

Heritage Statement

Capo di Monte, Windmill Hill, NW3

October 2014

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Client

John and Karen Green

October 2014

1. Introduction

- 1.1 This Heritage Statement has been prepared by Turley Heritage on behalf of John and Karen Green (hereafter referred to as ‘the client’) to assess the effect of the applications for planning permission and listed building consent associated with the formation of a basement extension, alterations to a later rear extension and associated works of internal and external alteration of Capo di Monte (a grade II listed building – *Appendix 1*) within the Hampstead Conservation Area (*Appendix 2*).
- 1.2 These applications have been refined in response to pre-application feedback received (ref: 2014/3992/PRE) and incorporate substantial amendments, including a significant reduction in the extent of the proposed basement and changes to the proposed layout.
- 1.3 The National Planning Policy Framework (‘the Framework’) provides the Government’s national planning policy on the conservation of the historic environment. In respect of information requirements for applications, it sets out that:

“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance¹”
- 1.4 To comply with these requirements, Section 2.0 of this statement firstly identifies the relevant heritage assets within the site and its vicinity with relevant listed building entry (*Appendix 1*) and a map of the Hampstead Conservation Area (*Appendix 2*).
- 1.5 Section 3.0 then provides statements of significance for the identified heritage assets that may be affected by the proposals; proportionate to the importance of the asset. This assessment is undertaken on the basis of published information, historical research and on-site visual survey. This includes a description of the significance, in terms of special architectural and historic interest, of the listed building. A description of the significance and special interest of the surrounding Hampstead Conservation Area is also undertaken in this Section and the contribution of the building to this significance.
- 1.6 Section 4.0 assesses the effect of the proposed development on the identified heritage assets, in light of the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990, national policy in the Framework, and regional and local planning policy (identified in full at *Appendix 3*) for the historic environment. Whilst the conclusion at Section 5.0 summarises the findings of the report.

¹ DCLG, National Planning Policy Framework (NPPF) 2012 – para. 128

2. The Heritage Assets

Introduction

- 2.1 The Framework defines a heritage asset as:

“A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest².”

Designated Heritage Assets

- 2.2 Designated heritage assets are those which possess a level of interest that justifies designation and are then subject to particular procedures in planning decisions that involve them.

Statutorily Listed Buildings

- 2.3 Capo di Monte was included on the statutory list of buildings of special architectural or historic interest at grade II on 11th August 1950. The List Entry is included at *Appendix 1* and set out below for ease of reference:

“2 house, now single detached house. Late C18, much altered. Stucco with weatherboard extensions at rear. 2 storeys and basement. Long, low irregular 6-window front with 3-window canted bay through ground and 1st floor at right. 3 entrances. Main, north doorway with C20 bracketed hood. South doorway with C20 portico. Slightly recessed sashes with exposed boxing. Cornice and parapet. INTERIOR: not inspected. HISTORICAL NOTE: an “S” over the door recalls that the actress Sarah Siddons stayed here 1804-5.”

- 2.4 To the south of the Site there are also a small number of grade II statutorily listed buildings:

- Nos. 1 -4 (consecutive) Upper Terrace; and
- Upper Terrace House.

- 2.5 However, the nature of the emerging proposals is such that they are unlikely to have a material effect on the significance of these listed buildings, including any contribution made by setting to this significance. Accordingly, it is not necessary to consider their heritage significance as part of this report except to note that the supporting information that accompanies the application confirms that the structural integrity of nearby buildings will be maintained during the proposed excavation and construction works.

Conservation Area

- 2.6 The Site is located within the Hampstead Conservation Area, which was first designated on 29th January 1968 and has been extended a significant number of times, most recently in 2001 when some parts were transferred to the Fitzjohns/Netherhall Conservation Area. A map of the current extent of the conservation area is provided at

² DCLG, National Planning Policy Framework (NPPF) 2012 - Annex 2: Glossary

Appendix 2. The Site is located in the Fenton House Area of Sub-Area Four: Church Row/Hampstead Grove of the conservation area, as defined by the adopted Conservation Area Statement (2001).

- 2.7 In light of the particular significance of Capo di Monte and the contribution made by setting to its significance (outlined in Section 3.0) its contribution to the character and appearance of the conservation area and is likely to be contiguous with its significance as a listed building.

Non-Designated Heritage Assets

- 2.8 The Framework³ identifies that heritage assets include both designated heritage assets and assets identified by the local planning authority (including local listing).
- 2.9 The Council published a consultation draft of the Local List in October 2013 with adoption expected in late 2014. There are no potentially locally listed buildings within the vicinity of the Site which require consideration as part of this report.

³ DCLG, National Planning Policy Framework (NPPF) 2012 - Annex 2: Glossary

3. Significance of the Heritage Assets

Significance and Special Interest

- 3.1 The Framework defines the significance of a heritage as:

“The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting⁴.”

- 3.2 Listed buildings are designated heritage assets that hold special architectural or historic interest. The principles of selection for listed buildings are published by the Department of Culture Media and Sport⁵, and supported by English Heritage’s Listing Selection Guides for each building type.
- 3.3 Conservation areas are designated if they are of special architectural or historic interest, the character and appearance of which it is desirable to preserve or enhance. English Heritage has revised and republished its guidance in respect of conservation areas⁶ and this provides a framework for the appraisal and assessment of the special interest and significance of a conservation area.
- 3.4 English Heritage has also published guidance⁷ on the identification of four types of heritage value that an asset may hold: aesthetic, communal, historic and evidential value.
- 3.5 Together, this guidance provides a framework for assessing the significance of designated or non-designated heritage assets.
- 3.6 English Heritage has published guidance⁸ in respect of the setting of heritage assets, providing detail on understanding setting and the associated assessment of the effect of any changes.

Assessment

- 3.7 The following assessments are proportionate to the importance of each of the identified heritage assets and sufficient to understand the potential effect of the proposals, given their nature and extent. They have been based on existing published information, archival research and on-site visual survey.

Capo di Monte (grade II listed building)

- 3.8 An assessment is provided of the significance, in terms of special architectural or historic interest, of the listed building in light of the principles set out in DCMS guidance⁹ and the relevant English Heritage Designation Listing Selection Guide¹⁰.

⁴ DCLG, National Planning Policy Framework (NPPF) 2012 - Annex 2: Glossary

⁵ DCMS Principles of Selection for Listing Buildings, 2010

⁶ Understanding Place: Conservation Area Designation, Appraisal and Management, English Heritage, 2011

⁷ English Heritage, Conservation Principles, Policies and Guidance, 2008

⁸ English Heritage The Setting of Heritage Assets, 2011

- 3.9 Capo di Monte has its origins as a pair of modest mid-18th century houses, albeit been much altered (see the list entry at *Appendix 1*). These two properties have been subsequently converted to a single house, presumably post-1929 (Figures 3.1 and 3.2). The properties were, however, still referred to as 'Capo di Monte' and 'The Cottage' during the mid-20th century suggesting a legacy of this earlier division was maintained. The property has most recently been occupied as two dwellings, in a non-original configuration, comprising the main house and a first floor flat, as evidenced by the presence of a separate kitchen at first floor level and doors that have been fixed shut.

Architectural Interest

- 3.10 The architectural interest of this building is largely derived from its 18th century origins as reflected in its character, materiality and detailing. The process of iterative development remains legible in the fabric of the building. Elements of the historic plan form and interior features that remain within the body of the listed building also make a contribution to its significance. The contribution of the later rear extension and mid-late 20th century alterations to this heritage significance are less by comparison.

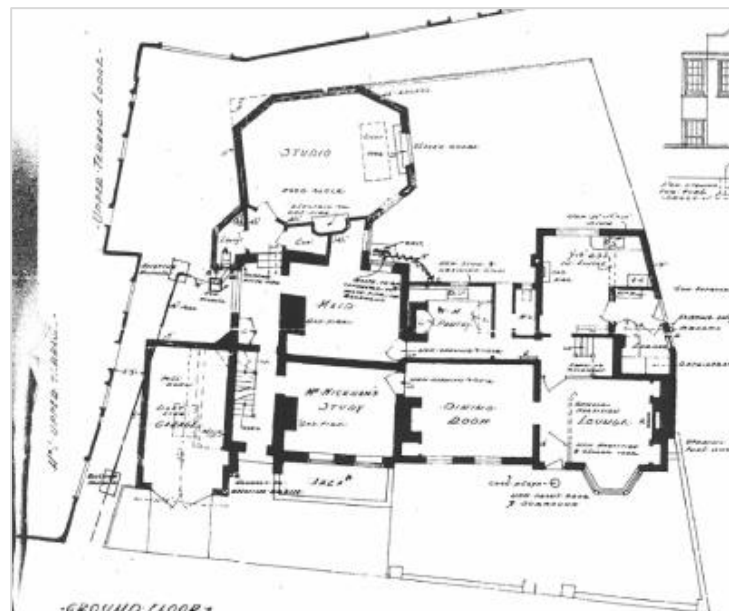


Figure 3.1: 1929 Ground floor plan

⁹ DCMS Principles of Selection for Listing Buildings, 2010

¹⁰ English Heritage, Designation Listing Selection Guide: Domestic 2: Town Houses, 2011

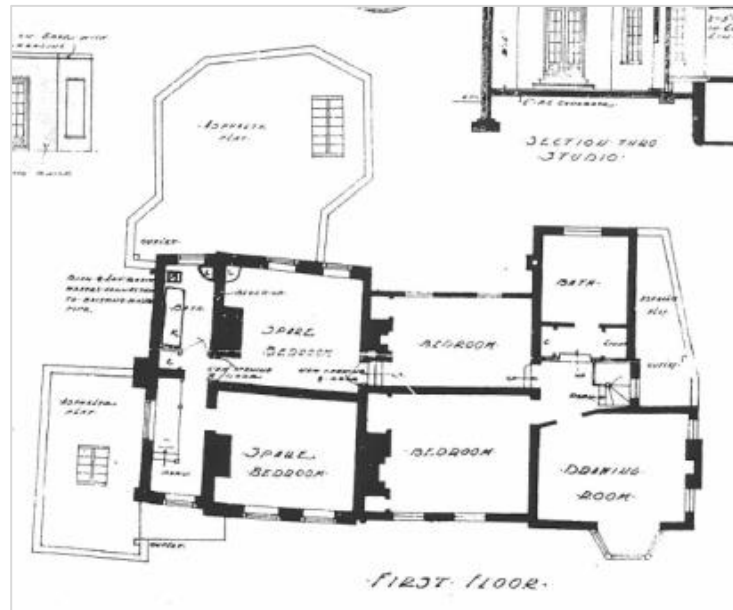


Figure 3.2: 1929 First floor plan

Externally

- 3.11 The front elevation (addressing Windmill Hill) is rendered (Figure 3.3) whilst the projecting rear wing and part of the rear elevation is largely clad in painted timber weatherboarding (Figures 3.4 and 3.5). To the southern elevation is a small 20th century garage of no particular heritage significance apparently having replaced an earlier, narrow brick property on its site (Figure 3.6). The rendered facades are of largely early 19th century character, however, it is likely that they incorporate work associated with the 1923 and 1929 phases of alteration as well as extensive mid-20th century repair and rehabilitation works (as outlined in correspondence and building specifications dating from 1949 to 1955).



