

**70 Oakley Square**  
London NW1 1NJ

**Heritage appraisal**

April 2017

Consultancy for the  
Historic Built Environment

**KMIHeritage**

## Contents

<b>1</b>	<b>Introduction.....</b>	<b>3</b>
	Purpose .....	3
	Organisation.....	3
	Author .....	3
<b>2</b>	<b>The site and its surroundings.....</b>	<b>5</b>
	The area.....	5
	58-70 Oakley Square .....	5
	70 Oakley Square .....	6
	The heritage context of the site and its surroundings .....	11
	Heritage significance.....	11
<b>3</b>	<b>The policy context.....</b>	<b>14</b>
	Introduction .....	14
	The Planning (Listed Buildings and Conservation Areas) Act 1990 .....	14
	The National Planning Policy Framework .....	14
	Planning Practice Guidance .....	18
	Historic England’s Good Practice Advice in Planning Notes.....	18
	The London Plan.....	19
	Camden Council’s Development Plan .....	21
<b>4</b>	<b>The proposed scheme and its effect.....</b>	<b>24</b>
	The proposed scheme.....	24
	Effect on heritage assets.....	26
<b>5</b>	<b>Compliance with legislation, policy and guidance.....</b>	<b>28</b>
	Introduction .....	28
	The Planning (Listed Buildings and Conservation Areas) Act 1990 .....	28
	The level of ‘harm’ caused by the proposed scheme.....	28
	The balance of ‘harm’ versus benefit.....	29
	National Planning Policy Framework.....	30
	The London Plan.....	30
	Camden Council’s Development Plan .....	31
<b>6</b>	<b>Summary and conclusion .....</b>	<b>32</b>
	<b>Appendix A: Location.....</b>	<b>34</b>
	<b>Appendix B: Historic maps .....</b>	<b>35</b>

**Appendix C: List description ..... 42**  
**Appendix D: Approach to the statutory tests in sections 66(1) and  
72(1) of the Planning (Listed Building and Conservation  
Areas) Act 1990 ..... 43**

## **1 Introduction**

- 1.1 This report has been prepared by KMHeritage to support applications for listed building consent and planning permission in respect the alteration and extension of 70 Oakley Square, London NW1 1NJ.

### **Purpose**

- 1.1 The purpose of the report is to assess the proposed scheme for 70 Oakley Square against the legislation, and national and local policies, relating to the historic built environment.
- 1.2 This report should be read in conjunction with the drawings and Design & Access Statement prepared by SIAW Architects.

### **Organisation**

- 1.3 This introduction is followed by a description and analysis of the listed building and its surroundings, and a description in Section 3 of the legislation, along with national and local policy and guidance, that is relevant to this matter the proposed scheme and its effects. Section 4 describes the proposed development and its effects. Section 5 assesses the proposed development against policy and guidance. Section 6 is a conclusion. There are a number of appendices.

### **Author**

- 1.4 The author of this report is Kevin Murphy B.Arch MUBC RIBA IHBC. He was an Inspector of Historic Buildings in the London Region of English Heritage and dealt with a range of major projects involving listed buildings and conservation areas in London. Prior to this, he had been a conservation officer with the London Borough of Southwark, and was Head of Conservation and Design at Hackney Council between 1997 and 1999. He trained and worked as an architect, and has a specialist qualification in

urban and building conservation. Kevin Murphy was included for a number of years on the Heritage Lottery Fund's Directory of Expert Advisers.

- 1.5 Assistance and historical research for this report was provided by Dr Ann Robey FSA, a conservation and heritage professional with over twenty years experience. She has worked for leading national bodies as well as smaller local organizations and charities. She is a researcher and writer specialising in architectural, social and economic history, with a publication record that includes books, articles, exhibitions and collaborative research.

## 2 The site and its surroundings

### The area

- 2.1 Oakley Square was developed around 1856 as part of Bedford New Town, an initiative by the Duke of Bedford to create a new suburb on his lands to the north of the Euston Road. It was named after Oakley House near Dedford, one of the Duke's seats. At the northern end of the square was St Matthew's Church, built to the Gothic designs of John Johnson in 1852-56. Originally a space enclosed by terraces similar that which survives on the northern side, the southern side of the square was replaced by the Ampthill Square Estate by Eric Lyons & Partners in about 1960, a development described as 'indifferent' by Pevsner.

