

# 150 HAVERSTOCK HILL LONDON NW3

## APPEAL STATEMENT - HERITAGE



LPA Ref: TBA  
PINS Ref: TBA

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## **Introduction**

1. This Statement supports an appeal by Mr A. Kirkwood against refusal of permission for change of use and formation of a new house to replace the existing shop unit at No.150 Haverstock Hill NW3. It concludes that the development will enhance the character of the Parkhill Road Conservation Area and the setting of No.148 Haverstock Hill, listed Grade II.

## **Credentials**

2. I am a Chartered Accredited Specialist Conservation Architect, Chartered Town Planner, Member of the Institute of Historic of Historic Building Conservation and Recognised Practitioner of the Urban Design Group. I have specialised in historic conservation for over 40 years. I hold an Architectural Heritage Award, Civic Trust Award and Wandsworth Council Design Award. I founded and led that Council's Conservation and Design Team from 1984 to 1991. During that same period I lived in the Borough of Camden and chaired the Applications Panel of the Hampstead Conservation Area Advisory Committee. I am familiar with the area and context of the proposed development.

3. In 1991 I founded Conservation Architecture and Planning and am currently its Director. The practice has specialised exclusively in conservation led projects for a wide range of government, public, corporate, private and voluntary sector clients. They include appraisals of some 150 conservation areas, works to many listed buildings, new buildings in historic settings, conservation plans, official publications, advisory commissions, High Court, public inquiry expert witness appearances and appeal cases. I have also lectured, served as External Examiner to the Historic Conservation Post-graduate course at Oxford Brookes University, served on the BSI Conservation Standards Panel, the Urban Design Group Executive and Institute of Historic Building Conservation panels. I am currently an RIBA Conservation Architects Accreditation Panel Assessor.

## **Reasons for refusal**

4. The application was refused on 2 September 2016. The decision notice sets out reasons for refusal related to heritage and design as:

1. The proposed development, by reason of its siting, design, massing, scale and materials, would be detrimental to the character of the host building and the surrounding street scene, failing to preserve or enhance the character and appearance of the surrounding conservation area, contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.
2. The proposed development, by reason of its siting, design, massing, scale and materials would be detrimental to the character, appearance and setting of the neighbouring Grade II listed building at 148 Haverstock Hill. The proposed development fails to respect the special historic and architectural interest of the

Grade II listed building contrary to Policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy; and Policy DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.

5. The Officers' report recommending refusal included the following paragraphs relating to heritage:

2.12 At present, the gable end of the listed building, an important early 19th-century house, and the side elevation of its two-storey side extension are fully visible above ground-floor level, with the existing shop forming a modest link between them and the larger corner building. The upper parts of the front of the listed building are also visible at wide angles from along the street. The structure 150 is a modest lock-up shop of neo-Classical influence, featuring a substantial fascia atop pilasters crowned with a heavy, splayed cornice, and considered to be a positive contributor to the conservation area. While currently in poor condition and marred by garish plastic signage, the underlying shopfront is attractive and could be restored to its former splendour. Furthermore, 150 Haverstock Hill is noted as a positive contributor, which means that there is a strong presumption against its total or substantial demolition.

2.13 The proposal would obscure the side elevation and the long diagonal views of the front of the Grade II listed building, to the detriment of its setting and of the character and appearance of the Parkhill and Upper Park Conservation Area, to which the listed building makes a positive contribution. There would also be disruption to the drainage of the roof of the listed building's side extension, which currently overhangs the shop, while the view of the clapboard rear of 2 Upper Park Road would be interrupted. It is considered that the proposed development would harm the setting of the Grade II listed building as it would fail to pay regard to its character and proportions and would infill the gap between No.148 and No.150a and 152, causing harm to the historic character and setting of the listed building, contrary to DP25. 2.14 Consequently, the proposal would harm the setting and special interest of 148 Haverstock Hill, destroy the positive contributor at 150 and detract from the character and appearance of the Parkhill and Upper Park Conservation Area, contrary to DP24 and 25, and CS14.