Figure 3.3: Front elevation



Figure 3.4: Part rear elevation



Figure 3.5: Side elevation



Figure 3.6: Undated photograph showing previous building on site of existing garage

- 3.12 The property incorporates traditional multi-paned timber sash windows with exposed sash boxes, including a two storey canted bay window at the northern end of the building, possibly to take advantage of views across Hampstead Heath (Figures 3.1 – 3.3 and 3.5). At ground floor of the front elevation, the windows have exaggerated window heads with keystones formed from raised render. The rear elevation has undergone a greater degree of alteration through the replacement of modern top hung casements at first floor level (a letter from the London County Council's Architect's Department dated 3rd July 1959 confirms the age of these earlier windows) with more appropriate traditional side hung casements and the insertion of a modern sliding door leading from the study to the garden. The roof of the property is complex, reflecting its historic development, consisting of pitched roofs with plain clay tiles and ridge tiles, and areas of flat roof finished with zinc and asphalt (as part of Listed Building Consent: 95/70293).
- 3.13 The historic origins of the property as two separate dwellings is clearly legible in the external fabric of the building, where it is possible to determine that the northernmost element formed a single house on a north-south alignment with chimneystacks at either end with the southernmost element of 2 bays aligned east-west. This is seemingly reflected in the 1746 Rocque Map (Figure 3.7) which indicates a building aligned north-south on the Site. This map also shows the tree-lined Judge's Walk to the north of the Site.



Figure 3.7: Rocque's map (1746)

- 3.14 The 1762 Map of Hampstead (Figure 3.8) provides the first documentary indication of the property in its current condition with the suggestion of the southern element projecting slightly beyond the original northern element. It is curious to note that the map indicates that the building extended into the area now occupied by the rear garden. No subsequent maps indicate any structure in this location.

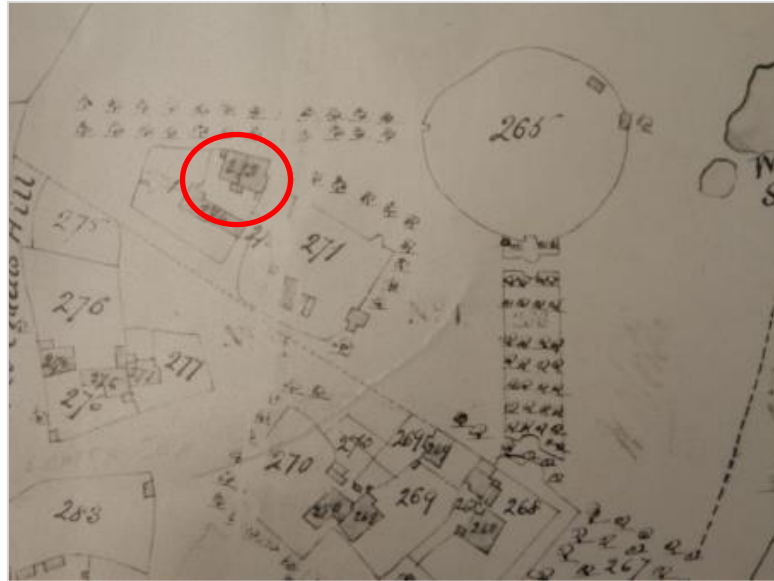


Figure 3.8: 1762 map of Hampstead

3.15 The terrier which accompanied the 1762 map states:

“Three messuages, a lean to, yard and necessary house belonging to Mrs Sarah Fletcher in the separate occupations of Francis Hawkins, Mrs Smith and Mr Spidder”

3.16 On the basis of the information contained in the terrier it is possible that the structure to the rear of the property was a ‘lean to’, temporary in nature, and did not survive to be recorded in later maps. The terrier also suggests that the property was occupied as three residential units, although this does not demonstrate conclusively whether it was originally built as two or three houses although it would potentially explain the structure shown in Figures 3.6 and 3.9, which had been removed by the time of the 1895 OS map.



Figure 3.9: 1871 OS map

- 3.17 The grounds of the property were originally bordered by a brick wall to the rear garden/yard and railings set between/on rendered piers and plinth to the front garden (Figures 3.10 and 3.11). The piers and plinth to the front garden survive with elements of their original mouldings intact. Whilst fragmentary in condition these elements make a positive contribution to the significance of the listed building as do the stone flags/paving within the front garden. The northern boundary wall appears to have been rebuilt during the course of the 20th century and makes comparatively less of a contribution to the significance of the listed building.

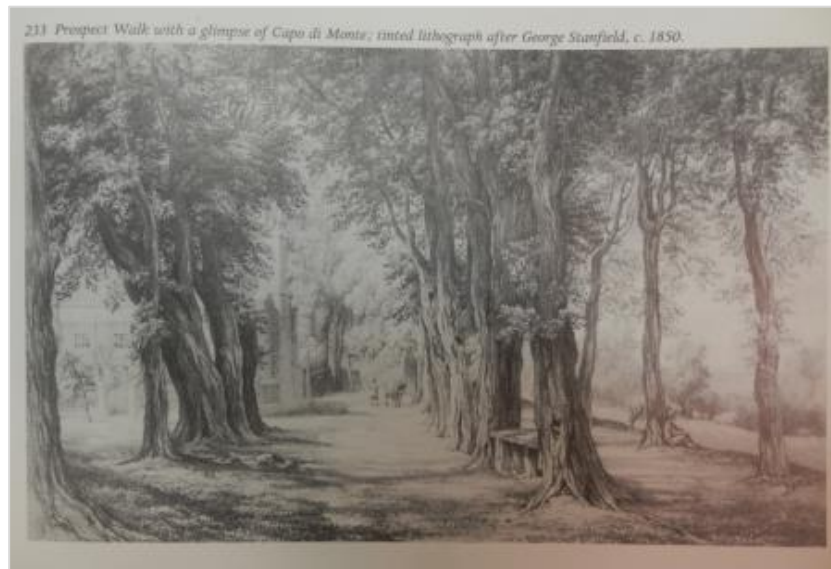


Figure 3.10: c.1850 lithograph (Capo di Monte and railings visible to left)



Figure 3.11: Details of boundary from 1850 Lithograph (Figure 3.9)

- 3.18 Historic map evidence suggests that the only substantive alteration to the property during the 18th and 19th centuries was the demolition of the three storey brick structure at the southernmost part of the Site, leaving a canted, projecting rump attached to the remainder of the southern property (Figures 3.9 and 3.12). By c.1929 the two properties had been amalgamated and a large rear extension was added (Figure 3.13) as a studio. Seemingly, the garage was added as part of the same phase of extension and alteration. The rear extension retains some early 20th century fabric of standard character and design, including a fireplace and parquet flooring although its wall finishes appear to have been renewed. Whilst not unattractive these later elements are of no particular architectural distinction and make a comparatively lesser contribution to the particular heritage significance of the listed building.

