

Donald Insall Associates

34 Downshire Hill

Historic Building Statement

for Peter & Lea Schwartz

June 2015



Chartered Architects and Historic Building Consultants

34 Downshire Hill

Historic Building Statement

For Peter and Lea Schwartz



Ordnance Survey map with the site marked in red.
[Reproduced under Licence 100020449]

This report and all intellectual property rights in it and arising from it are the property of or are under licence to Donald Insall Associates. Neither the whole nor any part of this report, nor any drawing, plan, other document or any information contained within it may be reproduced in any form without the prior written consent of Donald Insall Associates. All material in which the intellectual property rights have been licensed to DIA and such rights belong to third parties may not be published or reproduced at all in any form, and any request for consent to the use of such material for publication or reproduction should be made directly to the owner of the intellectual property rights therein. Checked by HLE



P Resident
permit
holders
only
CA-H
Mon-Sat
9am-8pm

14



Contents

1.0 Introduction

2.0 The Buildings and their Current Legislative Status

3.0 Assessment of Significance

4.0 Description of the Proposals and their Impact on the Heritage Assets

4.1 Justification of the Proposals

4.2 Conclusion

Appendices

Appendix I – Planning Policy

Appendix II – Statutory List Description

Appendix III – Endnotes

Contact information

Vicky Webster

Vicky.Webster@insall-architects.co.uk

Tel: 020 7245 9888

London Office

12 Devonshire Street

London, W1G 7AB

www.insall-architects.co.uk

1.0 Introduction

Donald Insall Associates was commissioned in April 2014 by Peter & Lea Schwartz to assist them in the preparation of proposals for 34 Downshire Hill.

This statement is to be read in conjunction with the Historic Building Report by Donald Insall Associates on 34 Downshire Hill (dated October 2014) which sets out a description of proposed changes to the scheme which was granted Listed Building Consent (2014/6610/L) and Planning Permission (2014/6545/P) in November 2014. Since the permissions were granted, it is proposed to introduce air conditioning to the first floor, to rebuild the vault wall, and to replace a window at first floor level. This will be discussed in more detail in **Section 4**.

2.0 The Buildings and their Current Legislative Status

No 34 is grade II-listed and lies within the designated Hampstead Conservation Area in the London Borough of Camden. The statutory list description is included in Appendix I.

Alterations to listed buildings require listed building consent, alongside planning permission.

The Planning (Listed Buildings and Conservation Areas) Act 1990 is the legislative basis for decision making on applications that relate to the historic environment. Sections 66 and 72 of the Act impose a statutory duty upon local planning authorities to consider the impact of proposals upon listed buildings and conservation areas and state that new development should preserve or enhance the special architectural or historic interest of listed buildings or their setting and the character and appearance of conservation areas.

In order for a local authority to consider granting such consent, the proposed development must also be justified according to the policies on the historic environment set out in the National Planning Policy Framework.

The key message of the National Planning Policy Framework is the concept of 'sustainable development'. The National Planning Policy Framework requires that heritage assets (a term that, with regard to UK planning legislation, includes listed buildings, conservation areas, and unlisted buildings of local importance) should be conserved in a manner 'appropriate to their significance.' It also notes the desirability of 'sustaining and enhancing the significance' of heritage assets and of putting assets to viable uses 'consistent with their conservation.' The National Planning Policy Framework recognises the 'positive contribution of that the conservation of heritage assets can make towards economic vitality'. However, it also recognises that, in some cases, proposals can lead to a heritage asset losing significance. The National Planning Policy Framework thus requires that the 'public benefits' of a proposal – which include securing the optimum viable use of a designated heritage

asset – should outweigh any ‘less than substantial’ harm caused to the significance of a designated heritage asset.

Copies of the relevant planning policy documents are included in Appendix I.

3.0 Assessment of Significance

The house was built in c1820, probably by William Woods of Kennington. The building is one of a pair of two-storey semi-detached houses (the other is no. 35 Downshire Hill) and are typical of the development of Hampstead in the Regency period. Its primary significance lies in its principal façade to Downshire Hill, which presents a neat, and well-proportioned stock brick façade.

The building has undergone alteration in 1918, 1938 and 1985. In 1938, the building was extended to the north by three storeys, in a similar style to the original. This extension mirrors that of no. 35. In 1985, a canted bay extension was added to the rear of the house in poorly-detailed yellow brick with ribbon cement pointing; this detracts considerably from the building's significance.