### 58-70 Oakley Square

- 2.2 The terrace that extends along the northern side of the square is typical of many early-mid-Victorian developments in architectural terms. The houses are in a yellow brick with a rusticated render lower ground and ground floor, and with stucco architraves and pediments to the windows. A balcony with a metal balustrade extends across first floor and around the roof of the porch covering the entrances to the houses, reached by steps from the street. The porch is a simple Doric affair, with two columns supporting a plain entablature. Above, brackets support either round headed or conventional pediments to the first floor windows. At second and third floor, above a continuous string course, the architraves are simpler. There is a strong parapet cornice to the terrace.
- 2.3 Nos 53-57 Oakley Square are slightly different, though using essentially the same architectural language. The floridly Gothic vicarage of the former St Matthew's Church sits beyond, next to St Matthew's Lodge – an

apartment building that replaced the church at some point in the 1970s or early 1980s.



Figure 1: Oakhill Square in the 1940s

### 70 Oakley Square

- 2.4 As the westernmost house in the terrace, 70 Oakley Square is different from its neighbours: it is entered from the side and its side elevation is composed to be a principal elevation matching the main facades to the square. It has a series of blank windows with architraves matching those on the front elevations, the exception being the centre window at first floor, which is glazed.



Figure 2: 70 Oakley Square



Figure 3: 70 Oakley Square – side entrance

2.5 The side entrance to 70 Oakley Square's permits a full-width front room in the house, the entrance to the house being made by means of a kind of narthex or added porch into the stair plan cell at the bottom of the stairs. Apart



from this variation, the rear room and the stairs are in the normal position for a house of this type.

2.6 It is likely that this side entrance to the house started life as a porch similar to those facing Oakley Square, and was subsequently (perhaps in the first twenty years) enclosed and extended towards the rear of the property – a single storey structure now sits alongside the building to the left of the porch when viewed from the side of the house.

2.7 The rear of 70 Oakley Square, and indeed the rear of the terrace as a whole, is, as would be expected, plainer and more altered than the main frontage to the square. Low-quality brick extensions, now painted, have been added to what would appear to have originally been a flat-backed house. There is a single-storey return that is slightly lower than the room on the side of the house. A basement area is situated beneath the window to the ground floor rear room, and the basement area gives light to the lower ground floor room. A modern WC enclosure extends from the single-storey return, which is in turn attached to the side extension described above and is lower than the single-storey return.



Figure 4: the rear elevation of 70 Oakley Square



Figure 5: the ground and lower ground floors of 70 Oakley Square, to the rear

- 2.8 The building is typical of many houses of this age. While some principal rooms retain decoration and detail, and while the plan layout largely survives, other things have been altered. The ground floor rear room is now a kitchen, and entirely modern in character. The rear parts of the ground and lower ground floors are also very mixed in quality and appearance. The lower ground floor window openings have concrete lintols and modern glazing. The basement area is modern in its treatment. There is much external pipe work.



Figure 6



Figure 7

### **The heritage context of the site and its surroundings**

- 2.9 70 Oakley Square forms part of the terrace of houses at 58-70 Oakley Square, described above, which are listed as a group at Grade II. Nos 53-57 Oakley Square are also Grade II, as is the former vicarage. The terrace is on the southern boundary of the Camden Town Conservation Area. Oakley Square Gardens are included in Camden's Local List.

### **Heritage significance**

- 2.10 The listed buildings mentioned above and the Camden Town Conservation Area are 'designated heritage assets', as defined by the National Planning Policy Framework (NPPF).
- 2.11 Heritage 'significance' is defined in the NPPF as 'the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic'. The Historic England 'Historic Environment Good Practice Advice in Planning Note 2' puts it slightly differently – as 'the sum of its architectural, historic, artistic or archaeological interest'.
- 2.12 'Conservation Principles, Policies and Guidance for the sustainable management of the historic environment' (English Heritage, April 2008) describes a number of 'heritage values' that may be present in a 'significant place'. These are evidential, historical, aesthetic and communal value.
- 2.13 Historical value is described as being illustrative or associative. The listed and unlisted buildings of any discernible historical quality nearby, their relationship to one another and to the conservation area, illustrates the evolution of this part of London. What happened to these older buildings, the historic urban grain and the area generally throughout the 20<sup>th</sup> century is highly illustrative of how our towns and cities changed in that period. It tells us about the transformation of the older city the

expansion of London into new northern suburbs during the 19<sup>th</sup> century, and about social change and lifestyles in various periods. The area as a whole has historical associations with various important historical architects, developers and other figures.