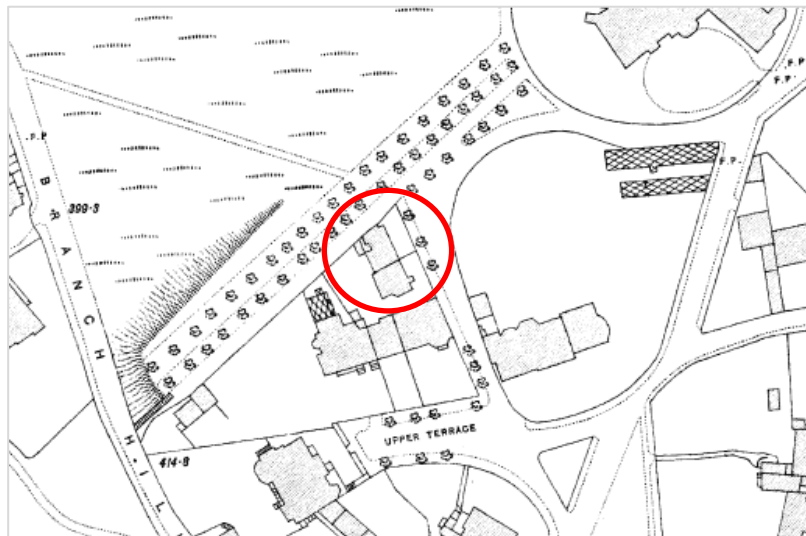


Figure 3.12: 1895 OS map

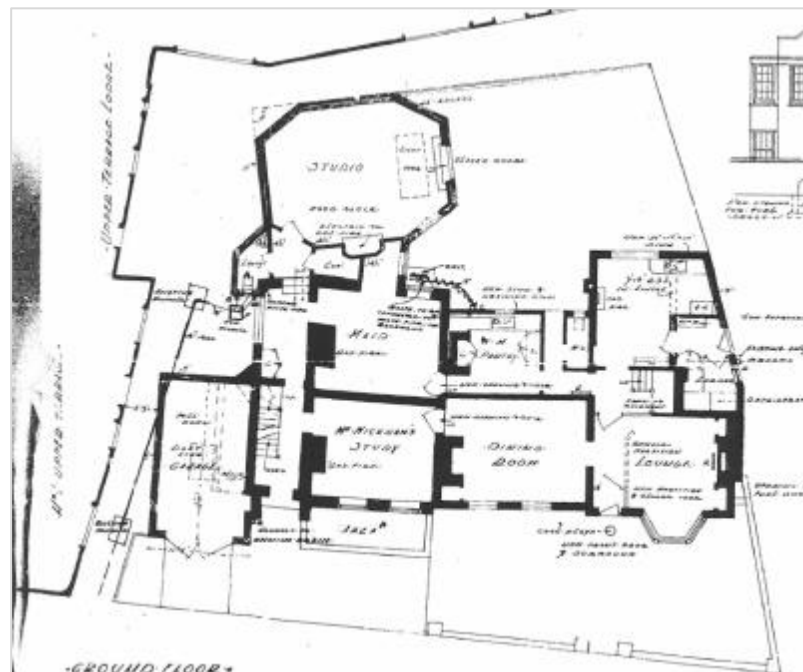


Figure 3.13: 1929 Ground floor plan

3.19 There appears to have been sporadic external alterations to the property during the mid-20th century, including:

- the rendering of the chimneystacks which has obscured their decorative corbelling (Figure 3.14) (and resulting in their current incongruous appearance – Figure 3.3);

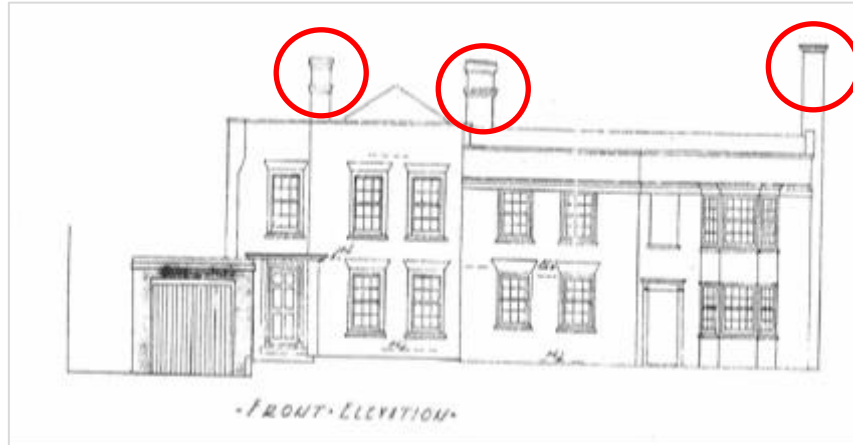


Figure 3.14: 1929 front elevation

- the alteration to the northern elevation with the insertion of high level windows and weatherboarding at ground floor level (Figures 3.5 and 3.15); and
- the removal of the railings/fence (presumably during the course of the Second World War) to the front boundary and replacement with rendered masonry (Figures 3.3 and 3.16) between the retained piers and plinth/dwarf wall.



Figure 3.15: Side elevation (1963)



Figure 3.16: 1945 photograph of front elevation

- 3.20 The last significant phase of work to the property appears to date from the late 20th century when consent was granted for a range of internal alterations (considered later in this Section) and a range of minor external alterations and extensive rebuilding of the front elevation (LB Camden refs: 95/70293 and L/96/00936). This included the fixing shut of a door on the rear elevation, a new rooflight to the rear conservatory and the rebuilding of a significant element of the front elevation (Figure 3.17).

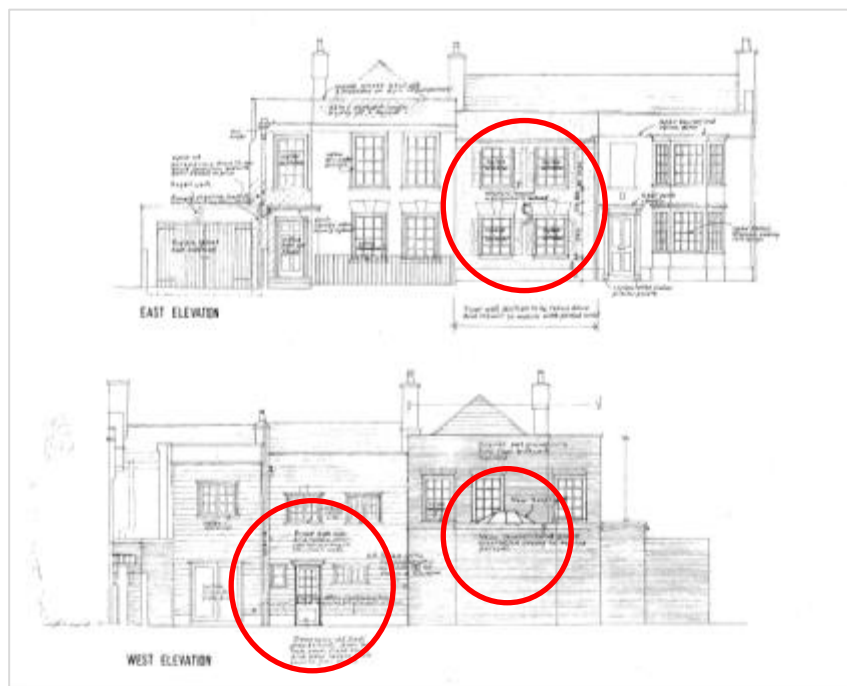


Figure 3.17: 1995/96 alterations

- 3.21 In approving these works, the Council confirmed that they would sustain the significance of the heritage asset. The repair works appear to have been undertaken on an appropriate like-for-like basis. Accordingly, whilst the new fabric associated with the repair works is of intrinsically less historic interest, their role in preserving the historic architectural character of the property means that they contribute positively to the significance of the listed building.

Internally

- 3.22 Internally, the building remains largely intact with the traditional 18th century plan form and finishes clearly legible. Important internal elements i.e. staircases (although the southern staircase appears to be a late 19th/early 20th century replacement and the northern staircase was entirely replaced with a concrete stair c.1951), walls and internal finishes create a cohesive and high quality interior which contributes positively to the significance of the listed building.

Basement

- 3.23 At basement level there has been a greater degree of alteration, as is typical of properties of this date. The general plan form and arrangement of these spaces remains consistent (Figures 3.18 and 3.18) and is likely to be historic, if not original, in both cases. The two basements remain separated by a small void, likely to be the space below the suspended timber ground floor above, which reflects the historic distinction between the two properties and contributes positively to the significance of the listed building.

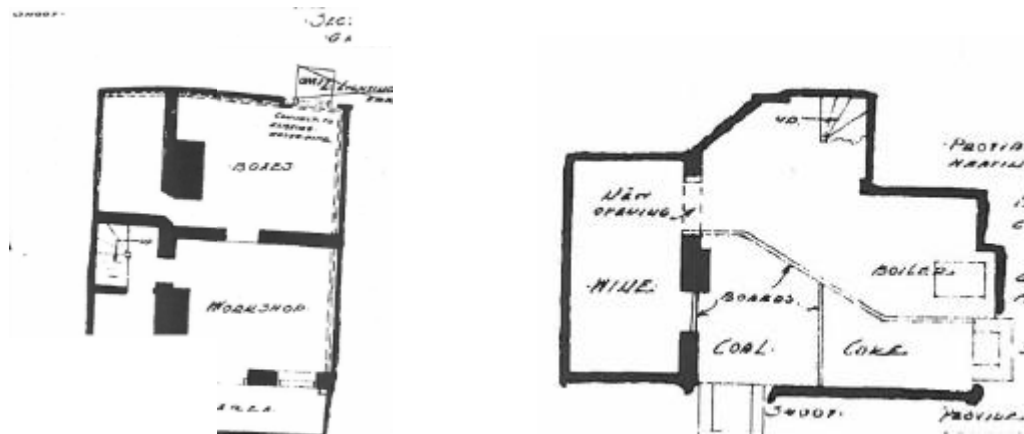
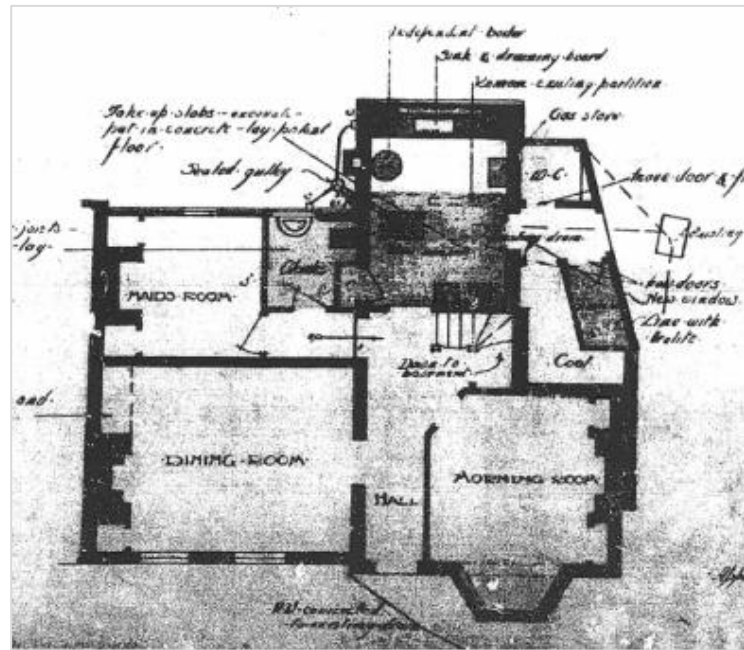