Secondary significance lies in the building's interior, particularly on the ground floor. Although much-altered, what does remain contributes to the building's special interest. The original plan form is broadly discernible, despite alterations and new openings. The entrance hall retains its original ceiling, cornice and arch through to the stairwell. The staircase itself is original, and therefore significant. The principal rooms have been altered, but retain historic sash windows and some skirtings. The doorcases and doors, although they appear to be of the correct style for the date of the house, are likely to be facsimiles of a later date. In spite of this they contribute to the overall Regency aesthetic of the interior. Aside from the windows and some internal doors, the lower ground and first floors contain little historic fabric, and therefore contribute little to the significance of the building.

4.0 Description of the Proposals and their Impact on the Heritage Assets

The proposal seeks to introduce two air conditioning units to the roof of 34 Downshire Hill. The location has been selected in order to have a minimal impact on the listed building and the Hampstead Conservation Area. It is also proposed to replace a window at first floor level, to rebuild a section of wall to the front vaults, and to introduce a membrane to one of the vaults. The proposals can be seen in drawings submitted by McLaren. Excell.

It is proposed to locate two air conditioning units on the flat section of roof, over the 1938 extension. There is an existing cold water tank on this section of roof, which is encased in asphalt. As this tank is no longer required, it is intended to remove this structure and to rebuild a slightly smaller enclosure to house two air conditioning units. The new structure

would be smaller than the existing structure, and would be faced with timber cladding. A modern rooflight on the 1938 extension would be removed and filled. This proposal would result in a modest improvement to the roofscape of the listed building. The replacement structure would be barely visible in street views and would therefore have a negligible effect on the Hampstead Conservation area.

The air conditioning would only serve the first floor. The service runs would track from the flat roof into the rooms in the 1938 extension, and onto and through the central valley between the M-pitched roof. Internally, the runs would be inserted between the existing concrete deck structure and the new suspended ceiling - to serve Bedrooms 2 and 3 within the 1938 extension. The service runs for Bedroom 1 and the dressing room would track down from the central valley in the roof, and the pipework would run within the roofspace above – being carefully laid over the joists. A ‘Daikin slim concealed ceiling unit’ would be placed in each of these rooms. As the ceilings in these rooms have undergone significant alteration, the insertion of the runs and units would have a minimal impact on the listed building.

In opening up the formerly blocked up vaults, it has been discovered that the front wall of the vaults is built in 225mm thick stack-bond brickwork, making it inherently weak. Inspection of the junction of the wall and the vault brick construction indicated that this wall is independent of the vault, meaning that it could be rebuilt without any implications for the structural integrity of the vault construction.¹ As part of the latest proposals, it is proposed to take down the existing wall, and to reconstruct it as a solid 215mm brick wall, with white painted finish to the face of the brickwork. This would have no impact on the conservation area, but would have a positive impact on the listed building by improving the appearance of this wall in a manner in keeping with its original construction. It is also intended to introduce a membrane to the internal walls of the vault in order to make the space usable. The membrane would be fixed on batons applied to the vaults walls and would make the vault walls water resistant, whilst allowing water transmission. These proposed alterations combined would enable the original vault to be safely accessed and used – ensuring the optimum viable use of this listed building.

It is also proposed to replace a window on the first floor. The existing window is an eight-over-eight timber sash. The top half is historic, but non-original, whilst the lower half is a modern replacement. It is proposed to replace the window with one which matches those adjacent. This would result in a modest improvement to the appearance of the listed building, and the character of the conservation area.

4.1 Justification of the Proposals

The Planning (Listed Buildings and Conservation Areas) Act 1990 is the legislative basis for decision making on applications that relate to the historic environment. Sections 66 and 72 of the Act impose a statutory duty upon local planning authorities to consider the impact of proposals upon listed buildings and their setting and conservation areas and to have special regard to the desirability of preserving the special architectural

or historic interest of listed buildings and preserving or enhancing the character or appearance of a conservation area. As a minimum, therefore, the impact of development on these heritage assets should be neutral to not engage the presumption within the Act against the grant of planning permission.

The alterations proposed to the front vault wall at basement level would see the removal of some historic fabric, however this is minimal and in a less important level within the building, so the overall special architectural and historic interest of the listed building would be preserved; indeed it would be enhanced by the proposals to reinstate these vaults (as part of the approved scheme). The external proposed works are minor, and would not adversely impact on the setting of the listed building or the character or appearance of the conservation area; in fact they would result in a modest enhancement. The alterations to the first floor ceilings would not have an adverse impact on the listed building, as these areas have been heavily altered. Therefore the presumption against the grant of planning permission within the Act is not engaged.

