

22 Frognal Way – Summary Note in Relation to Built Heritage

- 1.0 A wealth of information has been submitted to the local planning authority over the last year or so. Following changes in personnel we understand that a third Design and Conservation Officer is now considering the material. We hope that this summary will assist.
- 2.0 The starting point for the consideration of the application in heritage terms is that the designated heritage asset in this case is the Hampstead Conservation Area as a whole (the setting of the nearby listed buildings has been covered in the Heritage Statement to comply with the duty of s.66(1) of the 1990 Act).
- 3.0 Frognal Way is the local context of the building and the most relevant part of the conservation area, but it is only a small element of the conservation area as a whole (the heritage asset). The road was laid out in 1924 and it features some exceptional and remarkable Modernist houses. No. 22 was built several decades later, in c. 1975, by Camden based architect Philip Pank. The baseline planning context for the purposes of the application is the full implementation of the alterations, granted permission in 2009 and currently part-implemented. The current building is not therefore part of the Modernist legacy of Frognal Way, although there is a degree of commonality because of its modern, non-traditional architectural language and bespoke design as a one-off house. The fact that such a later building, with an unusual form and design and which is unrelated to any other house in terms of date or historic association, can be considered to be a positive contributor to the conservation area is relevant to this application, which proposes a replacement house with broadly similar attributes.
- 4.0 The reasons given in the unsuccessful listing review of the building in 2007 included the “*unadventurous*” use of materials. In addition, the report found that “*while the composition is largely successful, there are places where the varying heights and angles of the ranges are unresolved*”. Nevertheless, the house was described to be “*of local interest and makes a positive contribution to the character of the conservation area as a good example of an architect-designed house of the 1970s which complements the remarkable houses of earlier decades on the same street.* [emphasis added]”The Inspector’s decision in relation to the dismissed appeal in 2008 indicates that the building as it existed then was considered a positive contributor to the conservation area. The Inspector also noted that the building’s form and design were assimilated into the site without detracting from the adjoining house and with little impact on important local views. However, the baseline building and context for the purposes of determining the application is the implementation of the alterations granted permission in 2009, not the substantially original building that was considered by the Inspector in 2008. The differences and implications of this are explored in detail in the Heritage Statement.
- 5.0 The existing poor state of the building is not advanced as a reason or justification for its redevelopment. The current appearance of the building is

relevant for contextual planning purposes as it derives in large measure from and is driven by the part-implementation of a permission, granted in 2009, for considerable alteration and extensions. A further permission, in 2011, allowed the bricks to be replaced with very different, bespoke new bricks as an amendment to the 2009 permission. For the purposes of determining this application, it has been taken that the present condition of the building is a temporary and should be discounted. Instead, an assessment of the current proposal should be based on and informed by the completion of the works permitted in 2009. Although the replacement of bricks as consented in 2011 has not commenced, the same logic and justification for the brick replacement still applies equally today.

- 6.0 The completion of the 2009 permission would retain Pank's basic footprint and form and the resulting building would not be the same substantially intact and largely unaltered 1970s house as that considered by the Inspector in 2008, and described by English Heritage in 2007 a "*good example of an architect-designed house of the 1970s*". Obviously the wholesale replacement of bricks, as permitted in 2011, would substantially accentuate the effect by further changing the character and appearance of the house (again, irrespective of whether the replacement of bricks would be harmful or not).
- 7.0 Based on the modifications permitted in the of the 2009 permission (and the associated replacement of bricks as permitted in 2011), the house would still have some architectural interest. It would still make a positive contribution to the conservation area, because of its distinctive, modern design and form and by virtue of complementing the notable historic one off houses in the same street. It would also be a positive element in terms of its low profile and its assimilation into the site, without interrupting views of the nearby listed buildings.
- 8.0 This positive contribution, albeit a marginally positive contribution, of the building, based on the implementation of the 2009 permission, relates essentially to the building's form and design as modern structure, not as that of a quintessential 1970s building. It would no longer be authentic as a good, or well-preserved, example of a 1970s house and in this sense it would not have historic interest as a 1970s house. Neither would it be the same essential structure as that designed by Philip Pank. Whilst it would remain a marginally positive element by virtue of its unusual form and its modern design, that in itself does not preclude its replacement, or mean that no replacement structure would (or could) be capable of making an equal, or greater, contribution. On the contrary the fact that the building, as an unusual and non-traditional structure is capable of making a positive contribution to the area (and the setting of the listed buildings) clearly demonstrates the point. For this reason a high quality replacement modern house would be equally capable of preserving, or enhancing, the character of the conservation area.
- 9.0 In policy terms NPPF para 138 states that not all elements of a conservation area will necessarily contribute to its significance. It may be added that not all

positive elements will make an equal contribution – there will be a spectrum of contribution varying from very slight to substantial. This is reinforced by the statement in the same paragraph that the loss of a building which makes a positive contribution to the significance of the conservation area should be treated proportionally, i.e. either as substantial harm (under para 133) or less than substantial harm under (para 134), taking into account the relative significance of the element affected and its contribution to the significance of the conservation area “as a whole”.