Figure 3.18: 1929 partial basement plan

- Conservatory/studio: the extent of alterations to the historic building required to connect the conservatory is unclear. It appears that the majority of the plan form associated with this later extension remains extant (Figures 3.20 and 3.21);
- Entrance Hall: the current entrance hall is located in the position of the morning room (1923 – Figure 3.20) and later (1929) lounge (Figure 3.21). The previous curved end of the wall was seemingly removed as part of the 1929 works which created an open plan space separated by screens. The wall was subsequently reinstated on a similar alignment (post-1946 – Figures 3.22 and 3.23 – with a building specification dated June 1949 including its reinstatement);
- Library: the current library appears to have been formed from a sequence of service rooms including the coal store and a WC in 1923 (Figure 3.20). By 1929 (Figure 3.21) this space had been opened up and altered to form a kitchen and ancillary accommodation. The current layout and appearance of this space appears to be of mid-late 20th century character in date (Figures 3.22 and 3.26) although the door leading to the hallway (shown on a 1953 photograph – Figure 3.24) remains in situ;
- Bathroom/Cupboard/Corridor: In 1923 (Figure 3.20) this space consisted of a maids room (with fireplace) and a cloakroom. In 1929 (Figure 3.21) this space was converted to the housemaids' pantry and WC. This plan shows a door in the rear elevation and a new link formed through the party wall to the adjoining property. The current layout of this space preserves the memory of the corridor in this location, itself an apparently 1920s intervention, however, the layout and finishes are largely modern in date and appearance.

- 3.27 Those areas which have been significantly altered generally retain the character of the plan form, however, lack original detailing and make a lesser contribution to the significance of the listed building.
- 3.28 The survival of elements of decorative fabric such as doors, fireplaces, panelling, plaster finishes (although building specifications from the early-mid 1950s suggest that much internal plaster was renewed), shutter boxes and window surrounds at this level (Figures 3.26 – 3.28) reinforces the legibility of its historic plan form and character and contributes positively to the significance of the listed building.



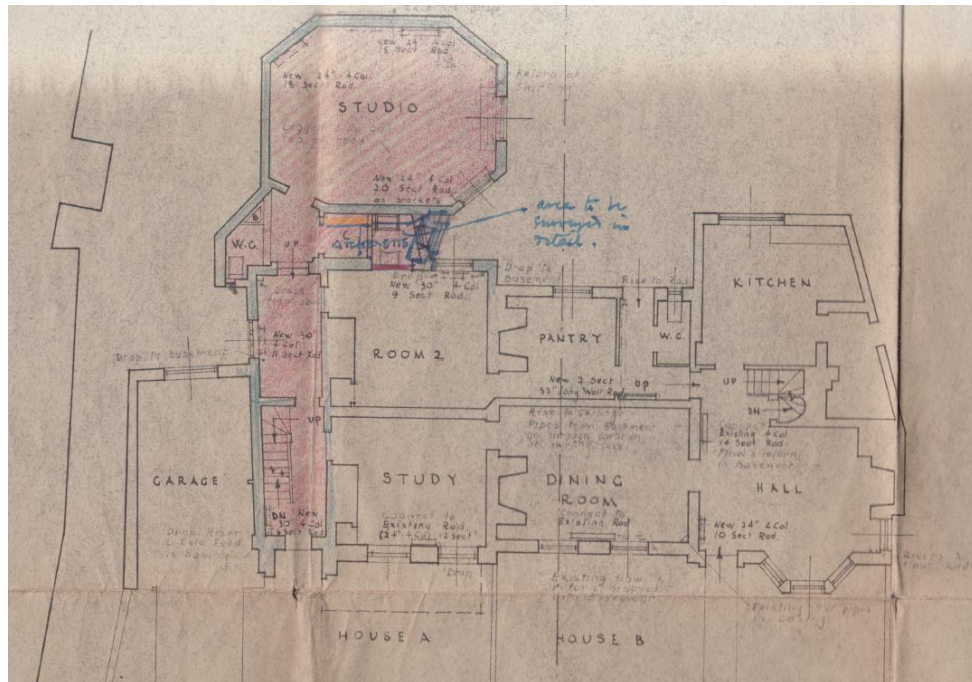


Figure 3.22: 1946 ground floor plan (note the two parts of the property are referred to as House A and House B)

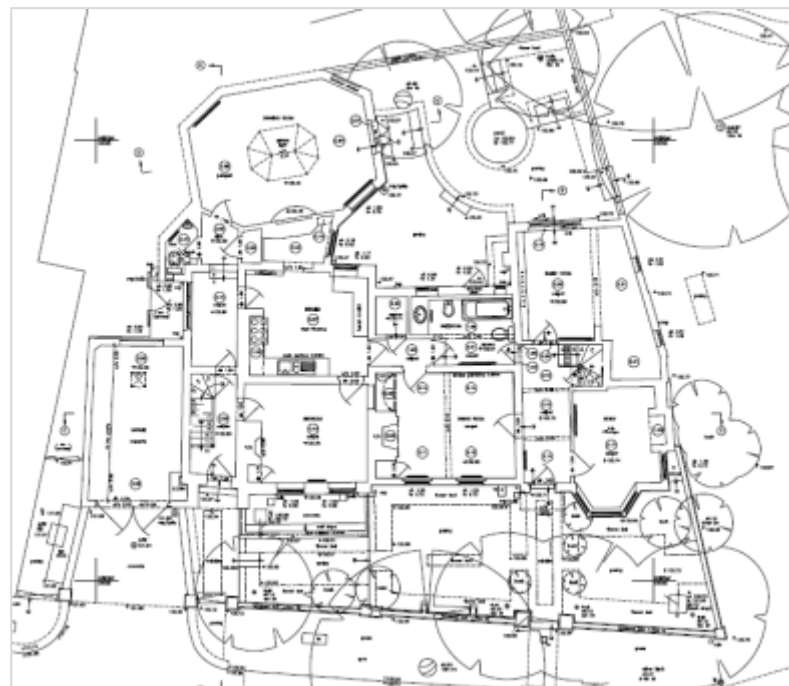


Figure 3.23: Existing ground floor plan

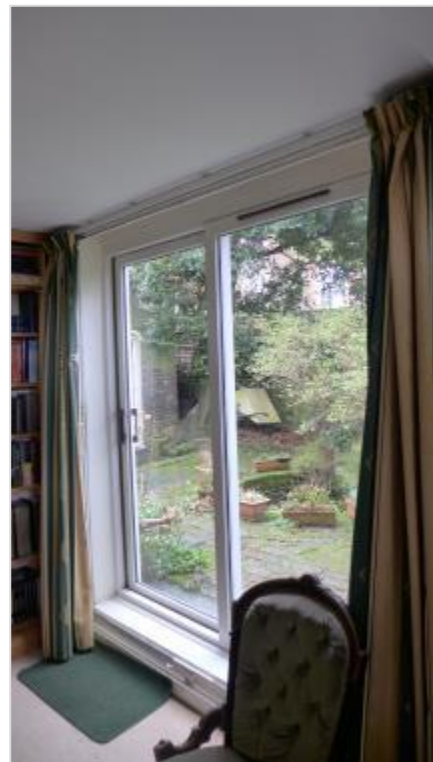


Figure 3.24: and 3.25: 1953 and Existing photos of rear elevation of study



Figure 3.26: 1953 Photograph of existing dining room



Figure 3.27: Existing photograph of fireplace in dining room



Figure 3.28: Existing ground floor bedroom

First Floor

- 3.29 The first floor plan form, like the lower floors, remains largely intact. There appears to have been only minor interventions in the layout of the bathrooms (most likely 20th century interventions) which are, however, contained within historic spaces (Figure 3.29 to Figure 3.31). The most significant interventions relate to the removal of a chimneybreast in the rear bedroom.

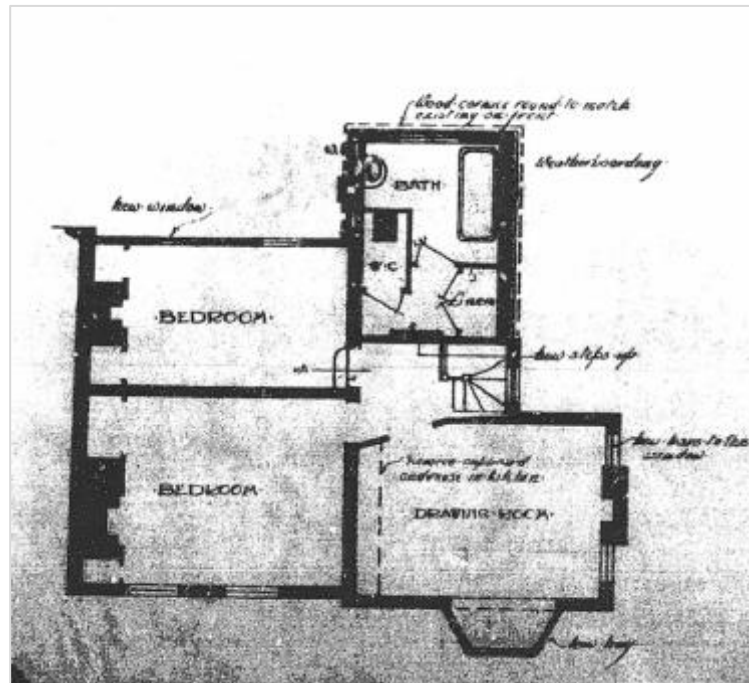


Figure 3.29: 1923 first floor plan (part)