The NPPF has crystallised previous policy approaches to the historic environment and has given strong emphasis to the need to 'weigh up' the pros and cons of a proposal to alter the historic environment. In particular, policy now states that benefits, and in particular 'public benefits', arising from proposals should be part of the weighing up process. The extent of 'public benefits' required to balance any potential 'harm' to a heritage asset is dependent on whether the 'harm' is 'substantial' or 'less than substantial' (paragraphs 133 and 134). Whilst the alterations at basement level and those proposed to the first floor ceilings outlined above are not considered to cause harm to the overall significance of the listed building and therefore paragraphs 133 and 134 of the NPPF are not engaged, it is helpful to consider the public benefits of the scheme.

Public benefits which follow from development could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework (Paragraph 7). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits. Public benefits may include heritage benefits. In this instance the proposals offer the modest heritage benefit of replacing a poor-quality sash to the rear at first floor level, and removing a water tank and modern skylight from the roof of the 1938. Furthermore, the proposals at a more general level would contribute to it continuing in its original and optimum viable use as family home and therefore its on-going conservation.

4.2 Conclusion

The NPPF places a particular emphasis on having a balanced judgement as to the scale of harm or loss *vis a vis* the significance of the heritage asset. In this case, whilst there would be no harm or loss, the proposals would provide modest public benefits, including the reinstatement of features

suited to the architectural character of the building – thus contributing to its continued viability and conservation. The proposals would therefore meet the tests within the NPPF for sustainable development, insofar as these relate to the historic environment.

Planning (Listed Buildings and Conservation Areas) Act 1990

The Act is legislative basis for decision making on applications that relate to the historic environment.

Sections 66 and 72 of the Act impose a statutory duty upon local planning authorities to consider the impact of proposals upon listed buildings and conservation areas.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that:

in considering whether to grant 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.

Similarly, section 72(1) of the above Act states that:

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

National Planning Policy Framework

Any proposals for consent relating to heritage assets are subject to the policies of the NPPF (2012). This sets out the Government's planning policies for England and how these are expected to be applied. With regard to 'Conserving and enhancing the historic environment', the framework requires proposals relating to heritage assets to be justified and an explanation of their effect on the heritage asset's significance provided.

The NPPF has the following relevant policies for proposals such as this:

*14. At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking.*

The NPPF sets out twelve **core planning principles** that should underpin decision making (paragraph 17). Amongst those are that planning should:

- *not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;*
- *proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort*

should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;

- *always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;*
- *support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);*
- *conserve heritage assets 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;*

With regard to the **significance** of a heritage asset, the framework contains the following policies:

129. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

In determining applications local planning authorities are required to take account of significance, viability, sustainability and local character and distinctiveness. Paragraph 131 of the NPPF identifies the following criteria in relation to this:

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- *the desirability of new development making a positive contribution to local character and distinctiveness.*

With regard to potential '**harm**' to the significance designated heritage asset, in paragraph 132 the framework states the following:

...great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

With regard to '**less than substantial harm**' to the significance of a designated heritage asset, of the NPPF states the following;

134. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

In relation to the consideration of applications for development affecting the **setting of a designated heritage asset**, paragraph 137 of the document states the following:

Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

In terms of **non-designated heritage assets**, the NPPF states:

135. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balance judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

With regards to the loss of a building (or other element) which makes a positive contribution to a **Conservation Area**, paragraph 138 states this should be treated:

...As substantial harm under paragraph 133 or less than substantial harm under paragraph 134, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area...as a whole.

National Planning Policy Guidance

The planning practice guidance was published on the 6th March 2014 to support the National Planning Policy Framework and the planning system. It includes particular guidance on matters relating to protecting the historic environment in the section: Conserving and Enhancing the Historic Environment. The relevant guidance is as follows:

Paragraph 3: What is meant by the conservation and enhancement of the historic environment?

The conservation of heritage assets in a manner appropriate to their significance is a core planning principle. Heritage assets are an irreplaceable resource and effective conservation delivers wider social, cultural, economic and environmental benefits.

Conservation is an active process of maintenance and managing change. It requires a flexible and thoughtful approach to get the

best out of assets as diverse as listed buildings in every day use to as yet undiscovered, undesignated buried remains of archaeological interest.