I address these comments under Assessment below.

### **Description of site and adjoining properties**

6. No. 150 Haverstock Hill is a single storey commercial unit wedged between Nos. 148 and 152 Haverstock Hill. The frontage plot width is approximately 4.2m. At approx. 5m depth two steps inwards reduce the width to around 2.5m. The total depth is around 14.2m. It is not included as an undesignated heritage asset (local list). It is included in the Parkhill Road Conservation Area (CA) Appraisal as a positive contributor. The present shopfront was approved in November 1987.

7, No 148, listed Grade II is an early C19 villa, set at the NW end of its side facing garden extending SE. The list description reads:

TQ2784NE HAVERSTOCK HILL 798-1/52/787 (East side) 14/05/74  
No.148

## GV II

Detached house. Early C19. Stucco. Irregular slate roof. 2 storeys and attic. Double fronted with 3 windows plus single window 2-storey entrance extension to left. Pilasters at angles, with plaster wreaths on capitals, support attic sill cornice; plain 1st floor sill band and band above 1st floor windows. Round-arched doorway with radial patterned fanlight, part glazed door and C20 hood. Central ground floor French windows with margin lights have console bracketed cornice and rosette enriched head. Upper floors have sashes, 1st floor in rosette enriched architraves; central window blind. Garden front with large bow-fronted ground floor window having cast-iron balcony over conservatory. Battlemented single storey extension to east. INTERIOR: not inspected.

The garden wall to No.148 is separately listed.

8. No. 152 is a 4+ roof storey building, present at 1874, probably dating from around 1850. An attached building of domestic scale to the rear, roofed in clay tile, now No.150A may predate 152. No.152 and the former Haverstock Arms Public House (now NW3 Bar) at the corner both have recent mansard roof extensions replacing original valley roofs.

9. The map regression below displays change between 1874 and the present: At 1874 there was a small gap between 148 and 152, with a small building attached to 148, not the present single storey building. At 1952 the listed villa was numbered 150, with the single storey frontage building numbered 150A. The shape of the villa suggests the shop may have been formed from an attached single storey building at around 1900. After 1952 renumbering made the villa 148 and the shop 150. The garden of 148 extended further SE than at present. A modern block of flats now occupies the SE end.

10. The villa's form, shallow roof pitch and attic cutaways in the blocking course suggest the attic storey may have been formed later. A flat roofed rear extension, seen in an aerial view may also be later.

11. The villa's garden is heavily treed. In summer, views from the SE on Haverstock Hill conceal much of the building, making the shopfront and backdrop brick wall more prominent. The unrelieved red brick flank wall to No 152, clearly intended as a party wall to later development is now adorned with dish aerials, boiler flues, cables and poorly matched brickwork. It rises three storeys above the shopfront, marring oblique views of the group from the SE.

12. The ground floor fascias of 152 and the Public House, exceeding 3.5m height are matched by the false fascia of 150 with an actual ceiling height of around 2.7m. The shop front's building line is consistent with 152 and the gateway to the villa but projects forward some 2.7m from the villa's façade. The impact of the imposing fascia, box and projecting illuminated signs, shutter box, corrugated roller shutter and shop fitting dominates and obscures oblique views towards the villa. Its "bad neighbour" appearance harms the setting of No. 148 and the appearance of the Conservation Area.



1874 – small outbuilding



1952 – different building, shallow depth



1972 – full depth building, no subsequent change.



JW1 Aerial view, 150 at full depth. Note pre-extension roofs, 152 and 154



JW2 View from SW, unrelieved flank wall to No. 152



JW3 View from NW, impact of existing front of 150 on setting of 148 villa.





JW4 View of group from NW, existing front of 150 obscures most of No. 148.

## Heritage assets

13. The heritage assets affected by the proposed development are:

- The setting of No. 148 Haverstock Hill
- The character of the Parkhill and Upper Park Conservation Area

14. In this case they are clearly interlinked. Assessment of development proposals should be addressed with reference to relevant policy and guidance.