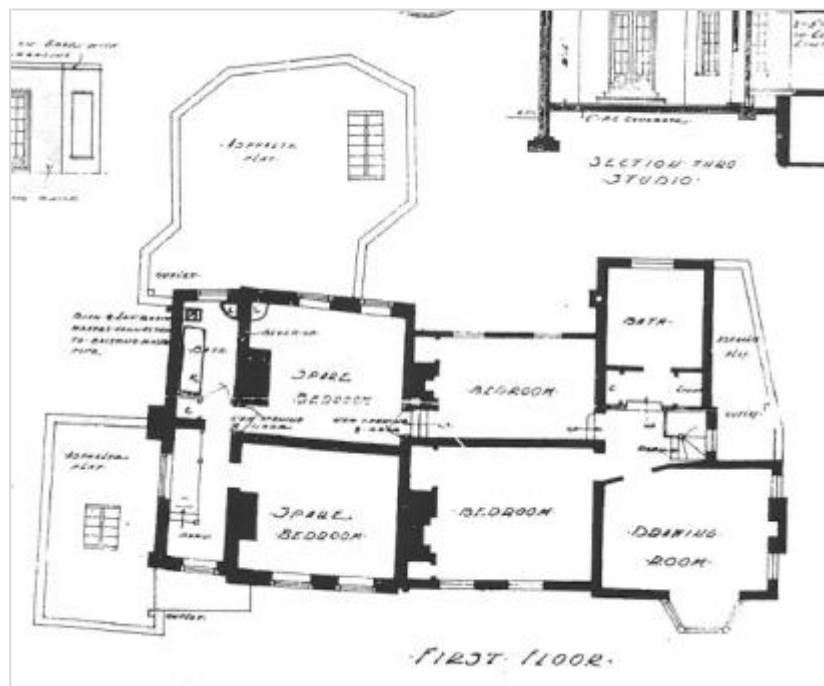


Figure 3.30: 1929 first floor plan

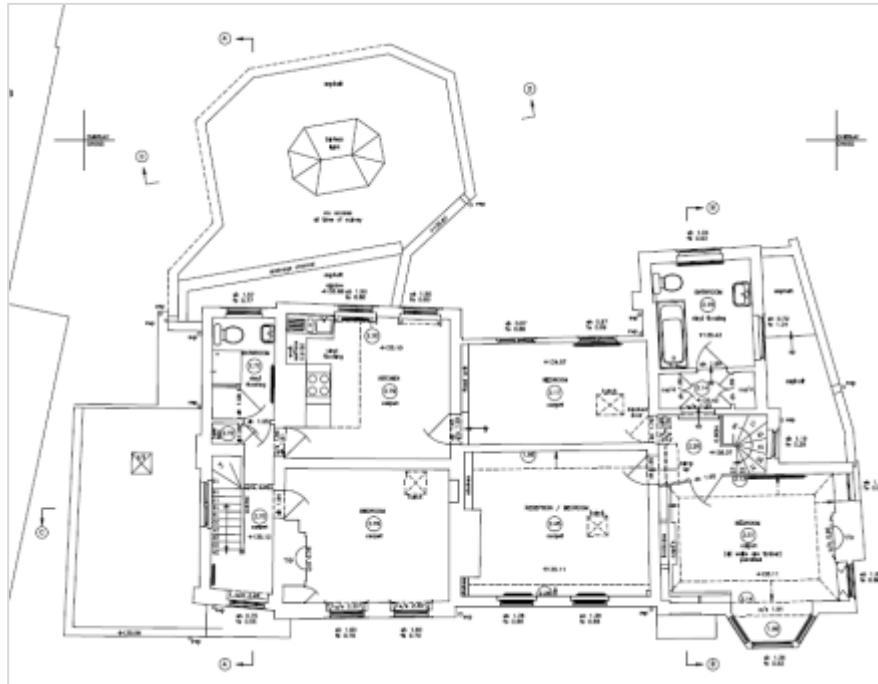


Figure 3.31: existing first floor plan

- 3.30 There have been a number of cosmetic alterations to the property during the course of the 20th century. A number of these alterations have had an adverse effect on the significance of the listed building i.e. the installation of a kitchen and the fixing shut of doors (Figures 3.32 and 3.33), as part of the most recent use of the property as two dwellings in a non-original configuration, comprising the main house and a first floor flat.



Figures 3.32 and 3.33: Later alterations at first floor level

- 3.31 Despite these later unfortunate alterations historic decorative detailing remains, which includes: windows and doors (with associated surrounds and spandrel panels); fireplaces; and doors and panelling (Figures 3.34 and 3.35); of mid-18th century and contribute positively to the significance of the listed building.



Figures 3.34 and 3.35: first floor fireplace

- 3.32 The bookshelves in the northeastern bedroom appear to be mid-20th century interventions when the room was seemingly converted into a study. A 1953 photograph (Figure 3.36) shows that the room was panelled throughout. This panelling survives in part (Figure 3.37) and contributes positively to the significance of the listed building. It is possible that more is retained behind the later bookshelves.



Figure 3.36: 1953 photograph of the northeastern bedroom



Figure 3.37: Existing photograph of the northeastern bedroom

Historic Interest

- 3.33 The historic interest of the property is largely derived from its origins as 18th century houses, which were connected to form a single house by the early 20th century. This historic value is embedded within the fabric and plan form of the building and is closely linked to the building's architectural interest.
- 3.34 There are also strong historic connections to figures of note including, Sarah Siddons (1755-1831), leading actress of her day, who stayed at Capo di Monte for a brief period in 1804-05 for her health¹¹. In addition, the property was the brief home of the renowned art historian, Sir Kenneth Clark (1903 – 83) who in 1943 moved to a larger Upper Terrace House¹². More recently, the novelist, critic and broadcaster, Marghanita Laski (1915-88) lived in the property from 1949, until her death¹³. These associations are well-documented and contribute to the historic value of the building. Whilst an 'S' plaque above the principal entrance commemorated the brief stay of Sarah Siddons in the early 19th century it has been subsequently removed (Figure 3.38) at an unspecified date. Accordingly, there is no connection between the fabric of the building and these historic associations.



Figure 3.38: 1980 photograph of front entrance with 'S' plaque in place

Contribution made by Setting to the Significance of Capo di Monte

- 3.35 The listed building is located at the margins of the historic settlement of Hampstead. This is reflected in the character of the building's physical surroundings which are informal, picturesque and semi-rural in character. Capo di Monte forms part of a diverse, high-quality group of 18th century buildings. The contrast between the largely rural character of Capo di Monte and the more urbane terraces of Upper Terrace is reflective of the rapid transition in building traditions at the edges of London during the

¹¹ Denford, S. (2009). *The Hampstead Book. The A-Z of its history and people.*

¹² Denford, S. (2009). *The Hampstead Book. The A-Z of its history and people*

¹³ Denford, S. (2009). *The Hampstead Book. The A-Z of its history and people*

period. This aspect of setting contributes positively to the significance of the listed building.

- 3.36 The gardens associated with the listed building are more informal in character, characterised by hard landscaping, and appear to date from the mid-late 20th century in their current appearance. It is the spatial qualities of these gardens (more open at the front and enclosed at the rear), which contribute to the significance of the listed building rather than their current appearance. The historic remnants of the original boundary treatment (piers and dwarf walls to the front elevation and return to Judges Walk and the altered garden boundary wall) also contribute positively to the heritage significance of the listed building.
- 3.37 Where they survive, elements of traditional street furniture also contribute positively to the significance of the listed building by virtue of creating a consistent and compatible townscape.
- 3.38 The property is sited at the ridge of Windmill Hill, possibly the inspiration for the name Capo di Monte. This siting affords attractive views across the Heath because of the falling ground to the north. The presence of the mature avenue of trees, present on 18th century maps (Figures 3.7 and 3.8), contributes positively to the significance of the listed building as an element of contemporaneous landscaping. This landscape element, together with the modest scale of the listed building, means that the building is not highly prominent in the local townscape, albeit, it is an attractive background element in in linear views along Judges Walk.
- 3.39 The retention of the largely undeveloped open space of Hampstead Heath to the north, and the informal 18th century townscape to the south, perpetuates the original 'edge of settlement' character. As a result the setting of the listed building is relatively tranquil with limited through traffic or activity. This aspect of setting contributes positively to the significance of the listed building.
- 3.40 Aside from the previously noted group value with other 18th century buildings in the locality there are no associative attributes which would contribute positively to the significance of the listed building.

Hampstead Conservation Area

Historic Development

- 3.41 Hampstead is located on London's 'Northern Heights'; sand and pebble-capped hills, stretch from West Hampstead to beyond Highgate. The hill at Hampstead offered natural advantages to early settlers and the subsequent history of Hampstead's development is determined by three recurring factors: - its topography; the Heath; and the attraction of its clean air and water.
- 3.42 The name derives from the Anglo-Saxon 'Hamestede' (meaning homestead). Domesday Book confirmed 'Hamestede' as a small farm. The manor was given to the monastery at Westminster by King Ethelred the Unready, which he confirmed in a charter of AD986.