In the case of buildings, generally the risks of neglect and decay of heritage assets are best addressed through ensuring that they remain in active use that is consistent with their conservation. Ensuring such heritage assets remain used and valued is likely to require sympathetic changes to be made from time to time. In the case of archaeological sites, many have no active use, and so for those kinds of sites, periodic changes may not be necessary.

Where changes are proposed, the National Planning Policy Framework sets out a clear framework for both plan-making and decision-taking to ensure that heritage assets are conserved, and where appropriate enhanced, in a manner that is consistent with their significance and thereby achieving sustainable development.

Part of the public value of heritage assets is the contribution that they can make to understanding and interpreting our past. So where the complete or partial loss of a heritage asset is justified, the aim then is to capture and record the evidence of the asset's significance which is to be lost, interpret its contribution to the understanding of our past, and make that publicly available.

Paragraph 7 states:

There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*
- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.*

Paragraph 8: What is “significance”?

“Significance” in terms of heritage policy is defined in the Glossary of the National Planning Policy Framework.

In legislation and designation criteria, the terms ‘special architectural or historic interest’ of a listed building and the ‘national importance’ of a scheduled monument are used to describe all or part of the identified heritage asset’s significance. Some of the more recent designation records are more helpful as they contain a fuller, although not exhaustive, explanation of the significance of the asset.

Paragraph 9: Why is ‘significance’ important in decision-taking?

Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals

Paragraph 13: What is the setting of a heritage asset and how should it be taken into account?

The “setting of a heritage asset” is defined in the Glossary of the National Planning Policy Framework.

A thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.

Setting is the surroundings in which an asset is experienced, and may therefore be more extensive than its curtilage. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not.

The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each.

The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. This will vary over time and according to circumstance.

When assessing any application for development which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change. They may also need to consider the fact that developments which materially detract from the asset's significance may also damage its economic viability now, or in the future, thereby threatening its ongoing conservation.

Paragraph 15: What is a viable use for a heritage asset and how is it taken into account in planning decisions?

The vast majority of heritage assets are in private hands. Thus, sustaining heritage assets in the long term often requires an incentive for their active conservation. Putting heritage assets to a viable use is likely to lead to the investment in their maintenance necessary for their long-term conservation.

By their nature, some heritage assets have limited or even no economic end use. A scheduled monument in a rural area may preclude any use of the land other than as a pasture, whereas a listed building may potentially have a variety of alternative uses such as residential, commercial and leisure.

In a small number of cases a heritage asset may be capable of active use in theory but be so important and sensitive to change that alterations to accommodate a viable use would lead to an unacceptable loss of significance.

It is important that any use is viable, not just for the owner, but also the future conservation of the asset. It is obviously desirable to avoid successive harmful changes carried out in the interests of repeated speculative and failed uses.

If there is only one viable use, that use is the optimum viable use. If there is a range of alternative viable uses, the optimum use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes.

The optimum viable use may not necessarily be the most profitable one. It might be the original use, but that may no longer be economically viable or even the most compatible with the long-term conservation of the asset. However, if from a conservation point of view there is no real difference between viable uses, then the choice of use is a decision for the owner.

Harmful development may sometimes be justified in the interests of realising the optimum viable use of an asset, notwithstanding the loss of significance caused provided the harm is minimised. The policy in addressing substantial and less than substantial harm is set out in paragraphs 132 – 134 of the National Planning

Policy Framework.

Paragraph 20: What is meant by the term public benefits?

Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework (Paragraph 7). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

Public benefits may include heritage benefits, such as:

- *sustaining or enhancing the significance of a heritage asset and the contribution of its setting*
- *reducing or removing risks to a heritage asset*
- *securing the optimum viable use of a heritage asset*

Historic England: Historic Environment Good Practice Advice in Planning (March 2015)

The purpose of the Good Practice Advice note is to provide information on good practice to assist in implementing historic environment policy in the National Planning Policy Framework (NPPF) and the relate guidance given in the National Planning Practice Guide (NPPG).

Note 2 'Managing Significance in Decision-Taking'

This note provides information on:

assessing the significance of heritage assets, using appropriate expertise, historic environment records, recording and furthering understanding, neglect and unauthorised works, marketing and design and distinctiveness.