- 2.14 70 Oakley Square is a listed building (i.e. a designated heritage asset), and thus has ‘special architectural and historic interest’. This interest or significance is located in its external appearance (particularly to the street); in its plan layout; and in its decorative features. Of these things, the external appearance and plan layout survives largely intact, whereas internal decoration and features of the listed buildings has been altered. There is some, but much lesser, interest in the rear elevations. The side elevation of 70 Oakley Square is an important part of its special architectural and historic interest, but the alteration (albeit early) of the ground floor by the single storey extension has diminished the elegance of this façade. Similarly, to the rear, the single storey return with its added WC enclosure, along with the alterations at lower ground level, detract from the appearance of the listed building.
- 2.15 It is clear that, despite the changes that have occurred, 70 Oakley Square has ‘architectural’ and ‘artistic interest’ or ‘aesthetic value’. In respect of design, ‘Conservation Principles’ says that ‘design value... embraces composition (form, proportions, massing, silhouette, views and vistas, circulation) and usually materials or planting, decoration or detailing, and craftsmanship’.
- 2.16 However, while the building retains features of the original external and internal design that contribute to each of these qualities, the alterations undertaken throughout the 20<sup>th</sup> century at the rear of the property to create the present situation is significantly lesser in quality than the more intact parts of the property.
- 2.17 In summary, 70 Oakley Square remains a very handsome listed building and retains a considerable degree of heritage significance despite various alterations. The underlying typological character of the building survives

beneath the changes that have occurred, and internally the plan layout and decorative detail of quality survives.



### **3 The policy context**

#### **Introduction**

- 3.1 This section of the report briefly sets out the range of national and local policy and guidance relevant to the consideration of change in the historic built environment.
- 3.2 Section 5 demonstrates how the proposed development complies with statute, policy and guidance. Not all the guidance set out in this section is analysed in this manner in Section 5: some of the guidance set out below has served as a means of analysing or assessing the existing site and its surrounding, and in reaching conclusions about the effect of the proposed development.

#### **The Planning (Listed Buildings and Conservation Areas) Act 1990**

- 3.3 The legislation governing listed buildings and conservation areas is the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act'). Section 66(1) of the Act requires decision makers to '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' when determining applications which affect a listed building or its setting. Section 72(1) of the Act requires decision makers with respect to any buildings or other land in a conservation area to pay 'special attention... to the desirability of preserving or enhancing the character or appearance of that area'.
- 3.4 Appendix D sets out our understanding of the process by which sections 66(1) and section 72(1) of the Act are applied by decision makers in conjunction with the National Planning Policy Framework.

#### **The National Planning Policy Framework**

- 3.5 Paragraph 56 of the NPPF says that 'the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable

development, is indivisible from good planning, and should contribute positively to making places better for people’.

3.6 Paragraph 60 says:

*Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.*

3.7 Paragraph 61 continues:

*Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.*

3.8 Paragraph 63 says that ‘In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area’.

3.9 The NPPF says at Paragraph 128 that:

*In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.*

3.10 A description and analysis of the heritage significance of 70 Oakley Square and its heritage context is provided earlier in this report.

3.11 The NPPF also requires local planning authorities to ‘identify and assess the particular significance of any heritage asset that may be affected by a proposal



(including by development affecting the setting of a heritage asset) 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'.

3.12 At Paragraph 131, the NPPF says 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.*

3.13 Paragraph 132 advises local planning authorities 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. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting'.

3.14 The NPPF says at Paragraph 133 'Good design ensures attractive, usable, durable and adaptable places and is a key element in achieving sustainable development. Good design is indivisible from good planning.' Paragraph 133 says:

*Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve*

*substantial public benefits that outweigh that harm or loss, or all of the following apply:*

- *the nature of the heritage asset prevents all reasonable uses of the site; and*
- *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- *conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
- *the harm or loss is outweighed by the benefit of bringing the site back into use.*

- 3.15 Paragraph 134 says 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, including securing its optimum viable use.
- 3.16 Further advice within Section 12 of the NPPF urges local planning authorities to take into account the effect of an application on the significance of a non-designated heritage asset when determining the application. It says that ‘In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset’.
- 3.17 Paragraph 137 of the NPPF advises local planning authorities to ‘look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. 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’.
- 3.18 Paragraph 138 says that:

*Not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either 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 or World Heritage Site as a whole.*

### **Planning Practice Guidance**

3.19 In 2014 the government published new streamlined planning practice guidance for the National Planning Policy Framework and the planning system. It includes guidance on matters relating to protecting the historic environment in the section entitled ‘Conserving and Enhancing the Historic Environment’. It is subdivided into sections giving specific advice in the following areas:

- Historic Environment Policy and Legislation
- Heritage in Local Plans
- Decision-taking: Historic Environment
- Designated Heritage Assets
- Non-Designated Assets
- Heritage Consent Processes and
- Consultation Requirements