- 3.43 In the middle ages the manor had a village with a parish church and was owned successively by the Knights Templar and the Knights Hospitaller. It would appear, however, that the monks only came to Hampstead in large numbers in 1349 to escape the Black Death.
- 3.44 Following the dissolution of the monasteries by Henry VIII, ownership of the manor changed again, passing into the hands of Sir Thomas Wroth in 1551; Baptist Hickes (later Lord Campden) in 1620; the Earl of Gainsborough in 1690; Sir William Langhorne in 1707; and then, by marriage, to the Maryon (later Maryon Wilson) family. None of the lords of the manor lived in Hampstead.
- 3.45 From the beginning of the 17th century, Hampstead began to attract wealthy people from London, drawn by the advantages of its elevated position, and the absence of landed aristocracy. Protestant dissenters, forbidden to preach within five miles of Charing Cross, also came. It has been suggested that this was the beginning of Hampstead's reputation for free thinking.
- 3.46 During the Great Plague, Hampstead was inundated with people fleeing from London and there is a tradition that the lawyers had to hold court under the trees which became known as Judge's Walk because all other accommodation was taken.
- 3.47 In 1698, the Gainsborough family gave six swampy acres east of the High Street to 'the poor of Hampstead'. The Wells Trust was established to develop the chalybeate springs as a spa. The spa stimulated development of this part of Hampstead and villas and boarding houses were built to accommodate temporary residents. More modest cottages were erected on Flask Walk. The spa enjoyed a brief revival in the 1730s, however, its proximity to London attracted too many lower-status visitors and Hampstead Wells did not remain fashionable for long.
- 3.48 By the time the first detailed map of the area by John Roque was published in 1746, the village had a population of over 1400, compared with 600 a century before. Much of the street pattern that exists today is recognisable in Roque's map. The medieval parish church (the Church of St John, Church Row) was rebuilt in 1747, to accommodate the increasing population. By 1801, Hampstead's population had grown to 4,300.
- 3.49 By the early 19th century, a number of large houses had been built in and adjacent to the centre of the village and on either side of the High Street there were also dense areas of working class cottages. Many of the large houses still survive, including Fenton House, Old Grove House, Frognal Grove, Burgh House, Cannon Hall, Romney's House etc, but most of the lower status areas have been redeveloped.
- 3.50 During the early 19th century, Hampstead village spread downhill with the development of stuccoed villas and terraces in Downshire Hill and John Street (now Keats Grove). Whilst London expanded rapidly outwards in all directions, development of Hampstead Heath itself was checked by vigorous resistance to the plans of Sir Thomas Maryon Wilson, the lord of the manor. Development of Finchley Road brought urban development closer to Hampstead when the turnpike was built by Colonel Eyre, of the Eyre estates, connecting St John's Wood to Finchley in 1827. The road went through Maryon Wilson land. Maryon Wilson then tried to obtain a Private Act of Parliament to enable him to develop both his farmlands and a section of the Heath between

Hampstead Ponds and The Vale of Health. The threat this posed to the Heath became the focus of a wider campaign to protect the commons around London. Sir Thomas refused to compromise and as a result was prevented from developing any of his lands.

- 3.51 Following the death of Sir Thomas his heir, Sir John, was more amenable to negotiation and gave up his manorial rights for £45,000 in 1871. The Heath was saved - and the restrictions that had prevented development of the other lands around Hampstead were removed.
- 3.52 The expansion of the railways also affected the development of Hampstead, although the greatest impact was to the south west of the village.
- 3.53 Prestigious houses continued to be built on the western slopes around Frognal and Fitzjohns Avenue during the 20th century, in a variety of inventive Arts-and Crafts styles, gradually becoming more conventionally neo-Georgian as the 20th century progressed. A number of striking modern houses were built in the 1930s, around Frognal and in Willow Road that defied convention, and the Hampstead tradition of avant-garde architecture established in the 1870s, continued through the 20th century.

Character and Appearance

- 3.54 The area to the west of Heath Street, between Church Row and Upper Terrace, contains the largest concentration of 18th century houses in the conservation area and still preserves a semblance of Hampstead's pre-19th century character. The buildings form several distinct groups, gradually reducing in density and formality from the terraces of Church Row to the relaxed sprawl of houses in large gardens around Upper Terrace and Lower Terrace.
- 3.55 The character of the Fenton House area is defined by winding lanes, small open green spaces and high brick walls with abundant foliage, resulting in a rural character. It is made up of the streets to the west of Hampstead Grove. Windmill Hill has three green Public Open Spaces, comprising lawn and shrubberies.
- 3.56 Windmill Hill runs from Holly Hill to Upper Terrace. At the southern end is the Holly Bush Hill triangular green. On its north side is a row of three high quality 1730s houses (Volta House, Bolton House and Windmill Hill House) set back from the road with mature trees in the front gardens behind brick walls with railings. Next to them is the attractive entrance to Fenton House. The road separates from Frognal Rise into a narrow road which twists around Nos.1-6, a group of six semi-detached red brick 1880s houses with a recessed entrance and wooden balustrade above the bay window.
- 3.57 The Garden Cottage to Fenton House, at the back of the main house faces onto Windmill Hill. The road continues to curl around with no buildings facing directly onto it. There are brick walls with some detached properties behind them. The road then opens out in an attractive prospect onto the three small open spaces. Approaching the Heath on the west side is the Site.

Contribution of Site to the Character and Appearance of the Conservation Area

- 3.58 Capo di Monte makes a positive contribution to the character and appearance of the conservation area on the basis of its significance as a listed building (including the contribution made by setting to this significance) described earlier in this Section.

4. Scheme Assessment

Introduction

- 4.1 In this Section the acceptability of the proposals are demonstrated in relation to their effect on the significance of the identified heritage assets, comprising Capo di Monte and the Hampstead Conservation Area. In light of the clear connections between the significance of the listed building and conservation area, if the proposals preserve the significance of one then they are likely to preserve the significance of the other.
- 4.2 The effect of the proposed works of alteration/development on the significance of the identified designated heritage assets must be considered in light of the statutory duties and national policy for the historic environment, in addition to local policy considerations (as set out in *Appendix 3* of this report) and the particular significance of the identified heritage assets (as assessed in Section 3.0 of this report).
- 4.3 The application proposals have been refined in response to pre-application feedback (ref: 2014/3992/PRE) and as a result of targeted investigatory works agreed with the Council. The application proposals are considered to successfully address this pre-application feedback.

Impact Assessment

Proposed Basement Extension

- 4.4 The most significant element of the applications is the formation of a single storey extension to the existing basement under a small part of the rear garden and later extension (to be remodelled as part of the current proposals).
- 4.5 The listed buildings incorporate existing basements such that the proposed basement extension is consistent with the historic pattern of development. Accordingly, there can be no objection in principle, from a heritage perspective, to the creation of a basement extension. The key consideration is securing an appropriate relationship to the listed building (and adjoining boundary walls and other nearby listed buildings), including interaction with fabric and securing its structural stability.
- 4.6 Any potential archaeological implications arising from the proposals are considered in a separate report prepared by Mills Whipp.
- 4.7 The applicant has engaged a suitably qualified and experienced structural engineer to advise on the formation of the basement extension and ensure the stability of the listed building and adjacent structures. A proportionate assessment of the effect of the basement excavation on structural stability is included as part of the Basement Impact Assessment (BIA) that accompanies the application for planning permission. This report also assesses the impact of the basement proposal on the fabric of the building utilising an appropriate, recognised methodology i.e. 'Burland Categories' and demonstrates that the long term stability of the building can be maintained and specify any necessary mitigation measures.

- 4.8 The proposed connections between the existing basement and proposed extension are modest in character, reflecting single door widths and will not entail the removal of fabric that would give rise to a loss of heritage significance. These connections will maintain an appropriate distinction and interrelationship between existing and proposed elements. The application proposals will maintain a clear and robust definition between the existing basement and proposed extension such that there will be no ‘blurring’ of the historic hierarchy of spaces within the building.
- 4.9 The existing form and character of the existing basements will remain largely unchanged by the application proposals and will maintain their character as ancillary spaces to the residential accommodation above. The historic division between the two elements of basement will be retained thereby maintaining the legibility of the building’s development from two separate cottages.
- 4.10 Within the northern element the proposed alterations are relatively minor in character and scale. The existing historic floor levels and finishes will be maintained with later, inappropriate interventions made good. This will significantly enhance the character and spatial qualities of the basement. The existing, modern concrete staircase will be removed to facilitate a new staircase leading from ground floor to basement (as outlined in the Design and Access Statement). The existing doorway at ground floor level will be retained maintaining a memory of the former location of the staircase in this part of the property.
- 4.11 The formation of a small opening to an extension under the heavily altered rear extension of the northern element will require the removal of a comparatively small amount of fabric, however, given the extent of alteration in this part of the building, such an alteration is considered to maintain the historic character of this part of the listed building. Areas which have shown by inspection to have no meaningful foundations will be carefully underpinned to ensure future stability of the listed building.
- 4.12 Within the existing southern basement the changes will be largely cosmetic in nature. The only direct intervention into fabric will be the lowering of the existing concrete slabs (retaining historic floor finishes for careful re-use) and limited works to facilitate a new connection between the stair hall and proposed gym entailing no removal of fabric that would result in a loss of significance.
- 4.13 The proposed basement extension below the 20th century rear extension (proposed to be remodelled) is a comparatively modern structure such that the principle of an extension in this location is considered to be acceptable from a built heritage perspective. There will be no adverse impact on the particular heritage significance of the listed building.
- 4.14 It has been noted in Section 3.0, that the existing rear garden is largely turned over to hard landscaping in the form of brick paviors and stone flags (of uncertain date and provenance) with only limited soft landscaping. As demonstrated by the application material the proposed basement is largely located under the existing building footprint (later extensions for the most part) with only a small proportion located under the rear garden. In light of the existing character of this space it is considered that the proposed disposition of the basement will sustain this existing character and provide opportunities to enhance the quality and appearance of this space through a comprehensive

landscaping plan. This proposed landscaping will be able to integrate elements such as the rooflight(s) as part of the overall comprehensive package of works.

Proposed Alterations to Existing Conservatory

- 4.15 It is proposed to alter the existing 20th century conservatory, which as outlined in Section 3.0, was originally built as a studio. The existing relationship with the listed building is convoluted and contrived resulting in a number of awkward spaces and interconnections with the listed building. There is scope to improve and rationalise this relationship.
- 4.16 The proposals will remove part of the conservatory wall where it adjoins the listed building. This fabric is of 1920s date and is of no particular heritage interest. The proposals will facilitate enhanced connections to the listed building through the slight widening of an existing opening. Whilst there will be some removal of historic fabric from the parent property this is in the context of an existing opening in previously altered fabric with the distinction maintained both through the proposed layout and also the changes in level between the historic property and later extension. Overall, it is considered that this alteration will sustain the significance of the listed building.
- 4.17 In addition, it is proposed to straighten some of the existing canted walls resulting in a marginally larger footprint but one that remains subservient to the listed building and maintains a commensurate garden space. Where new structure meets the existing building the two elements will be independent with no degree of interaction thereby minimising the removal of fabric. The alignment of the altered walls has been refined to ensure that the existing window in the rear elevation of the historic building remains external and legible from within the rear garden.
- 4.18 There will be no increase in the height of the remodelled extension, however, the existing utilitarian asphalt roof will be replaced with a green roof and the projecting lantern substituted for a lower profile rooflight of contemporary design. This element of the application will enhance the appearance of the roofscape from the upper levels of surrounding properties.