- 10.0 To the extent that the demolition of the existing building (i.e. the building as modified by the 2009 permission) would cause harm, case law and guidance on the threshold for substantial harm (the NPPG) makes it clear that the harm to the whole of the Hampstead Conservation Area would fall in the category of ‘less than substantial’ and thereby engage paragraph 134 of the NPPF. Only a very small component of the overall heritage asset, i.e. the conservation area, would be affected.
- 11.0 Given the submission by objectors (e.g. the Asset Heritage Consulting report) it is important to note the application must be considered on the whole. That is, not simply in terms of the demolition of the existing building (i.e. of the building as modified by the 2009 permission), but the totality of the redevelopment as proposed, when compared with the baseline.
- 12.0 The Planning (Listed Buildings and Conservation Areas) Act 1990 requires special consideration to be given to the preservation of the character and appearance of conservation areas. This principle is echoed in Camden Core Strategy Policy CS14 and Camden Development Policy DP25. It is well established in case law that preserving means not causing harm. It is an equally well established concept (illustrated by the existing house, and others) that high quality modern design within a historic context can itself be positive and act as a positive enhancement.
- 13.0 The starting point for the design of the replacement house was to improve on the existing baseline. The design was influenced from the outset by a rigorous assessment of the context, and importantly by the Inspector’s conclusions in relation to the 2008 appeal. To that end the three dimensional form and presence of the proposed building in relation to the area and the listed buildings were subject to careful scrutiny and consideration throughout the design process. This is borne out in the recessive appearance of the final design.
- 14.0 The proposed house has a unique and distinctly modern design and in this sense it would form part of a longstanding and well-established legacy of bespoke, high quality one-off houses and exceptional modern architecture in this part of Hampstead. It is a unique design that responds positively to the sensitivities of the particular site, and the house would be a model of present-day sustainability. Officers have been extensively engaged in consultation and both previous conservation officers commented positively on the carefully

considered design and the quality of the architecture. It is a house that represents the best of contemporary architecture and landscape integration.

- 15.0 There was also extensive pre-application consultation with neighbours and the success of the proposed design has been confirmed by widespread support for the planning application.
- 16.0 This will be a distinctive, bespoke one-off house of unusual form and architecture, by an award winning, design-led and Camden-based practice in response to a very specific brief and site. There is no question that this is a building of considerable architectural interest and merit – something even the objectors’ consultants have accepted (e.g. the Asset Heritage Consulting report). For these reasons it is considered to make a greater contribution to the character and appearance of the area than the existing house and this principle has again been recognised by both previous conservation officers.
- 17.0 In policy terms, the proposed building would constitute an enhancement to the conservation area compared with the baseline (namely the modifications permitted in 2009), but at the very least it would make an equal contribution (i.e. it would preserve the character of the area). It is not only a bespoke house that complements the earlier houses on the same street, but greater emphasis has given to the quality of materials, articulation, appearance and integration into the site and the area when compared with the baseline.
- 18.0 In terms of public benefits: the proposed house is an imaginative and exceptional new building on an unusual plot and its architectural quality and merits are beyond question – despite the fact that its public presence has been kept to the minimum as an integral part of its design as part of a well-considered contextual response; this will result in improved views of the property from the public realm, as demonstrated by the Public Views included in the Design and Access Statement; in addition, the proposals would deliver a model of present-day design and sustainability, providing carbon savings of 56% and the associated public benefits that would flow from a more energy efficient development. For these reasons the house may well become a future candidate for statutory or local listing, as well as being a potential award winning piece of architecture in its own right.
- 19.0 The submitted Heritage Statement has demonstrated that the proposed house would overcome the Inspector’s concerns in relation to the 2008 appeal and constitute an overall enhancement when compared with the baseline. Accordingly any harm is by far outweighed by the benefits of the proposed development and it complies with all Local Plan policies and the NPPF, as well as the Planning (Listed Buildings and Conservation Areas) Act 1990.

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