### **Historic England’s Good Practice Advice in Planning Notes**

3.20 The NPPF incorporates many of the essential concepts in Planning Policy Statement 5 ‘Planning for the Historic Environment’. PPS5 was accompanied by a ‘Planning for the Historic Environment Practice Guide’, published by English Heritage ‘to help practitioners implement the

policy, including the legislative requirements that underpin it'. In the light of the introduction of the NPPF, Good Practice Advice notes 1, 2 and 3 supersede the PPS 5 Practice Guide, which was withdrawn on 27 March 2015. These notes are:

- Historic Environment Good Practice Advice in Planning Note 1: The Historic Environment in Local Plans
- Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment
- Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets

### **The London Plan**

- 3.21 The London Plan 2016 (consolidated with alterations since 2011) is the current the spatial development strategy for London. This document, published in March 2016, is consolidated with all the alterations to the London Plan since 2011. It contains various policies relating to architecture, urban design and the historic built environment.
- 3.22 Policy 7.4 deals with 'Local character', and says that a development should allow 'buildings and structures that make a positive contribution to the character of a place, to influence the future character of the area' and be 'informed by the surrounding historic environment'.
- 3.23 Policy 7.8 deals with 'Heritage assets and archaeology', and says:
- 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.*

*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.*

*E New development should make provision for the protection of archaeological resources, landscapes and significant memorials. The physical assets should, where possible, be made available to the public on-site. Where the archaeological asset or memorial cannot be preserved or managed on-site, provision must be made for the investigation, understanding, recording, dissemination and archiving of that asset.*

3.24 Policy 7.9 deals with 'Heritage-led regeneration', and says:

*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.*

*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.*

### Camden Council's Development Plan

- 3.25 Camden Council adopted its Core Strategy and Development Policies on 8 November 2010. Core Strategy Policy CS14 deals with 'Promoting high quality places and conserving our heritage' and says:
- '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;*
  - e) protecting important views of St Paul's Cathedral and the Palace of Westminster from sites inside and outside the borough and protecting important local views'.*
- 3.26 The commentary to the policy says:
- 'Our overall strategy is to sustainably manage growth in Camden so it meets our needs for homes, jobs and services in a way that conserves and enhances the features that make the borough such an attractive place to live, work and visit. Policy CS14 plays a key part in achieving this by setting out our approach to conserving and, where possible, enhancing our heritage and valued places, and to ensuring that development is of the highest standard and reflects, and where possible improves, its local area'*
- 3.27 It goes on to say:
- 'Development schemes should improve the quality of buildings, landscaping and the street environment and,*

*through this, improve the experience of the borough for residents and visitors'*

3.28 Regarding Camden's heritage, the Core Strategy refers to Policy DP25 in Camden Development Policies as providing more detailed guidance on the Council's approach to protecting and enriching the range of features that make up the built heritage of the borough.

3.29 Policy DP25 is as follows:

*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.*



## 4 The proposed scheme and its effect

- 4.1 The proposed scheme for 70 Oakley Square is illustrated in the drawings of SIAW, and described in the accompanying Design & Access Statement.
- 4.2 This section of the report describes the proposed scheme and its effect on the heritage significance described earlier.

### The proposed scheme

- 4.3 The Design & Access Statement sets out the recent planning history of the property. Previous owners of the property, with the benefit of listed building consents, refurbished the main rear ground floor room as a kitchen, and made improvements to the open terrace area to the rear of the property. Landscaping and curtilage improvements have been undertaken.
- 4.4 It is proposed to alter the existing side extension to 70 Oakley Square and create a new pitched roof conservatory or solarium at first floor level on the side of the building. The new white-painted timber structure will sit on an extended new floor at the side of the building, supported by columns that match those of the porches on the front of the terrace, and enclosed by a new wrought iron railing to match the existing railing to the balcony on the front elevation. The new structure will remain open at ground level, as at present, and the conservatory will extend to a point set back from the front elevation by about 500 mm. The single storey return at the rear is rationalised. Additional light from the west will be permitted by opening the blank windows on the western elevation; at first floor this will be the means of access into the new conservatory at first floor level from the stair landing and the front room.
- 4.5 This proposal is an interesting and creative way of adding accommodation to 70 Oakley Square in a manner that is consistent its architectural style and appearance. It makes use of an area of the building which has already been

altered at ground floor and – other than altering this area – requires only minimal intervention in the main western gable elevation of the listed building, involving the opening of the blank windows. Existing architrave and pediment details to the windows at first floor will be preserved by being incorporated within the conservatory space. The appearance of the conservatory, in design, materials and detail, will be historically authentic. Though not particularly common, this type of extension is found occasionally on end-of-terrace flank walls; two examples are given in Figures 8 and 9.