Proposed WC and Parking Space

- 4.19 It is proposed to partly demolish the existing 20th century garage (seemingly originally built in the 1920s, and remodelled/extended before 1946 – Figures 3.21 and 3.22) and replace it with a smaller single storey WC, storage space, cloakroom/cupboard and off-road parking space. The existing structure is a later addition and utilitarian appearance and is not of particular historic or aesthetic value. It does not contribute positively to the significance of the listed building or conservation area. Accordingly, there is no presumption in favour of its retention. The design of the proposed structure is recessive and consistent with the character of the listed building and will therefore integrate harmoniously with the designated heritage assets.
- 4.20 The proposed altered structure will be single storey in height and set back from the front of the property and will be a subsidiary, ancillary addition. A small opening is proposed between the entrance corridor and the new WC extension in an area which has been altered previously with the original construction of the garage. The proposals will maintain the cellular character of the space and not result in the removal of any fabric of particular heritage significance.

- 4.21 The proposed landscaping indicates how the surface car parking space will be incorporated within the hard landscaping scheme for the front garden as a whole, including boundary railings. In this manner the proposed car park will form an integrated part of a consistent domestic curtilage that preserves this aspect of the listed building's setting.

Other Internal Alterations

- 4.22 It is noted that the application proposals maintain, repair and restore existing historic detailing and decorative fabric throughout the building i.e. doors, architraves, skirting boards, window shutters/boxes and spandrels. Where original/historic, these elements contribute strongly to the informal character of the listed building and as such will the application proposals will sustain a key element of the buildings architectural interest.

Ground Floor

- 4.23 There are a range of minor alterations proposed at ground floor level. These consist of the re-opening of the blocked doorway between the proposed sitting and dining rooms. Given that this opening was shown on 1946 plans (Figure 3.22), the fabric associated with this infilling is mid-late 20th century in date, and is of no intrinsic merit. Re-forming this opening will be consistent with the property's historic development and particular heritage significance, which will therefore be sustained.
- 4.24 To further assist with circulation within the property it is proposed to form a new opening between the proposed dining room and library/hall. As demonstrated by Figure 3.22, the existing opening must be of mid-late 20th century date and is of no heritage value. The proposed opening is contained within substantial nibs and downstands that preserve the traditional cellular character of this part of the listed building.
- 4.25 It is proposed to remove the existing 20th century partition (Figures 3.20 -3.22) to provide an enlarged entrance hall. It has been established through historic plans and 20th century building specifications that the current wall is of mid-late 20th century date such that there will be no removal of historic fabric of heritage significance. It is clear from the evidence provided at Section 3.0 that there has been no consistent historic approach to the siting of this partition and that it has been altered at least twice during the course of the 20th century.
- 4.26 Whilst the 1923 floor plan (Figure 3.20) indicates that there was a wall separating the corridor from the adjoining morning room there is no evidence to demonstrate the age or significance of this wall and given the degree of variety in plan form associated with vernacular buildings of this period it cannot be reasonably asserted that the alignment is original, historic or significant. It is noted that the fireplace within the entrance hall is of a substantial scale relative to the size of the room it serves, which is suggestive that, historically, it may have served a larger room. In any event this earlier wall does not survive, having been removed by the mid-20th century (Figure 3.22).
- 4.27 Moreover, the current alignment of the wall (Figure 3.23) is materially different from that shown on the 1923 plan (Figure 3.23) both in terms of the position of the door, the presence of a canted section of wall and its relationship to the front façade. The alignment of the existing wall cannot therefore be confidently asserted as historic. In this regard the application proposals would be in conformity with the general pattern of the property's historic development and would give rise to no loss of fabric or plan form

that contributes to its special interest. The significance of the listed building would therefore be sustained by this alteration.

- 4.28 It is also proposed to undertake minor alterations to the plan form within the existing library. This space has been significantly altered and extended during the course of the 20th century through the formation of a number of small rooms into the current large space. This process of change is reflected by the existing 20th century character of the library.

First Floor

- 4.29 There are no significant changes proposed to the building at this level. The elements of historic plan form and fabric of significance will remain intact and legible with the removal of later 20th century additions thereby better revealing the significance of the listed building.
- 4.30 It is proposed to make minor alterations to the existing bathroom. This will entail the removal of modern bathroom fittings and partitions dating from the 1920s onwards (Figures 3.29 – 3.31). There will be no removal of internal fabric of significance. Accordingly, the special interest of the listed building will be preserved.
- 4.31 It is proposed to remove the existing, later ceiling in proposed 'bedroom 1' and 'dressing room' and raise the height to match that found elsewhere in the property. There will be no loss of historic fabric of significance and the spatial character will be consistent with other rooms in this part of the property and the spatial hierarchy of the building.
- 4.32 The existing inappropriate kitchenette/dining room will be removed thereby exposing the traditional panelling. This space is to be converted to a bedroom with a single door opening formed in the spine wall to connect to the proposed bathroom. In addition, the existing shower room will be rationalised through the removal of later partitions to become a small dressing room. The existing cellular plan form of the property will be maintained and the minor amount of fabric to be removed will not result in a loss of heritage significance.
- 4.33 The panelled study/spare room, one of the most significant internal spaces within the building, will be maintained as existing with the removal of the non-original, later 20th century bookshelves and works of repair and decoration to the retained panelling. The significance of this part of the listed building will therefore be sustained.

Other External Alterations

Landscaping and Boundary Treatments

- 4.34 The application proposals provide a comprehensive approach to landscaping, which includes the re-introduction of traditional metal railings on the retained historic plinth and between historic piers and provision of improved hard and soft landscaping to front and rear gardens. The details of this landscaping can be secured via condition, however, it is noted that there is significant scope to enhance the current setting of the listed building, which is relatively non-descript and modern in character (at least in part). In addition, the provision of additional soft landscaping to the front garden will enhance the character and appearance of this part of the conservation area by providing a link to the nearby Heath and formal landscaping of Judges' Walk.

Elevational Alterations

- 4.35 In addition to the consequential effects arising from the internal alterations the application proposals include a range of external enhancements to the building, principally through extensive works of repair and remediation.
- 4.36 It is proposed to reinstate the missing 'S' plaque above the front entrance door (Figure 3.37) thereby re-establishing the historic connections between historic connection and building fabric (albeit through a replica). This will enhance the historic interest of the listed building.
- 4.37 The application proposals will replace the existing mid-20th century fenestration to the library with a stable door and two timber windows, which are consistent with the architectural character of the property. The proposed windows and doors are located in a later and heavily altered addition to the property and are of a design, materiality and character that will integrate successfully. Accordingly, this aspect of the proposals will result in no loss of historic fabric of significance or erosion of historic plan form. As such, the special interest of the listed building will be preserved.
- 4.38 As part of the alterations to the existing southern basement it is proposed to swap the positions of the existing window and door leading to the lightwell. This will allow for the provision of an external stair (of a traditional design and materiality) as part of the proposed railings to enclose the existing lightwell. As noted on drawing 1249/AP02 the existing window, door and brickwork will be carefully removed and stored for re-use with all surface finishes to match the existing adjoining material. Given the particular significance of the listed building and the nature of these proposed alterations it is considered that its significance will be sustained.

Roof Level

- 4.39 It is proposed to restore the historic profile and appearance of the chimneys (Figure 3.14), which had been obscured through inappropriate alteration between 1929 (Figure 3.14) and 1945 (Figure 3.16). These alterations would restore an important element of the building's original picturesque silhouette and therefore better reveal the significance of the listed building.

Summary of Effect

- 4.40 The Framework's core planning principle with respect to planning and the historic environment is that heritage assets should be conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of this and future generations.
- 4.41 In accordance with the requirements of paragraph 128 of the Framework, the significance of the heritage assets and the contribution made by setting to that significance, proportionate to the asset's importance and sufficient to understand the potential impact of the application proposals on that significance has been outlined in Section 3.0.
- 4.42 With respect to paragraphs 131, 132 and 137 of the Framework, the particular significance of the statutorily listed building and Hampstead Conservation Area (and the

contribution made by the site to this significance) the applications will both individually and cumulatively sustain, and in a number of ways enhance, their heritage significance.

- 4.43 When considered as a whole, the applications therefore meet the objectives of Framework policy and, where relevant the duties of the 1990 Act, with respect to conserving and enhancing the historic environment.