## Setting

15. English Heritage document “**The Setting of Heritage Assets**” 2012 defines setting (2.1) as ‘the surroundings in which [the 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, may affect the ability to appreciate that significance or may be neutral’ (also on NPPF p 56).

16. (2.4) states:

...Setting is not a heritage asset, nor a heritage designation. Its importance lies in what it contributes to the significance of the heritage asset...

17. The EH document sets out 4 stages of assessment prior to making a decision on a proposed development:

- Step 1: identify which heritage assets and their settings are affected;
- Step 2: assess whether, how and to what degree these settings make a contribution to the significance of the heritage asset(s);
- Step 3: assess the effects of the proposed development, whether beneficial or harmful, on that significance;
- Step 4: explore ways of maximising enhancement and avoiding or minimising harm;

18. The EH Key Principles (p16) go on to explain:

Change, including development, can sustain, enhance or better reveal the significance of an asset as well as detract from it or leave it unaltered...

The design of a development affecting the setting of a heritage asset may play an important part in determining its impact. The contribution of setting to the historic significance of an asset can be sustained or enhanced if new buildings are carefully designed to respect their setting by virtue of their scale, proportion, height, massing, alignment and use of materials. This does not mean that new buildings have to copy their older neighbours in detail, but rather that they should together form a harmonious group. (121)

19. Assessment Step 2, a checklist of attributes (p 19) helps to elucidate or explain possible contribution of setting to significance. Any attributes in this case should be applied in respect of the residential and commercial surroundings as a whole. A negative grading can be applied to the historic conversion of a residential building or buildings originally part of the villa to a visually repellent commercial premises. A corresponding benefit of the proposed development is sustaining or enhancing residential character through attractive well-designed harmonious new building.

20. Step 3, assessment of the proposed development (p 21) sets out a further checklist of possible attributes, some of which may be pertinent, e.g. architectural style, massing, materials, proportions, land use.

21. Step 4 considers maximising enhancement and minimising harm through good design.

### **Conservation area**

22. The appeal site and adjoining buildings have been included in the CA since 1 June 1985. The present shopfront was approved in November 1987. The present extended boundary was adopted in July 2011. On the same day the Council approved a Conservation Area Appraisal and Management Plan. It defines special character in part as:

...Part of the suburb of Belsize...the busy, urban nature of Haverstock Hill and the quiet residential streets that branch from it... and  
...Italianate Victorian semi-detached houses are the characteristic building type, with twentieth-century housing styles ranging from garden suburb to modern movement and contemporary insertions...

23. The Spatial analysis (5.1) mentions 148 Haverstock Hill as a landmark building and (5.2) key views including up and down Haverstock Hill. Identified as a Character Zone, it included the description:

The Haverstock Arms public house forms a group with two shops; then, set back behind high railings is an important early nineteenth-century house, 148 Haverstock Hill; it is stuccoed, has two storeys and an attic, and rosette-enriched decoration pre-dating the suburbanisation of the area.

24. The Appraisal includes No150 (p33) as a positive building, contributing to the character of the CA. P45 notes that some shops

“...have been altered with large signs which extend out of the fascia zone and there have been unsympathetic shop front replacements.”

25. P47 notes that

...the list of buildings...[which] positively contribute to the character or appearance of the Conservation Area, will be kept under review to aid decision-making and the preparation of proposals;  
...applications for development will be determined having regard to the special interest of the Conservation Area and the specialist advice of conservation officers;

26. The CA appraisal (p56) expresses a presumption for retaining “gaps,” i.e unbuilt space between buildings where they fulfil an important townscape role, but identifies instances where infill can preserve or enhance character or appearance. Whilst No. 150 is not strictly a gap it may be perceived as such in context. No. 150 is not an extension to any building, is not identified as fulfilling an important townscape role or contributing to a coherent group of buildings.