Figure 8: Warrington Cresecent, Maida Vale

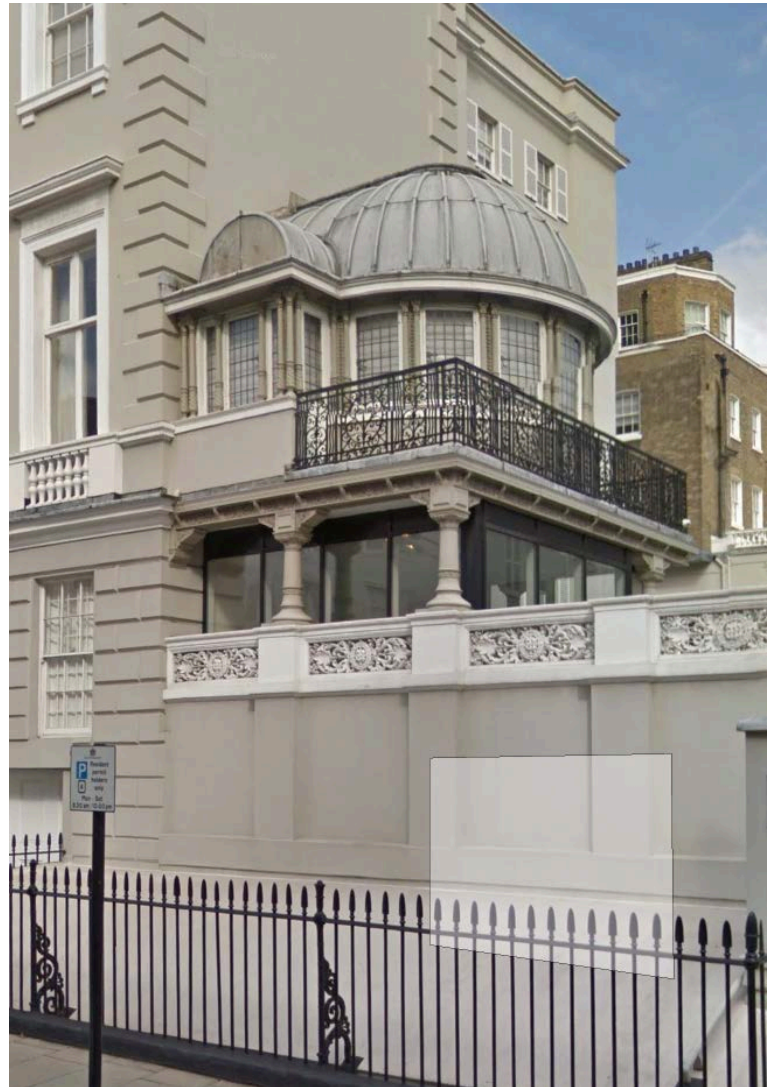


Figure 9: Lyall Street, Belgravia

#### Effect on heritage assets

- 4.6 There will be a modest but positive effect on the special architectural or historic interest of 70 Oakley Square as a listed building; the building's appearance will be altered, but in a manner consistent with that special interest. The character and appearance of the Camden Town Conservation Area or the setting of adjacent listed buildings will only be affected to a minimal degree, and also in a positive manner.

- 4.7 The scheme will, on balance, preserve and enhance the listed building and the conservation area, as well as the setting of other listed buildings and the locally listed gardens of Oakley Square.

## **5 Compliance with legislation, policy and guidance**

### **Introduction**

- 5.1 This report has provided a description and analysis of the significance of 70 Oakley Square and its heritage context, as required by Paragraph 128 of the National Planning Policy Framework. In addition, the report also describes (in Section 4 ‘the proposed development and its effect’) how the proposed scheme will affect that heritage significance. The effect is positive, and for that reason, the scheme complies with policy and guidance. This section should be read with Section 4.

### **The Planning (Listed Buildings and Conservation Areas) Act 1990**

- 5.2 The conclusion of our assessment, contained in the previous section of this report, is that the proposed scheme for 70 Oakley Square preserves and enhances the listed building and the character and appearance of the Camden Town Conservation Area, as well as preserving and enhancing the setting of the nearby listed buildings (i.e. the designated heritage assets that are the subject of the Act). The proposed development thus complies with S.66(1) and S.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. It does not lead to ‘substantial’ harm or any meaningful level of ‘less than substantial’ harm to any heritage assets.
- 5.3 It is important to note that the legal requirement regarding satisfying Section 72(1) of the Act was established by *South Lakeland District Council v Secretary of State for the Environment and another* [1992] 1 ALL ER 573, and is met if the proposed development leaves the conservation area unharmed.