It states that:

The advice in this document, in accordance with the NPPF, emphasises that the information required in support of applications for planning permission and listed building consent should be no more than is necessary to reach an informed decision, and that activities to conserve or investigate the asset needs to be proportionate to the significance of the heritage assets affected and the impact on that significance.

In their general advice on decision-taking, this note advises that:

Development proposals that affect the historic environment are much more likely to gain the necessary permissions and create successful places if they are designed with the knowledge and understanding of the significance of the heritage assets they may affect. The first step for all applicants is to understand the significance of any affected heritage asset and, if relevant, the contribution of its setting to its significance. The significance of

a heritage asset is the sum of its archaeological, architectural, historic, and artistic interest.

Paragraph 6 highlights the NPPF and NPPG's promotion of early engagement and pre-application discussion, and the early consideration of significance of the heritage asset in order to ensure that any issues can be properly identified and addressed. Furthermore, the note advises that:

As part of this process, these discussions and subsequent applications usually benefit from a structured approach to the assembly and analysis of relevant information. The stages below indicate the order in which this process can be approached – it is good practice to check individual stages of this list but they may not be appropriate in all cases and the level of detail applied should be proportionate.

- 1. Understand the significance of the affected assets;*
- 2. Understand the impact of the proposal on that significance;*
- 3. Avoid, minimise and mitigate impact in a way that meets the objectives of the NPPF;*
- 4. Look for opportunities to better reveal or enhance significance;*
- 5. Justify any harmful impacts in terms of the sustainable development objective of conserving significance and the need for change;*
- 6. Offset negative impacts on aspects of significance by enhancing others through recording, disseminating and archiving archaeological and historical interest of the important elements of the heritage assets affected.*

The Assessment of Significance as part of the Application Process

Paragraph 7 emphasises the need to properly assess the nature, extent and importance of the significance of a heritage asset and the contribution of its setting early in the process, in order to form a successful development, and in order for the local planning authority to make decisions in line with legal objectives and the objectives of the development plan and the policy requirements of the NPPF.²

8. Understanding the nature of the significance is important to understanding the need for and best means of conservation. For example, a modern building of high architectural interest will have quite different sensitivities from an archaeological site where the interest arises from the possibility of gaining new understanding of the past.

9. Understanding the extent of that significance is also important because this can, among other things, lead to a better

understanding of how adaptable the asset may be and therefore improve viability and the prospects for long term conservation.

10. Understanding the level of significance is important as it provides the essential guide to how the policies should be applied. This is intrinsic to decision-taking where there is unavoidable conflict with other planning objectives.

11. To accord with the NPPF, an applicant will need to undertake an assessment of significance to inform the application process to an extent necessary to understand the potential impact (positive or negative) of the proposal and to a level of thoroughness proportionate to the relative importance of the asset whose fabric or setting is affected.

Conservation Principles and Assessment

Conservation Principles (2008) explores, on a more philosophical level, the reason why society places a value on heritage assets beyond their mere utility. It identifies four types of heritage value that an asset may hold: aesthetic, communal, historic and evidential value. This is simply another way of analysing its significance. These values can help shape the most efficient and effective way of managing the heritage asset so as to sustain its overall value to society.³

Curtilage Structures

15 Some buildings and structures are deemed designated as listed buildings by being fixed to the principal building or by being ancillary within its curtilage and pre-dating 1 July 1948. Whether alteration, extension or demolition of such buildings amounts to harm or substantial harm to the designated heritage asset (i.e. the listed building together with its curtilage and attached buildings) needs careful consideration. Some curtilage structures are of high significance, which should be taken fully into account in decisions, but some are of little or none. Thus, like other forms of heritage asset, curtilage structures should be considered in proportion to their significance. Listed buildings designated very recently (after 25 June 2013) are likely to define curtilage definitively; where this is (or is not) the case will be noted in the list description.

Assessing the Proposals

25. In deciding applications for planning permission and listed building consent, local planning authorities will need to assess the particular significance of the heritage asset(s) which may be affected by the proposal and the impact of the proposal on that significance reflecting the approach as described in paragraphs 3-5 above.

26. Successful sustainable development achieves economic, social and environmental gains jointly and simultaneously through planning decisions. If there is any apparent conflict between the proposed development and the conservation of a heritage asset then the decision-maker might need to consider whether alternative means of delivering the development benefits could achieve a more sustainable result, before proceeding to weigh benefits against any harm.

