

**38 HEATH DRIVE
LONDON BOROUGH OF CAMDEN
LONDON NW3 7SD**

**SUMMARY
PLANNING (HERITAGE) PROOF
OF EVIDENCE OF
DR CHRIS MIELE
MRTPI IHBC FRHS FSA**

**IN RELATION TO APPEALS AGAINST
THE REFUSAL OF PLANNING
PERMISSION**

LPA REF: 2013/7355/P

**PINS REF:
APP/X5210/A/14/2215857**

JULY 2014

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1.0 SUMMARY

- 1.1 My name is Chris Miele, and I am a senior partner in the Planning and Development Department at Montagu Evans. I am chartered town planner and member of the Institute of Historic Building Conservation.
- 1.2 For more than twenty years I have specialised in development projects involving heritage assets and sensitive land.
- 1.3 My main Proof sets out my educational qualifications and lists recent projects, which include advising on works to major historic buildings (the British Museum, Westminster Abbey and Admiralty Arch) and on assets from the post WWII period (Centre Point, the Royal Festival Hall, the Commonwealth Institute). I also work regularly for housebuilders on schemes in London and on urban extensions from the Midlands to the south east of England. Alongside my professional work, I have maintained my scholarly profile and publish extensively in my area of expertise.
- 1.4 I explain in evidence that the Appellant invited me to review the emerging proposals at a pre-application stage. This included an analysis of the site and its relationship to the wider area, including the Redington/Frognaal Conservation Area (hereafter the 'CA'). I was already very familiar with this CA through my instruction on the nearby Kidderpore Avenue site (a Barratt's scheme, now consented and implemented).
- 1.5 My assistant and I undertook research in journals from the period c. 1900 and secondary publications on Victorian and Edwardian architecture. The purpose of this was to use precedents from the period to refine the design. This was in addition to the contextual analysis Mr Green had undertaken. There followed discussions on the proposed detailing of the scheme, a process Mr Green documents in his Proof.
- 1.6 Montagu Evans also prepared the heritage statement submitted as part of the planning application. This was done under my direction, and I have since reviewed it again. That identified one erratum, a drafting error (see paragraph 3.49 of my Proof).
- 1.7 In preparing this evidence, I have visited the site and its surrounds again. I have carefully considered the council's criticisms of the proposed design and comment on these.
- 1.8 My main Proof looks in particular at the decision-making framework, including statutory provision, development plan policy; the Framework and material considerations (for example, best practice guidance).

- 1.9 As part of my assessment I have analysed the assets identified in the first and second reasons for refusal. Policy and best practice guidance require the decision maker to examine the particular significance of heritage assets.

The Reasons for Refusal Which I Consider in this Evidence

- 1.10 This evidence deals with the first and second reasons for refusal, which are:

1 The proposed demolition would result in the loss of a building which makes a positive contribution to the Redington/Frognaal Conservation Area to the detriment of the character and appearance of the Redington/Frognaal Conservation Area, contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.

2 The proposed building, by reason of its excessive height, mass and bulk, inappropriate design and extent of site coverage, fails to relate to the context of the Redington/Frognaal Conservation Area, to the detriment of the character and appearance of the Redington/Frognaal Conservation Area, contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.

- 1.11 As set out in the Statement of Common Ground 8 May 2014 (agreed at the time of the date for exchange of proofs), the outstanding issue which I address is identified at para 2.9, item 1, on page 12, namely:

'Whether the development as a whole would preserve or enhance the character or appearance of the Conservation Area'.

- 1.12 This position reflects the statutory duty incumbent on the decision maker set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (see below in section 3.0) and consequent policy.

- 1.13 I consider it is appropriate in this kind of case to take such a staged approach in assessment, that is, first look at the impact of the demolition and then, second, at the impact of the proposals, and then apply the section 72(1) provision to see whether the development either preserves or enhances the character or appearance of the CA. The Council agree that this is the relevant test at paragraph 2.9 (1) of the Statement of Common Ground.
- 1.14 The development of course comprises both phases of the building operation, that is demolition and redevelopment, and there is a single policy in Camden's Development Plan which deals with these separate operations, DP25. I have considered DP25's consistency with corresponding policies in the Framework in my evidence and accord it only due weight.

Redington Frogna Conservation Area

- 1.15 There is nothing between the Appellant and the Council on the important matter of what makes this CA special. That significance is summarised clearly in an adopted appraisal, which forms the basis of my assessment of the heritage assets in Section 4.
- 1.16 Essentially, the Redington/Frogna CA is notable as a very good example of a middle-class suburb, with good quality architecture from the late Victorian and Edwardian periods. This townscape is the product of a process of development that commenced in the 1870s and concluded at the start of WWI.
- 1.17 Despite the variation in domestic design throughout the CA, some consistency is achieved by the use of similar materials: soft red and orange brick, clay tiles. The composition of many properties is picturesque or varied. Gardens and mature trees, including street trees, are of particular importance. Generally, the prevailing building type is the single house on its own plot, arranged in coherent groups with consistent boundary and front garden treatments. The area has a particular historic association with the architect Quennell, working in partnership with the builder Hart, to achieve consistently high quality buildings, with a fine degree of finish.
- 1.18 Nevertheless, the variety in the CA is sufficiently great to lead the local planning authority to identify several discrete sub-areas. The Appeal site is situated within 'Subarea 5: Heath Drive and Environs.'
- 1.19 The appeal site building was not built during the main period of the CA's development. It is agreed that it was built in the 1920s as part of a group of four

buildings on the east side of Heath Drive (nos. 35-38). There is no documented association of these properties with Quennell, and the Council do not contend one.