### **The level of ‘harm’ caused by the proposed scheme**

- 5.4 As outlined in Section 4, the NPPF identifies two levels of potential ‘harm’ that might be caused to a heritage asset by a development: ‘substantial harm...or total loss of significance’ or ‘less than substantial’. Both levels of harm must be caused to a *designated* heritage asset – in this instance 70 Oakley Square, the setting of nearby listed buildings or the Camden Town Conservation Area.
- 5.5 The proposed scheme would clearly not lead to ‘substantial’ harm’ to any designated heritage assets – the scheme does not in any way result in a total or substantial loss of significance. The only potential for ‘less than substantial’ harm would be if the proposed scheme for 70 Oakley Square caused the loss of a tangible and significant component of the special interest of the listed building or the conservation area, or the setting of nearby listed buildings. There is nothing about the proposal that would give rise to this level of harm. The appearance and setting of 70 Oakley Square and other heritage assets is certainly changed, but that change is positive.

#### **The balance of ‘harm’ versus benefit**

- 5.6 In any event, the scheme provides tangible public and heritage benefits. It will help refresh and sustain 70 Oakley Square in its optimum viable use as a residential property, and improve upon the existing accommodation offered by the property in an imaginative fashion that is consistent with the significance of the listed house and the conservation area. The scheme will underpin the socio-economic – i.e. residential - character of this part of the conservation area within the London Borough of Camden - something linked to the character and appearance of the conservation area - and this is a public benefit.
- 5.7 This more than outweighs what low level of ‘harm’ - if any - that *might* be asserted regarding the scheme. The core special architectural and historic interest of the listed building at 70 Oakley Square, the conservation area and nearby listed buildings is preserved as a result of the proposed scheme.

### **National Planning Policy Framework**

- 5.8 In respect of Paragraph 131 of the NPPF, the revised scheme can certainly be described as ‘sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation’. It maintains the ‘positive contribution’ that 70 Oakley Square make to the conservation area and to ‘local character and distinctiveness’.
- 5.9 The scheme very definitely strikes the balance suggested by Paragraph 132 of the NPPF – it responds to the listed building in a manner commensurate to its overall significance and its contribution to the conservation area, and intervenes in a part of the listed building of lesser significance. In overall terms, the effect of the scheme on heritage significance, when weighed against the heritage significance that is preserved and the benefits of the scheme in improving the quality and longevity of 70 Oakley Square as a dwelling, is modest.
- 5.10 The proposed development complies with Paragraph 133 of the NPPF. It does not lead to ‘substantial harm to or total loss of significance of a designated heritage asset’. It also complies with Paragraph 134 for the reasons given in detail earlier. Any ‘less than substantial harm to the significance of a designated heritage asset’ – i.e. the listed building – that can be ascribed to the scheme is greatly outweighed by the sensible and architecturally consistent design of the conservatory, and by the relatively minimal intervention in the historic fabric of the listed building.

### **The London Plan**

- 1.2 The proposed scheme for 70 Oakley Square is what the London Plan envisages when it talks (in Policy 7.4) about developments having ‘regard to the form, function and structure of an area, place or street and the scale, mass and orientation of surrounding buildings’. The design of the proposed scheme is inherently responsive to these features, and it is designed to respect the context in which

it finds itself. The proposed scheme is of ‘the highest architectural quality’ and includes ‘details and materials that complement... the local architectural character’. The scheme thus complies with Policies 7.4 and 7.6. The proposed scheme adds life and vitality to the setting of heritage assets around it - the ‘desirability of sustaining and enhancing their significance and of utilising their positive role in place shaping’ has been taken into account. The scheme clearly ‘conserve[s the significance of heritage assets], by being sympathetic to their form, scale, materials and architectural detail’. For these reasons, the scheme is consistent with Policy 7.8 of the London Plan.

- 1.3 It is also consistent with Policy 7.9 of the Plan – the ‘significance’ of the heritage assets in its context has been ‘assessed’ and the scheme is ‘designed so that the heritage significance is recognised both in [its] own right and as [a] catalyst for regeneration’.