27. Substantial harm is a high test which may not arise in many cases. In those cases where harm or loss is considered likely to be substantial, then the LPA will need to consider the relevant NPPF tests. Further detail on the tests on levels of harm can be found at paragraphs 133-135 and 139 of the NPPF. Further guidance on heritage conservation as a public benefit in itself, optimum viable use, levels of harm and mitigating harm are given in the PPG section ID 18a, paragraphs 15 to 20.

Cumulative Impact

28 The cumulative impact of incremental small-scale changes may have as great an effect on the significance of a heritage asset as a larger scale change. Where the significance of a heritage asset has been compromised in the past by unsympathetic development to the asset itself or its setting, consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset in order to accord with NPPF policies. Negative change could include severing the last link to part of the history of an asset or between the asset and its original setting. Conversely, positive change could include the restoration of a building's plan form or an original designed landscape.

Listed Building Consent Regime

29. Change to heritage assets is inevitable but it is only harmful when significance is damaged. The nature and importance of the significance that is affected will dictate the proportionate response to assessing that change, its justification, mitigation and any recording which may be needed if it is to go ahead. In the case of listed buildings, the need for owners to receive listed building consent in advance of works which affect special interest is a simple mechanism but it is not always clear which kinds of works would require consent. In certain circumstances there are alternative means of granting listed building consent under the Enterprise & Regulatory Reform Act 2013.

Opportunities to Enhance Assets, their Settings and Local Distinctiveness

52. Sustainable development can involve seeking positive improvements in the quality of the historic environment. There

will not always be opportunities to enhance the significance or improve a heritage asset but the larger the asset the more likely there will be. Most conservation areas, for example, will have sites within them that could add to the character and value of the area through development, while listed buildings may often have extensions or other alterations that have a negative impact on the significance. Similarly, the setting of all heritage assets will frequently have elements that detract from the significance of the asset or hamper its appreciation.

Design and Local Distinctiveness

53. Both the NPPF (section 7) and PPG (section ID26) contain detail on why good design is important and how it can be achieved. In terms of the historic environment, some or all of the following factors may influence what will make the scale, height, massing, alignment, materials and proposed use of new development successful in its context:

- *The history of the place*
- *The relationship of the proposal to its specific site*
- *The significance of nearby assets and the contribution of their setting, recognising that this is a dynamic concept*
- *The general character and distinctiveness of the area in its widest sense, including the general character of local buildings, spaces, public realm and the landscape, the grain of the surroundings, which includes, for example the street pattern and plot size*
- *The size and density of the proposal related to that of the existing and neighbouring uses*
- *Landmarks and other built or landscape features which are key to a sense of place*
- *The diversity or uniformity in style, construction, materials, colour, detailing, decoration and period of existing buildings and spaces*
- *The topography*
- *Views into, through and from the site and its surroundings*
- *Landscape design*
- *The current and historic uses in the area and the urban grain*
- *The quality of the materials*

Note 3 ‘The Setting of Heritage Assets’

This note provides guidance on the setting of heritage assets, which is separate to issues of curtilage, character or context.

The Extent of Setting

4. The setting of a heritage asset is 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

a setting may make a positive or negative contribution to the significance of an asset.

The setting of a heritage asset may reflect the character of the wider townscape or landscape in which it is situated, or be quite distinct from it. Extensive heritage assets can include many heritage assets and their nested and overlapping settings, as well as having a setting of their own. I.e. A conservation area will include the settings of listed buildings and have its own setting.

Views and Setting

5. The contribution to the setting of a heritage asset can be expressed through a wide variety of views.

6. Views which contribute more to understanding the significance of the heritage asset include:

- those where relationships between the asset and other historic assets or places or natural features are particularly relevant;*
- those with historical associations, including viewing points and the topography of battlefields;*
- those where the composition within the view was a fundamental aspect of the design or function of the heritage asset; and*
- those between heritage assets and natural or topographic features, or phenomena such as solar and lunar events.*

Even if recent unsympathetic development has affected the setting or views of a heritage asset, consideration will still be given to whether developments would further detract or enhance the significance of the asset.

Setting and the Significance of Heritage Assets

9. Setting is not a heritage asset, nor a heritage designation, though land within a setting may itself be designated. Its importance lies in what it contributes to the significance of the heritage asset, which may vary from asset to asset.... Therefore, implications of development affecting the setting of heritage assets should be considered on a case-by-case basis.

Setting and urban design

The numbers and proximity of heritage assets in urban areas mean that the protection and enhancement of setting is intimately linked to townscape and urban design considerations, and often relate to townscape attributes such as lighting, trees, and verges, or the treatments of boundaries or street surfaces.

