaries and thoroughfares; in a particular "mix" of uses; on characteristic materials; on appropriate scaling and detailing of contemporary buildings; on the quality of street furniture and hard and soft surface, on vista along streets and between buildings; and on the extent to which traffic intrudes and limits pedestrian use of spaces between buildings. In addition, the guidance recognises that conservation policy should address the quality of townscape in its broadest sense as well as protection of individual buildings.
- 4.26 Paragraph 4.26 reinforces Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, where this expects special attention to be paid by local authorities to the desirability of preserving or enhancing the character or appearance of the conservation area. Guidance is provided on the interpretation of 'preserve or enhance' in light of case law. It is considered that preservation can be achieved by development which makes a positive contribution to the character or appearance of an area, or by development which leaves the character or appearance unharmed. The proposed conservatory would not be visible from the street. It would not harm the architectural quality of the property or occupy an overly dominant proportion of the garden. As such it is considered to preserve the character or appearance of the Conservation Area. There is no significant effect on the Conservation Area as the basement will not be perceptible from the street level.

#### **Other Material Planning Considerations**

**Consultation Draft Planning Policy Statement 15: Planning for the Historic Environment (July 2009)**

- 4.27 The Government published the draft PPS15 – Planning for the Historic Environment in July 2009 which will replace PPG15 and PPG16 (Archaeology). The PPS is supported by guidance produced by English Heritage as a ‘living draft’.
- 4.28 The draft PPS acknowledges that, if proposals cause harm to heritage assets, it is right to set that harm against other benefits of the scheme, notably of place making and sustainability.
- 4.29 The draft PPS advises that statements of significance should be the starting point for approaching alterations to listed buildings and there should not be a presumption that there should be no or little change.
- 4.30 Following the close of the consultation period the Government has announced that they will be reviewing the draft PPS and potentially substantially amending it in light of feedback received. Whilst we have had regard to the guidance contained within this document we have not attached significant weight to it.

#### **Camden Planning Guidance (Adopted December 2006)**

- 4.31 To provide advice on the implementation of development plan policies, the Council have adopted Planning Guidance. This was adopted in December 2006 and is a material consideration in the determination of applications.
- 4.32 We have had regard to this document in preparing this statement.

#### **Hampstead Hill Gardens Conservation Area Statement**

- 4.33 The Council have produced and adopted a Conservation Area Statement for the Hampstead Conservation Area. This has been discussed in section 2.
- 4.34 The Conservation Area Appraisal includes a series of guidelines to guide development proposals.
- 4.35 Guideline H2 sets out guidelines for basements. This states that the creation of new front basement areas will generally be resisted for traffic and design reasons. The guideline states that basement excavation works will only be allowed where it can be demonstrated that it would involve no harm to the character of the building or its setting. The basement proposals are wholly contained within the footprint of the building – there will be no lightwells. The proposal will not have an effect on the Conservation Area and it will not cause any harm to the character of the building or its setting.
- 4.36 The current application proposals further conform to this guidance in every respect. This point is elaborated further in Section 6.0 of this report.

## 5.0 PLANING HISTORY

- 5.1 The following section sets out the planning history of the site.
- 5.2 A table showing all of the applications on the site is included in **Appendix 3**.
- 5.3 The planning history of the site largely relates to the pruning and lopping of trees.
- 5.4 Most recently, an application was approved in February 2009 for the conversion of the building from two flats into a single dwelling house. This involved internal and external alterations and reverted the building back to its use as a single dwelling house. The Officers report to this application is included at **Appendix 4**.
- 5.5 This application originally proposed a conservatory to the rear of the property. Following discussions with the local authority, we understand that this particular part of the development was removed from the application.
- 5.6 The Officers report noted that the interior of the building has been altered significantly with the loss of many of the original features.

## **6.0 SCHEME ASSESSMENT**

- 6.1 The following section sets out the assessment of the scheme against the values outlined in Section 3.0, taken together with the policy and guidance identified in Section 4.0.
- 6.2 As established earlier in this report the property has been subject to significant alteration through its sub-division into two separate flats, and the erection of a substantial extension to the back, side and rear of the property. The Council have already consented the return of the building to a single dwelling house; this includes the extensive remodelling of the property with the re-positioning of staircases.
- 6.3 As section 3.0 established, and as the planning history demonstrates, the special interest of the building is in the external appearance of the building and its group relationship to other listed buildings within the street. The aesthetic value of this building lies primarily with its street elevation and its role within a consistent streetscene.
- 6.4 The proposed basement will be wholly contained within the footprint of the building and will not be visible from the streetscene or any public or private viewing point. The Conservation Area Appraisals seeks to resist the creation of new front basement areas. However, this is aimed at where the basement will be visible from the street. This is not the case with this application; it will not be visible from street level and will be wholly contained within the footprint of the building.
- 6.5 The same Conservation Area Appraisal policy notes that basement extensions will only be acceptable where it would not involve harm to the character of the building or its setting. The basement, as it will be wholly contained within the footprint of the existing building, will not cause any harm to the character of the building or its setting.
- 6.6 The effect on the listed building is negligible. The building has already been significantly altered through its sub-division into two flats and the recent consent to revert the building into a single dwelling house. The basement will not be visible from the street and it will not affect the special interest of the building as set out in section 3.0 of this report.
- 6.7 The application is supported by a hydrogeological assessment which considers the effect of the basement on the groundwater flows within the area. The report concludes that the construction of a basement in this location will not have any detrimental effect on ground water flows within the area.
- 6.8 The effect on the Conservation Area would not be significant. The proposals would have no visual effect on views from any private or publically accessible areas by its location. The setting of the listed building will not be affected.

- 6.9 As established in Simon Jones arboricultural report there will be no harmful effect on nearby trees or on their long term health. On this basis we consider that the proposals will preserve an important element of the Conservation Area's landscaping and visual amenity more generally.
- 6.10 The basement would not give rise to any harmful effect on the residential amenity of nearby properties.

## **7.0 CONCLUSIONS**

- 7.1 The application property is an attractive Grade II listed, late Victorian detached house located within, and deemed to make a positive contribution to, the Hampstead Conservation Area.
- 7.2 The application proposes the excavation of a basement underneath the property. The basement will be wholly contained within the footprint of the building and will not be visible from any private or publically accessible viewing place. It is considered that the basement is a reasonable alteration in a less sensitive area, which provides the sort of accommodation which suits modern needs and expectations.
- 7.3 The listed building has been subject to significant intervention already with its sub-division into two flats. The Council has recently consented proposals to revert the building into one family dwelling. There will be minimal intervention in the internal fabric of the building.
- 7.4 Accordingly, the special interest of the listed buildings will be preserved (not harmed) by this proposal. As such section s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is satisfied.
- 7.5 The proposed development would enhance the character or appearance of the conservation area. Therefore the statutory requirement of s66(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 is satisfied.
- 7.6 The proposed development will not have a harmful effect on the health of nearby trees or on the residential amenity of any adjoining occupiers. It will also not have any detrimental effect on groundwater flows.
- 7.7 For the above reasons then, the proposals conform with statutory provision, the adopted development plan and the guidance contained within PPG15. On that basis, planning permission and listed building consent should be granted.