#### **Camden Council’s Development Plan**

- 5.11 For these reasons, and those given earlier, the proposed development is also consistent with Camden’s Local Development Framework policies regarding listed buildings and conservation areas, and in particular Policy DP25. The scheme certainly ‘preserves and enhances the character and appearance of the [conservation] area’. It does not involve the ‘the total or substantial demolition of a listed building’, nor does it ‘cause harm to the special interest of the building’ or ‘the setting of a listed building’.



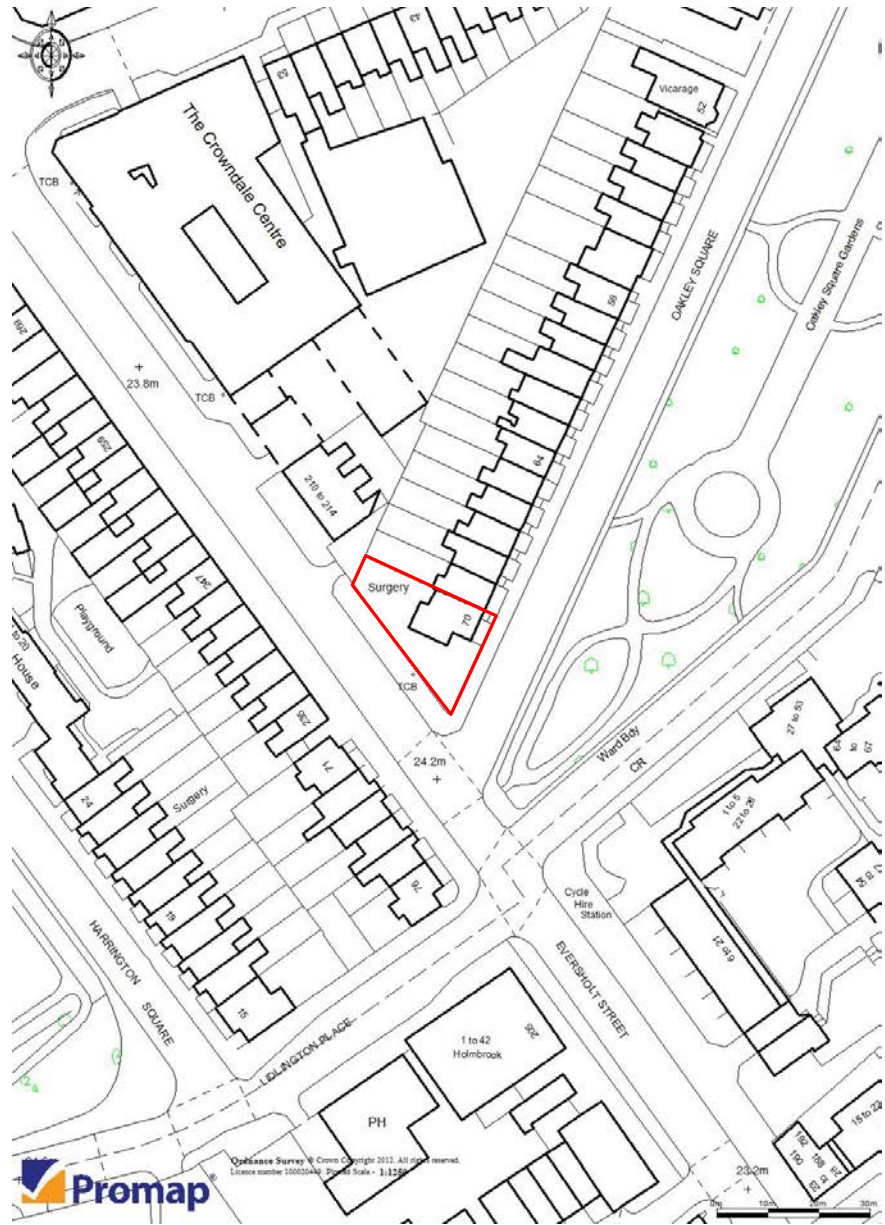
## 6 Summary and conclusion

- 6.1 Oakley Square was developed around 1856 as part of Bedford New Town, an initiative by the Duke of Bedford to create a new suburb on his lands to the north of the Euston Road. 58-70 Oakley Square are in a yellow brick with a rusticated render lower ground and ground floor, and with stucco architraves and pediments to the windows.
- 6.2 As the westernmost house in the terrace, 70 Oakley Square is different from its neighbours: it is entered from the side and its side elevation is composed to be a principal elevation matching the main facades to the square.
- 6.3 It is proposed to create a two-bedroom flat at first floor, and in order to optimise the accommodation, it is proposed to alter the existing side extension to 70 Oakley Square and create a new pitched roof conservatory or solarium at first floor level on the side of the building. The new white-painted timber structure will sit on an extended new floor at the side of the building, supported by columns that match those of the porches on the front of the terrace, and enclosed by a new wrought iron railing to match the existing railing to the balcony on the front elevation. The new structure will remain open at ground level, as at present, and the conservatory will extend