Setting and economic and social viability

Sustainable development under the NPPF can have important positive impacts on heritage and their settings, for example by bringing an abandoned building back into use or giving a heritage asset further life. However, the economic and social viability of a heritage asset can be diminished if accessibility from or to its setting is reduced by badly designed or insensitively located development.

A staged approach to proportionate decision-taking

10. Protection of the setting of heritage assets need not prevent change; indeed change may be positive, for instance where the setting has been compromised by poor development.

Local Policy

London Borough of Camden Policies

Camden's Local Development Framework was adopted in 2010.

London Borough of Camden Development Policies (2010)

DP24 – Securing high quality design

The Council will require all developments, including alterations and extensions to

existing buildings, to be of the highest standard of design and will expect developments to consider:

- a) character, setting, context and the form and scale of neighbouring buildings;*
- b) the character and proportions of the existing building, where alterations and extensions are proposed;*
- c) the quality of materials to be used;*
- d) the provision of visually interesting frontages at street level;*
- e) the appropriate location for building services equipment;*
- f) existing natural features, such as topography and trees;*
- g) the provision of appropriate hard and soft landscaping including boundary treatments;*
- h) the provision of appropriate amenity space; and*
- i) accessibility.*

DP25 – Conserving Camden's heritage

Conservation Areas

In order to maintain the character of Camden's conservation areas, the Council will:

- a) take account of conservation area statements, appraisals and management plans when assessing applications within conservation areas;*
- b) only permit development within conservation areas that preserves and enhances the character and appearance of the*

area;

c) prevent the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area where this harms the character or appearance of the conservation area, unless exceptional circumstances are shown that outweigh the case for retention;

d) not permit development outside of a conservation area that causes harm to the character and appearance of that conservation area; and

e) preserve trees and garden spaces which contribute to the character of a conservation area and which provide a setting for Camden's architectural heritage.

Listed Buildings

To preserve or enhance the borough's listed buildings, the Council will:

e) prevent the total or substantial demolition of a listed building unless exceptional circumstances are shown that outweigh the case for retention;

f) only grant consent for a change of use or alterations and extensions to a listed building where it considers this would not cause harm to the special interest of the building; and

g) not permit development that it considers would cause harm to the setting of a listed building.

Archaeology

The Council will protect remains of archaeological importance by ensuring acceptable measures are taken to preserve them and their setting, including physical preservation, where appropriate.

Other heritage assets

The Council will seek to protect other heritage assets including Parks and Gardens of Special Historic Interest and London Squares.

DP26 – Managing the impact of development on occupiers and neighbours

The Council will protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity. The factors we will consider include:

a) visual privacy and overlooking;

b) overshadowing and outlook;

c) sunlight, daylight and artificial light levels;

d) noise and vibration levels;

e) odour, fumes and dust;

f) microclimate;

g) the inclusion of appropriate attenuation measures.

We will also require developments to provide:

- h) an acceptable standard of accommodation in terms of internal arrangements, dwelling and room sizes and amenity space;*
- i) facilities for the storage, recycling and disposal of waste;*
- j) facilities for bicycle storage; and*
- k) outdoor space for private or communal amenity space, wherever practical.*

DP27 – Basements and lightwells

In determining proposals for basement and other underground development, the Council will require an assessment of the scheme's impact on drainage, flooding, groundwater conditions and structural stability, where appropriate. The Council will only permit basement and other underground development that does not cause harm to the built and natural environment and local amenity and does not result in flooding or ground instability. We will require developers to demonstrate by methodologies appropriate to the site that schemes.

- a) maintain the structural stability of the building and neighbouring properties;*
- b) avoid adversely affecting drainage and run-off or causing other damage to the water environment;*
- c) avoid cumulative impacts upon structural stability or the water environment in the local area;*
- and we will consider whether schemes:*
- d) harm the amenity of neighbours;*
- e) lead to the loss of open space or trees of*
- f) provide satisfactory landscaping, including adequate soil depth;*
- g) harm the appearance or setting of the property or the established character of the surrounding area; and*
- h) protect important archaeological remains. The Council will not permit basement schemes which include habitable rooms and other sensitive uses in areas prone to flooding.*

In determining applications for lightwells, the Council will consider whether:

- i) the architectural character of the building is protected;*
- j) the character and appearance of the surrounding area is harmed; and*
- k) the development results in the loss of more than 50% of the front garden or amenity area.*