27. Historic England (HE, formerly English Heritage) Advice Note 1 – Conservation Area Designation, Appraisal and Management sets out on p.16 a 12 point checklist (table 1) for assessing buildings which contribute to the character of a CA.

28. If I apply this checklist to the appeal frontage it fails all 12 criteria. Furthermore, the Advice Note is of recent date. The checklist could not have been applied to this CA Appraisal. After enquiry, the Council have produced no record of any adopted or informal criteria underpinning selection of buildings which contribute positively to the character of this or any CA. The officer report contains nothing to suggest any HE or any other up to date assessment criteria were considered in the light of the reasoning set out in the Heritage Statement submitted with the application the subject of this appeal.

<input type="checkbox"/>	Is it the work of a particular architect or designer of regional or local note?
<input type="checkbox"/>	Does it have landmark quality?
<input type="checkbox"/>	Does it reflect a substantial number of other elements in the conservation area in age, style, materials, form or other characteristics?
<input type="checkbox"/>	Does it relate to adjacent designated heritage assets in age, materials or in any other historically significant way?
<input type="checkbox"/>	Does it contribute positively to the setting of adjacent designated heritage assets?
<input type="checkbox"/>	Does it contribute to the quality of recognisable spaces including exteriors or open spaces within a complex of public buildings?
<input type="checkbox"/>	Is it associated with a designed landscape, e.g. a significant wall, terracing or a garden building?
<input type="checkbox"/>	Does it individually, or as part of a group, illustrate the development of the settlement in which it stands?
<input type="checkbox"/>	Does it have significant historic associations with features such as the historic road layout, burgage plots, a town park or a landscape feature?
<input type="checkbox"/>	Does it have historic associations with local people or past events?
<input type="checkbox"/>	Does it reflect the traditional functional character or former uses in the area?
<input type="checkbox"/>	Does its use contribute to the character or appearance of the area?

Table 1  
Checklist

## Local Plan Policy

29. Policy DP24 requires a high standard of design in alterations and extensions to existing buildings, quality materials and visually interesting frontages at street level.

30. Policy DP25 of Camden Development Policies includes the following relevant parts:

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

31. Policy DP30 expects shopfronts to be of a high design standard in relation to surrounding properties.

## NPPF

32.. Paragraphs 126, 128, 129, 131, 132, 137 would appear to be relevant or partly relevant to this application. Particular attention is drawn to paragraph 131:

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.

33. In addition, paragraphs 9 (replacing poor design with better design) and 67 (Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment) are relevant to the shopfront and advertising display signs.

### Assessment – setting of a heritage asset

34. Applying steps 1-4 of the EH guidance:

1. The heritage asset affected is identified at paragraph 10 above

The setting contributes to understanding the significance of the asset as one of the earliest domestic buildings in Haverstock Hill, one of very few surviving single family houses and for its architectural quality. The setting is considerably harmed by the intrusion of the poorly designed adjoining building at No 150. A Composite drawing showing added height of proposed development on facade of existing building is shown below.



2. Comparative drawings of existing and proposed developments show that:
  - a- Proposed height, about 1.5m above present fascia, closely matches the two storey flank extension and banding above first floor of the villa, 148 Haverstock Hill.
  - b- Additional height will slightly mask flank wall to No 152.
  - c- Setting back the front wall by approx. 1.2m will reveal more of the villa in oblique views from NW.
  - d- Domestic use better relates to the predominant use of the area, is a good neighbour and creates a more active, visually interesting street frontage for longer periods.
  - e- Harmonious materials, scale and proportion are employed.
  - f- Rendered front boundary wall to match height of villa boundary will improve appearance at edge of footway
  - g- Removal of the crass and obtrusive shopfront increases visual attention on the villa.
3. The design itself maximises enhancement and has no harmful impact.
4. Step 4 is therefore not applicable to this assessment.

### **Assessment – conservation area**

35. In considering the status accorded at p33 to No 150, the CA Appraisal does not refer to the shopfront or indicate how the “positive contribution” conclusion was reached. The present shopfront should be considered as one of the “unsympathetic shop fronts” referred to on p 45 of the CA Appraisal. Self-evidently, the present shopfront, fittings and signage would be refused permission if applied for now.

