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PD10638/GF/KFH/AB

22 March 2016

Planning and Development Control  
Camden Council  
5 Pancras Square  
London  
N1C 4AG

Dear Sir or Madam,

**75 FLASK WALK, LONDON, NW3 1ET  
APPLICATION FOR PLANNING PERMISSION AND LISTED BUILDING CONSENT UNDER THE TOWN  
AND COUNTRY PLANNING ACT 1990 AND PLANNING (LISTED BUILDINGS AND CONSERVATION  
AREAS) ACT 1990**

We write on behalf our client, Mrs Aideen O'Neill, to apply for planning permission and listed building consent to rebuild a structurally unsafe wall on the perimeter of 75 Flask Walk. Anthony Bourke, Principle Building Control Officer, has been involved from an early stage ensuring the potentially dangerous situation is rectified as soon as possible. To that end, my client has done all within her power to progress this matter with due care and urgency. We trust that in this spirit and in order to rectify the situation as quickly as possible, Camden Officers will expedite this application.

The description of development is as follows:

*"The partial demolition and reconstruction of a boundary wall".*

The following documents accompany this application:

- Completed signed and dated Application and Listed Building Consent Form and Certificates prepared by Montagu Evans;
- Cover Letter (this letter) including Heritage Statement prepared by Montagu Evans;
- Structural Letter prepared by Constructure;
- Design and Access Statement;
- Site Plan;
- Site Location Plan; and
- CIL Form.

**The Site**

The Site is located on north side of Flask Walk at the corner of Flask Walk and New End Square.

The structure to be affected by the works is a Grade II listed wall and its accompanying railings to the property of No. 75 Flask Walk, a Grade II listed building.

The wall lies within the immediate setting of the Grade II listed property. The Site is also located within the Hampstead Conservation Area and falls within the designated Hampstead Archaeological Priority Area.

The Site, with the London Borough of Camden, is also adjacent to the designated Flask Walk Open Space.

### **The Proposals**

The application proposals seek to demolish and reinstate part of the Grade II wall and railings at the southern boundary of No. 75 Flask Walk.

A Structural Survey undertaken by Constructure identified that the wall was significantly distorted indicating a potential for collapse. It was advised that pragmatic crack repairs would not improve the structural performance of the wall nor significantly improve longevity and that reconstruction would be the only acceptable solution.

As such, in the interest of safety to pedestrians using the pedestrian footpath to which the wall faces, it is proposed that the western element of the existing wall is demolished and built in facsimile to remove the risk of collapse and any hazard to pedestrians using Flask Walk or the designated Flask Walk Open Space.

As outlined above, it is not proposed to demolish the existing wall in its entirety, just the structurally compromised western element.

### **Designated Heritage Assets**

With reference to the heritage values set out in Historic England Guidance *Conservation Principles* (2008) and those set out in the Glossary to the NPPF, we summarise here the interest of the listed wall, its relationship with the property and contribution to the Hampstead Conservation Area. This has been informed by a visual appraisal of the wall, its position in relation to number 75 Flask Walk and the sources referenced below in this letter.

Both the wall which is the subject of this application and the property at 75 Flask Walk were included on the statutory list of buildings of special architectural or historic interest in 1974. The description for the property is quoted from the statutory list entry:

*'Detached house. c1812. Stucco, 1st and 2nd floors with pebble dash finish. Slated roof. 3 storeys and semi-basement. Double fronted with 3 windows. Prostyle Doric portico with dentil cornice; round-arched doorway with fluted surround, sidelights, radial fanlight and panelled door approached by steps. Recessed sashes; ground floor with console-bracketed dentil cornices and pediments and cast-iron guards; 1st floor with cambered heads and cast-iron balconies. Continuous plain sill bands to upper floors. INTERIOR: not inspected. HISTORICAL NOTE: Capt Richard Jesse, RN, who lived here in the 1860s married Tennyson's daughter Emily.'*

The list entry description for the wall is brief:

*'Garden wall, railings & gate. c1812. Stucco garden wall with wrought-iron railings. Stucco gate piers with pyramidal caps and wrought-iron gate, formerly with lamp overthrow.'*

The Hampstead Conservation Area was first designated in 1968 for the quality of the architecture, historic associations with former residents of note; the original street pattern of the village and the unusual topography. The Conservation Area Statement identifies boundary treatments as an important feature of the area at page 57 of the Statement:

*'Brick walls and piers, railings and hedges are enormously important to the streetscape and there is a rich variety of detail and materials in the area. There are a number of styles of front boundaries referred to in the text and these distinctive and attractive features should be retained and restored where they have been lost.'*

#### *Summary of significance*

The wall possesses architectural and artistic interest in its form, materials and finish, and shares common features and character with other walls and street furniture in the area which is of a similar date. The wall retains a historic and architectural association with the property through the date of construction and classical style of the gate piers and railings. The wall makes a positive contribution to the Conservation Area, albeit this is limited by the current condition of the western section which is in disrepair.

#### **Legislative and Planning Policy Framework**

The applicable legislative framework to this assessment includes the following:

- The Town and Country Planning Act 1990;
- The Planning and Compulsory Purchase Act 2004;
- The Planning (Listed Buildings and Conservation Areas) Act 1990;
- Planning Act 2008; and
- The Localism Act 2011.

#### Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 stipulates that where in making any determination under the Planning Acts, regard is to be had to the development plan, and the determination must be made in accordance with that plan unless material considerations indicate otherwise. The statutory development plan is identified for this assessment as follows:

- Camden Core Strategy Development Plan Document (DPD) (adopted 2010);
- Camden Development Policies DPD (adopted 2010);
- Camden Site Allocations DPD (adopted 2013); and
- London Plan (2011) including revised early minor alterations (2013) and Further Alterations (2015)

#### Other Material Considerations

In addition to the development plan, the following guidance are material considerations to this assessment:

- National Planning Policy Framework (NPPF) (2012);
- National Planning Practice Guidance (online);
- Historic Environment Good Practice Advice in Planning Note 2: Managing significance in Decision-Taking in the Historic Environment (2015);
- Historic Environment Good Practice Advice Note 3: The Setting of Heritage Assets (2015);
- Conservation Principles (2008);
- and
- Camden Planning Guidance (CPG) 1 Design (July 2015).

#### Emerging Documents

The Council is reviewing its development plan documents and has consulted on a draft Local Plan. The Camden Local Plan will replace the Council's current Core Strategy and Development Policies documents (adopted in 2010).

The Local Plan is due to cover the period from 2016-2031 and is anticipated to be adopted in summer 2016.

### **Material Considerations**

#### National Planning Policy Framework (NPPF) 2012

The National Planning Policy Framework (the NPPF) was published on 27 March 2012 and supersedes previous national planning guidance contained in various Planning Policy Guidance and Planning Policy Statements. The NPPF sets out the Government's approach to planning matters, and is a material consideration in the determination of planning applications.

National policy on the historic environment is set out in Chapter 12 of the NPPF, which emphasises the 'great weight' to be given to preservation and/or enhancement of designated heritage assets. Under this guidance, the following are 'designated heritage assets':

- Grade II listed Garden Wall, Railings and Gate to No. 75;
- Grade II listed No. 75 Flask Walk; and
- The Hampstead Conservation Area.

NPPF Paragraph 131 states that in determining planning applications, local planning authorities should take account of:

- 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.

NPPF Paragraph 132 notes that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.

Paragraphs 133 and 134 deal with proposals which cause harm to the significance of a heritage asset. Paragraph 134 of the NPPF states that 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. Therefore, the degree of harm must be balanced against benefits, on a proportional basis having due regard to the significance of the whole and the relative significance of the affected parts.

#### Camden Core Strategy Development Plan Document (DPD) (2010)

The most relevant policies applicable to this application, where effects on designated assets will be local, the policies most salient to consider in an assessment of the proposals are those of Camden's Local Development Plan.