London Borough of Camden Core Strategy (2010)

CS14 - Promoting high quality places and conserving our heritage

The Council will ensure that Camden's places and buildings are attractive, safe and easy to use by:

- a) requiring development of the highest standard of design that respects local context and character;*
- b) preserving and enhancing Camden's rich and diverse heritage*

assets and their settings, including conservation areas, listed buildings, archaeological remains, scheduled ancient monuments and historic parks and gardens;
c) promoting high quality landscaping and works to streets and public spaces;
d) seeking the highest standards of access in all buildings and places and requiring schemes to be designed to be inclusive and accessible.

The Hampstead Conservation Area was designated in 1968 and subsequently extended in the 1970s, 1980s and 1990s. Downshire Hill forms part of the original designation and was therefore one of the earliest areas to be given conservation area status in the country following the passing of the Civic Amenities Act 1967.

The Council's Conservation Area Statement describes Downshire Hill thus:

The road slopes down towards the Heath from Rosslyn Hill and is fairly broad with houses set back behind lush front gardens. Looking along the street low brick walls with piers and railings link the boundaries and create a unified streetscape. There is an abundance of quality in the buildings with 48 listed houses, mostly from the early 19th century. The majority are stuccoed and as Pevsner says "the delightful thing is the preservation of so much, yet no uniformity". Heights vary between two and three storeys and there is a profusion of ironwork on the facades and the front boundary. Two types of roof predominate - hipped roofs with projecting eaves or parapets.

The London Plan Policies (Further Alterations to the London Plan (FALP) 2015)

On 10 March 2015, the Mayor published (i.e. adopted) the Further Alterations to the London Plan (FALP). From this date, the FALP are operative as formal alterations to the London Plan (the Mayor's spatial development strategy) and form part of the development plan for Greater London.

The London Plan has been updated to incorporate the Further Alterations. It also incorporates the Revised Early Minor Alterations to the London Plan (REMA), which were published in October 2013.

Policy 7.8

Heritage assets and archaeology

Strategic

A *London's heritage assets and historic environment,*

including listed buildings, registered historic parks and gardens and other natural and historic landscapes, conservation areas, World Heritage Sites, registered battlefields, scheduled monuments, archaeological remains and memorials should be identified, so that the desirability of sustaining and enhancing their significance and of utilising their positive role in place shaping can be taken into account.

- B Development should incorporate measures that identify, record, interpret, protect and, where appropriate, present the site's archaeology.*

Planning decisions

- C Development should identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate.*
- D Development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.*

Policy 7.9

Heritage-led regeneration

Strategic

- A Regeneration schemes should identify and make use of heritage assets and reinforce the qualities that make them significant so they can help stimulate environmental, economic and community regeneration. This includes buildings, landscape features, views, Blue Ribbon Network and public realm.*

Planning decisions

- B The significance of heritage assets should be assessed when development is proposed and schemes designed so that the heritage significance is recognised both in their own right and as catalysts for regeneration. Wherever possible heritage assets (including buildings at risk) should be repaired, restored and put to a suitable and viable use that is consistent with their conservation and the establishment and maintenance of sustainable communities and economic vitality.*

Appendix II

Statutory List Description

TQ2785NW DOWNSHIRE HILL 798-1/28/331 (South side) 14/05/74
Nos.34 AND 35 and attached garden walls, railings, gate piers and gate

GV II

Semi-detached pair of houses designed to appear as one house. Early C19. Yellow stock brick. Slated shallow hipped roof with stucco band at eaves and central squat chimney-stack. 2 storeys and basements. 2 windows each; No.34 plus C20 1-window recessed side extension in similar style. No.35 with garage extension. Entrance bays recessed as is the central bay. Square-headed doorways having overlights with margin glazing and panelled doors. Gauged brick flat arches to recessed sashes. INTERIORS: not inspected. SUBSIDIARY FEATURES: attached low brick garden walls with railings; gate piers and gates.

Listing NGR: TQ2705985788

Appendix III

Endnotes

1 Ingealtor, Consulting Structural Engineers Report 8th May 2015

2 Historic England. *Historic Environment Good Practice Advice in Planning: Note 2 – Managing Significance in Decision-Taking* (2015) p3

3 Historic England. *Historic Environment Good Practice Advice in Planning: Note 2 – Managing Significance in Decision-Taking* (2015) p5