36. The poor design of the shopfront and its forward position in relation to No. 148 would breach Policy DP25c and DP25g. If the opportunity afforded by DP25c and the Appraisal’s (p47) review policy were now taken I would contend that the existing building should be considered to detract from the character of the CA. This in turn should weigh in favour of the proposed development.

37. The Council has clearly ignored or refused to recognise the suggestion in the submitted Heritage Statement that the existing building’s designation as a positive CA contributor was mistaken. Encouraged by a fresh, enhancing design the designation should be rescinded or at least reviewed.

### **Discussion**

38. The Council’s conservation officer considers “...*the suggestion that lists of positive contributors be reviewed from time to time is intended to suggest that buildings be added to them as they become older, rarer or more interesting, not deleted.* However, nothing in the wording of the Appraisal section headed **Maintaining character** suggests that “review” means anything other than just that. Personal interpretation that it was intended as one-way only is simply wrong.

39. The conservation officer's comments noted at para 5 above allege that the underlying masonry surround concealed by the shopfront fascia "...is attractive and could be restored to its former splendour." I find little or no attractiveness and fail to detect what could reasonably be described as "former splendour" in the visible, poorly finished, rendered masonry surfaces. Even if some value were attached any prospect of authentic reinstatement is highly unlikely, so long as the current use is maintained, with no effective control of the existing shopfront, illuminated fascia and projecting signs.

41. A sense of inconsistency and arbitrariness pervades the Appraisal's selections of positive, neutral and negative categories. For example, the CA Appraisal lists the building at 142/144, as a "neutral" contributor. It was, presumably considered when approved in 1998 to "preserve and enhance" the character of the CA. It is questionable how the same building can enhance and be considered neutral just over a decade later.



JW5 – view of 142-144 Haverstock Hill, 1998

40. Whilst I have supported the originally submitted façade design and still consider it a wholly beneficial replacement for the existing shopfront, the conservation officer's comments have prompted an alternative design in which the existing shop "frame" and fascia are reproduced, being set back 1.2m as in the submitted scheme. It addresses the conservation officer's objection by realising its historic appearance, with the upper storey as a subservient element. The photomontages submitted with this appeal help to illustrate my contention that the proposed development as a whole will preserve and enhance the character of the CA and the setting of the listed villa.

42. In summary, replacing a poor shopfront, discordant signage and security shuttering with a well-proportioned domestic façade in locally harmonious finishes congruent with the listed villa, No. 148, will enhance the setting of the villa as well as the character and appearance of this stretch of Haverstock Hill and the Conservation Area generally. Viewed from nearby buildings, the green roof will further enhance appearance.

43. If, as appears likely, the appeal scheme as revised succeeds in addressing all other policy and material considerations, the council's baseless and mistaken designation of the existing building as a CA contributor should be regarded as unreliable.

## Conclusions

44. From the above assessment I consider that:

- the existing façade makes no significant contribution to understanding or appreciating the significance of the listed villa, No 148 Haverstock Hill or the Parkhill and Upper Park Conservation Area.
- the shopfront fitting, security shutter, position, advertising signs, security camera, decayed elements, cables and general clutter harm the setting of No 148, character and appearance of the CA.
- If reviewed under DP25c and CA Appraisal p47, the existing building should fail inclusion as a positive contribution to the CA.
- If reviewed under Historic England guidance the existing building should likewise fail inclusion as a positive contribution to the CA.
- In terms of NPPF Sec. 7, the proposed development replaces poor design with good design
- Residential use is more consistent with the character of the listed villa and this part of the CA.
- the proposed development will enhance the setting and better reveal the significance of the villa, enhance the character and appearance of the CA.
- no harm will be caused to any heritage asset.
- there are no other material considerations which indicate otherwise.
- Planning permission should be granted.

**JACK WARSHAW**

October 2016