5. Conclusions

- 5.1 This Heritage Statement has been prepared by Turley Heritage on behalf of John and Karen Green to assess the effect of the proposed formation of a basement extension, alterations to a later rear extension and associated works of internal and external alteration of Capo di Monte (a grade II listed building) within the Hampstead Conservation Area.
- 5.2 The application proposals have been considered in response to a clear understanding and appreciation of the historical development and architectural character of the listed buildings, and surrounding townscape within the conservation area. They have also been further refined in response to pre-application feedback (ref: 2014/3992/PRE). A description of the significance of the identified heritage assets is set out in Section 3.0 of this Statement, based on proportionate archival research and visual inspection.
- 5.3 Section 4.0 undertakes a review of the proposals and their impact on the significance of the heritage assets, in light of the relevant statutory duties and heritage policy and guidance. In light of the historic development of the property (including the presence of historic basements) and the character of the associated grounds there is scope to extend the existing basement in a manner, which sustains the significance of the listed building and this part of the conservation area.
- 5.4 The technical reports that accompany the application demonstrate that the structural stability of the listed building (and surrounding structures) will be maintained (as part of the BIA) and that landscaping proposals will enhance the character of the associated grounds.
- 5.5 There are a range of external and internal works in addition to the proposed basement extension. These include works to rationalise and improve circulation within the existing building and improve the appearance of the existing conservatory. These works will retain the existing cellular character of the listed building and have, for the most part, been focussed on areas which have been previously altered. Accordingly, there will be no removal of historic fabric or erosion of plan form which would result in a loss of heritage significance.
- 5.6 The applications also include a range of works which would better reveal the significance of the heritage assets, including the reinstatement of appropriate boundary railings; restoring the historic appearance of a number chimneystacks; and reintroducing the 'S' plaque to the front elevation. These are heritage benefits for the purposes of national Planning Practice Guidance and paragraph 79 of the PPS5 Practice Guide.
- 5.7 Overall, the proposals will preserve the special interest of the listed building, and will preserve the character and appearance of the conservation area. The significance of these designated heritage assets will be sustained or enhanced by the proposed changes, and will not be harmed.
- 5.8 The proposals will therefore meet the objectives of the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990, national policy set out in the Framework, policy 7.8 of the London Plan, policy CS14 of LB Camden's Core Strategy,

policies DP25 and DP27 of LB Camden's Development Policies, Camden's Planning Guidance SPD and other relevant supplementary planning documents/guidance.

Appendix 1: List Entry

List Entry Summary

This building is listed under the Planning (Listed Buildings and Conservation Areas)

Act 1990 as amended for its special architectural or historic interest.

Name: CAPO DI MONTE

List Entry Number: 1379199

Location

CAPO DI MONTE, WINDMILL HILL

The building may lie within the boundary of more than one authority.

County: Greater London Authority

District: Camden

District Type: London Borough

Parish:

National Park: Not applicable to this List entry.

Grade: II

Date first listed: 11-Aug-1950

Date of most recent amendment: Not applicable to this List entry.

Legacy System Information

The contents of this record have been generated from a legacy data system.

Legacy System: LBS

UID: 478566

Asset Groupings

This List entry does not comprise part of an Asset Grouping. Asset Groupings are not part of the official record but are added later for information.

List Entry Description

Summary of Building

Legacy Record - This information may be included in the List Entry Details.

Reasons for Designation

Legacy Record - This information may be included in the List Entry Details.

History

Legacy Record - This information may be included in the List Entry Details.

Details

CAMDEN

TQ2686SW WINDMILL HILL

798-1/16/1726 (West side)

11/08/50 Capo-di-Monte

II

2 house, now single detached house. Late C18, much altered. Stucco with weatherboard extensions at rear. 2 storeys and basement. Long, low irregular 6-window front with 3-window canted bay through ground and 1st floor at right. 3 entrances. Main, north doorway with C20 bracketed hood. South doorway with C20 portico. Slightly recessed sashes with exposed boxing. Cornice and parapet. INTERIOR: not inspected. HISTORICAL NOTE: an "S" over the door recalls that the actress Sarah Siddons stayed here 1804-5.

Appendix 2: Map of Hampstead Conservation Area



Appendix 3: Statutory Duties and Planning Policy

Statutory Duties

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the general duty with regard to the determination of listed building consent applications:

“In considering whether to grant listed building consent for any works the local planning 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 66 imposes a “General duty as respects listed buildings in the exercise of planning functions.” Subsection (1) provides:

“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, 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.”

With regard to applications for planning permission within conservation areas, the Planning (Listed Buildings & Conservation Areas) Act 1990 outlines in Section 72 that:

“s.72(1) In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

In light of the wording of Section 72 of the 1990 Act, the statutory provision is satisfied if the development does one thing or another, and there will be cases where proposals will both preserve and enhance a conservation area. The meaning of preservation in this context is taken to be the avoidance of harm. Character relates to physical characteristics but also to more general qualities such as uses or activity within an area. Appearance relates to the visible physical qualities of the area.

Recent case law¹⁴ has confirmed that Parliament’s intention in enacting section 66(1) was that decision-makers should give “considerable importance and weight” to the desirability of preserving the setting of listed buildings, where “preserve” means to “to do no harm” (after South Lakeland). This duty must be given the appropriate weight and importance when considering any harm that may accrue and the balancing of such harm against public benefits as required by national planning policy with the presumption is therefore that development proposals should not give rise to harm to the special interest of a listed building. The Secretary of State has recently confirmed¹⁵ that ‘considerable importance and weight’ is not synonymous with ‘overriding importance and weight’.

¹⁴ Barnwell Manor Wind Energy Limited and (1) East Northamptonshire District Council (2) English Heritage (3) National Trust (4) The Secretary of State for Communities and Local Governments, Case No: C1/2013/0843, 18th February 2014

¹⁵ APP/H1705/A/13/2205929

Planning Policy

Chapter 12 of the Framework sets out the Government's policy regarding conserving and enhancing the historic environment. Paragraph 131 provides a positive emphasis with regard to determining such planning applications, stating that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets, and putting them into viable uses consistent with their conservation, as well as the desirability of new development making a positive contribution to local character and distinctiveness.

Designated Heritage Assets

Policy 132 applies to the consideration of the impact of proposed development on the significance of a designated heritage asset, noting that great weight should be given to the asset's conservation; the more important the asset, the greater the weight should be. It is noted that significance can be harmed or lost through alteration or destruction of the asset itself or, by development within its setting.

Policy 133 relates to where a proposed development would lead to substantial harm to or total loss of significance of a designated heritage asset. Local planning authorities should refuse consent in these circumstances unless it can be demonstrated it necessary to deliver substantial public benefits that outweigh such harm or loss. Alternatively, the nature of the heritage asset prevents all reasonable uses of the site; and, no viable use of the heritage asset can be found in the medium term through appropriate marketing that will enable its conservation; and, conservation by grant funding or some form of charitable or public ownership is demonstrably not possible; and, the harm or loss is outweighed by bringing the site back into use.

Policy 134 applies where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset. In these circumstances the harm should be weighed against the public benefits of the proposal. It outlines this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

In considering the effects of development upon the significance of heritage assets the Framework (Annex 2: Glossary) defines conservation (for heritage policy) as:

"The process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance."

Policy CS14 of Camden's Core Strategy and policy DP25 of Camden's Development Policies document, relating to heritage assets, is consistent with the relevant statutory duties and national policy.

Setting

The Framework defines the setting of a heritage asset as:

"The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral."

Policy 137 requires local planning authorities look for opportunities for new development within conservation areas, World Heritage Sites and the setting of heritage assets to better reveal their significance. With respect to setting, the policy notes that proposals that preserve those elements of setting that make a positive contribution, or better reveal the significance of the asset, should be treated favourably.

The relevant local planning policy context, outlined earlier in this Section, reiterates the guidance contained in the Framework and as such it is not necessary to repeat it.

English Heritage has also published guidance¹⁶, in respect of the setting of heritage assets, providing detail on understanding setting and the associated assessment of the impact of any changes.

Basement and Lightwell Extensions

The Local Authority's approach to basement and lightwell development is contained at Policy DP27 of the Development Policies document and states, amongst other things, that developers will be required to demonstrate that the structural stability of the building and neighbouring property will be maintained. It goes on to state that the Council will consider whether such schemes lead to the loss of open space or trees of townscape or amenity value; provide satisfactory landscaping, including adequate soil depth; and/or harm the appearance or setting of the property or the established character of the surrounding area.

The supporting text to Policy DP27 relates specifically to basement proposals affecting listed buildings and states:

"In the case of listed buildings, applicants will be required to consider whether basement and underground development preserves the existing fabric, structural integrity, layout, interrelationships and hierarchy of spaces, and any features that are architecturally or historically important. Listed buildings form an intrinsic element of the character of conservation areas and therefore basement development which harms the special architectural and historic interest of a listed building is also likely to fail to preserve or enhance the character or appearance of the conservation area in which it is located. Further guidance on design and heritage is contained in policies DP24 – Securing high quality design and DP25 – Conserving Camden's heritage."

Chapter 4 of Camden's Planning Guidance relates specifically to Basements and Lightwells and amplifies the content of Policy DP27. Of particular relevance to the effect on the listed building is the requirement for mitigation measures to be proposed as part of the Basement Impact Assessment where predicted structural damage arising from the basement excavation is greater than 'slight' when utilising the 'Burland Categories'. In addition, the guidance makes clear that the Council will require a structural stability report to accompany a basement application for sites adjoining or adjacent to listed buildings.

The guidance specifically notes at paragraph 2.53 that the Council will seek to ensure that basement schemes "do not harm the recognised architectural character of buildings and surrounding areas, including gardens and nearby trees, and that conservation area character is preserved or enhanced".

¹⁶ The Setting of Heritage Assets: English Heritage (2011)

The approach to basement proposals affecting conservation areas and listed buildings is considered at paragraph 2.59 where it states "...The acceptability of a basement extension to a listed building will be assessed on a case-by-case basis, taking into account the individual features of the building and its special interest..." It goes on to state that "As with all basement schemes, we will need to be satisfied that effective measures will be taken during demolition and construction works to ensure that damage is not caused to the listed building and any buildings it directly adjoins..."

With regard to trees and landscaping the guidance notes at paragraph 2.65 that basement proposals that take up the whole front and/or rear garden of a property are very unlikely to be acceptable and the sufficient margins should be left between the site boundaries and any basement construction and should be sufficient to sustain the growth and mature development of the characteristic tree species and vegetation of the area. In order to provide a sufficient growing medium above basement extensions the Local Authorities guidance requires, as the minimum, the provision of 0.5m of top soil be provided, with applicants encouraged to provide 1m.

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