- 1.20 The published CA appraisal identifies these buildings as making a positive contribution to the CA. Three of these properties at nos. 35-37, orientate towards a small shared garden area or cul-de-sac (a kind of inlet off of the main road). The fourth in the group, no. 38 (the appeal site building), faces away from the group towards the Finchley Road. Its side/rear garden faces Heath Drive, and as a result it is not closely associated with the CA or even the group of houses which were constructed at the same time.
- 1.21 With reference to the committee report (relevant extract included at Appendix 4), the site, officers say, is a gateway. I do not agree that the site plays this kind of role. Plainly, the Appeal site was not designed to match the other corner, which has a mansion flat. There is nothing in the orientation, position or design of the building that positively addresses the corner in the manner I associate with 'gateway' development. In fact, I think the existing development was planned without any regard to the corner, still less to the corner's potential role in framing the junction.
- 1.22 The position and orientation of the house diminishes its contribution to the CA. It is important to note that the site was not included in the original boundary designation or even the later extensions in 1988 and 1992. In my view, the fact that officers of the Council designating the area did not originally include the appeal site building or other sites on the Finchley Road is significant. The Council accept (see their delegated committee report included at Appendix 4) that the site is at least to some extent divorced from the rest of the CA.
- 1.23 Architecturally, I see that the property is a handsome building, but it is of lower quality than the Quennell buildings in the area and many unlisted ones from that earlier phase of development. No. 38 is typical of interwar, neo-Georgian houses built across this part of north London. I conclude the Appeal site building makes a very limited contribution to the character or appearance of the area.

Assessing the Development Proposals

- 1.24 In Section 5 of my Proof I consider the effects of the proposed development as a whole on the conservation area, beginning with the demolition and concluding with the proposed new building. This analysis is continued in Section 6 where I consider the comments provided by officers in the delegated report of February 2014 (refer to Appendix 4).

- 1.25 Based on my analysis of the existing building and its contribution to the CA, I conclude the demolition would cause some but very limited harm to this part of the CA only.
- 1.26 Having drawn that conclusion, I move on to consider the second part of the proposal, the proposed new building and its effect on the special interest of the CA. That consideration is part of the section 72 (1) requirement and comprises a balancing heritage benefit in the terms of paragraph 134.
- 1.27 In my evidence I explain how Mr Green, the appellant's architect, has applied traditional forms and materials to a modern problem, how to make best use of land on a site that is subject to environmental constraints (heritage and trees) whilst respecting neighbouring amenity.
- 1.28 I think the proposed design has significant urban design benefits in the treatment of this corner site, and these are relevant to the consideration of its effects on the CA.
- 1.29 The development does not fill the entirety of the site and the layout is not cramped. In terms of heights, I refer to the context elevations in Mr Green's evidence. These demonstrate that the proposed heights are consistent with surrounding buildings.
- 1.30 I have also considered the detailing of the design, and assessed how that relates to the overall form and proportions of each of the two ranges. I conclude that each range is well composed and proportioned, and that the two relate well each to the other.
- 1.31 The Finchley Road element has a scale and character that reflects the mansion flats' nearby. These are outside the Redington/Frognaal CA, I accept, but within its setting and so contribute to its character at this point. It is relevant that the mansion flats opposite the site, Albemarle Mansions, whilst not in the area nevertheless form part of a cohesive group of houses that do fall within the CA. This mansion block is on the Council's draft list of locally listed buildings, and another of the mansion flats opposite is included in the adjoining West End Green CA. On the facts of this case, I think it is right to treat the immediate setting of the CA as a relevant context to be taken into account in the determination of this appeal.
- 1.32 I consider appropriate in principle a denser form of development here that has regard to wider townscape influences of recognised value, and I refer to similar schemes that the Council has recently consented.

- 1.33 My conclusion is that the proposed design respects its context, reinforcing prevailing characteristics and improving the townscape of the CA and the area more generally, and that its detailed design, which the authority specifically criticises, is well resolved in all its parts.
- 1.34 The Framework policies on good design apply in heritage contexts and rely on the broad principles of good urban design, expressing caution about judgments based on taste.
- 1.35 Overall the proposal at the very least preserves the character or appearance of the conservation area and in my considered opinion offers an overall enhancement of it through an improved definition of the corner which relates two contexts, the Finchley Road and Heath Drive, better than the existing building. I also think the form of the proposed development is an interesting adaptation of the traditional language of architecture, applied to solve a modern objective (the efficient use of land for housing in environmentally sensitive locations).
- 1.36 I find there is much to commend in these proposals.
- 1.37 Looking at paragraph 134, I find no residual harm to heritage interests which requires a countervailing land use planning benefit. If the Inspector forms a different judgment and finds there is some residual harm, then that must be less than substantial and so engage the provisions of paragraph 134. In that case the public benefits are to be weighed against the less than substantial harm.
- 1.38 However, for the reasons summarised above and which are elaborated in my full Proof, I conclude that both sections 66 and 72 of the 1990 Act are satisfied, and with them consequent development plan policy and national policy.