Core Strategy Policy CS14 (Promoting high quality spaces and conserving our heritage) is a general policy relating to the historic environment. More detailed policies on the historic environment are contained in the Camden Development Policies DPD was approved by Full Council on the 8th November 2010.

Camden Development Policies Development Plan Document (DPD) (2010)

Policy DP24 (Securing High Quality Design) seeks new development to be of a high standard of design and expects developments to consider the character, setting, context and the form and scale of neighbouring buildings. It also expects new developments to consider existing natural features, the quality of materials to be used, and the provision of appropriate hard and soft landscaping including boundary treatments.

Policy DP25 (Conserving Camden's Heritage) highlights that in determining planning applications for proposals within the Borough's conservation areas, the Council will, inter alia:

- Take account of conservation area statements, appraisals and management plans when assessing applications within Conservation Areas;
- Only permit development that preserves and enhances the character and appearance of the Conservation Area;
- Prevent the total or substantial demolition of an unlisted building that makes a positive contribution to the character and appearance of the conservation area where this harms the character or appearance of the conservation area, unless exceptional circumstances are shown that outweigh the case for retention; and
- Preserve trees and garden spaces which contribute to the character of a conservation area.

**Discussion**

The key issue therefore is do the proposals preserve (that is leave unharmed) or enhance the special interest of the listed wall and the character or appearance of the Conservation Area.

The proposals have been drawn up with an understanding of the special interest of the listed wall and the character of the Conservation Area. The proposals seek to retain the appearance of the wall and preserve the existing historic fabric where possible.

The statement from Constructure indicates that the renewal of this section of the wall is required because the existing fabric has become incapable of fulfilling its intended function through more limited intervention such as localised repair. The replacement of the failing part of the wall is necessary to preserve the safety of pavement users.

As demonstrated in the application materials, the proposed replacement section of the wall will be finished in painted render with a stone coping, and to the same dimensions as the existing wall, to preserve its appearance. The existing railings will be removed and stored so that they can be reinstated on the new section of the wall.

There will, of course, be the loss of some historic fabric through the proposed replacement of part of this wall. Historic England's publication *Conservation Principles* (2008) provides guidance on the sustainable management of the historic environment. Historic England advocate that the:

*'temporary loss of certain heritage values, such as the aesthetic value of the patina of age on an old roof covering, or the value of a dying tree as a habitat for invertebrates; but these values are likely to*





*return within the next cycle, provided the replacement is physically and visually compatible (normally 'like for like', to the extent that this is sustainable). By contrast, the consequence of not undertaking periodic renewal is normally more extensive loss of both fabric and heritage values.* [our emphasis]

Thus the proposals seek to undertake the necessary maintenance and renewal to rebuild the failing part of the wall and preserve the overall significance of the wall in longevity.

The proposals recognise that the historic street furniture in the Conservation Area is an important part of its character. Where the replacement of this wall is necessary in part, the proposals ensure that the design, the materials, the detailing and the execution of the new part of the wall will preserve the established character and architectural quality in this part of the Conservation Area. Whilst the work will necessarily lead to the loss of some historic fabric through the replacement of part of the wall, the new section will be finished in painted render with a stone coping to preserve its appearance and its architectural and historic relationship with the main property, and the contribution to the Conservation Area in this location.

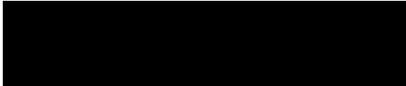
#### **Conclusion**

A cheque made payable to Camden Council for £195 to cover the Application Fee will follow shortly. The application has been submitted online via the planning portal (**PP-04918451**).

We consider that the proposals preserve the safety of pedestrians using Flask Walk by removing the risk of collapse of an unstable wall while preserving the character and appearance of the Hampstead Conservation Area, and the setting of No. 75 Flask Walk.

We trust this information is sufficient for you to validate the application. However, if you do require any further information please do not hesitate to contact Gareth Fox or Anthony Brogan of this office.

Yours faithfully,



**MONTAGU EVANS LLP**