to a point set back from the front elevation by about 500 mm. The single storey return at the rear is rationalised. Additional light from the west will be permitted by opening the blank windows on the western elevation; at first floor this will be the means of access into the new conservatory at first floor level from the stair landing and the front room.
- 6.4 The proposal is an interesting and creative way of adding accommodation to 70 Oakley Square in a manner that is consistent its architectural style and appearance. It makes use of an area of the building which has already been

altered at ground floor and – other than altering this area – requires only minimal intervention in the main western gable elevation of the listed building, involving the opening of the blank windows. Existing architrave and pediment details to the windows at first floor will be preserved by being incorporated within the conservatory space.

- 6.5 There will be a modest but positive effect on the special architectural or historic interest of 70 Oakley Square as a listed building; the building's appearance will be altered, but in a manner consistent with that special interest. The character and appearance of the Camden Town Conservation Area or the setting of adjacent listed buildings will only be affected to a minimal degree, and also in a positive manner.
- 6.6 The scheme will, on balance, preserve and enhance the listed building and the Camden Town Conservation Area, as well as the setting of other listed buildings and the locally listed gardens of Oakley Square. For these reasons, discussed at greater length in the report, the proposed scheme will comply with the law, and national and local policies and guidance for urban design and the historic built environment.

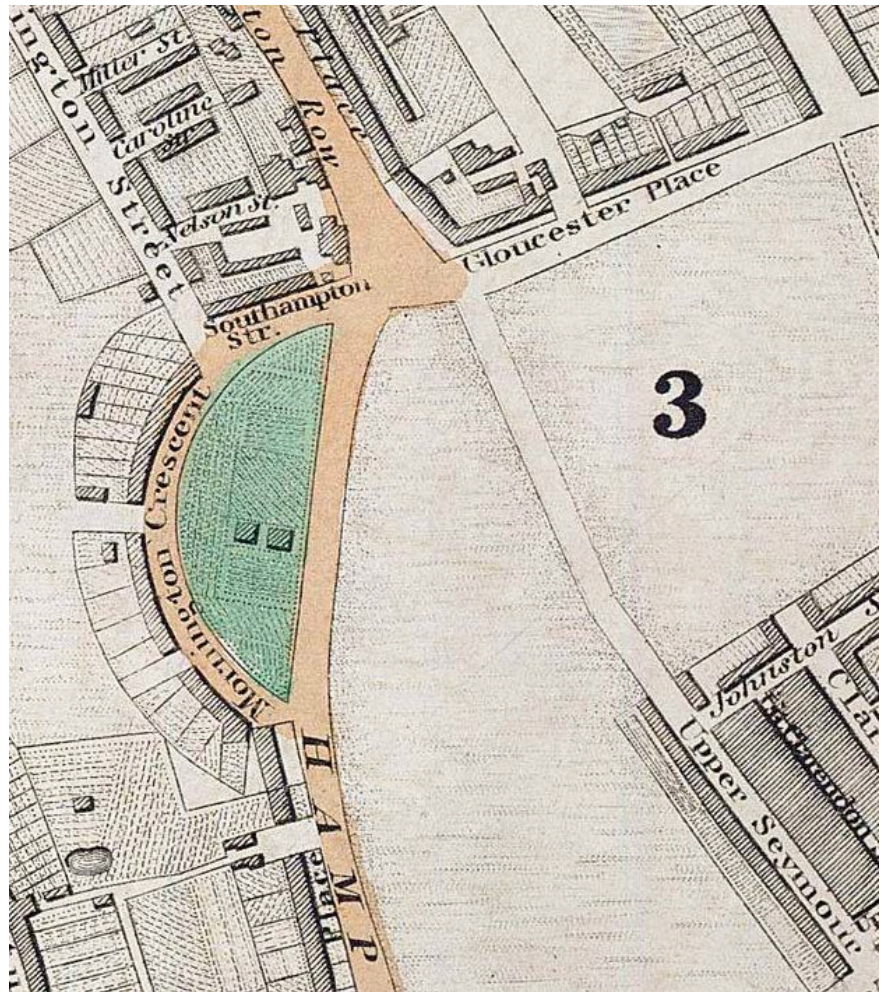
## Appendix A: Location



Current Ordnance Survey (not to scale)

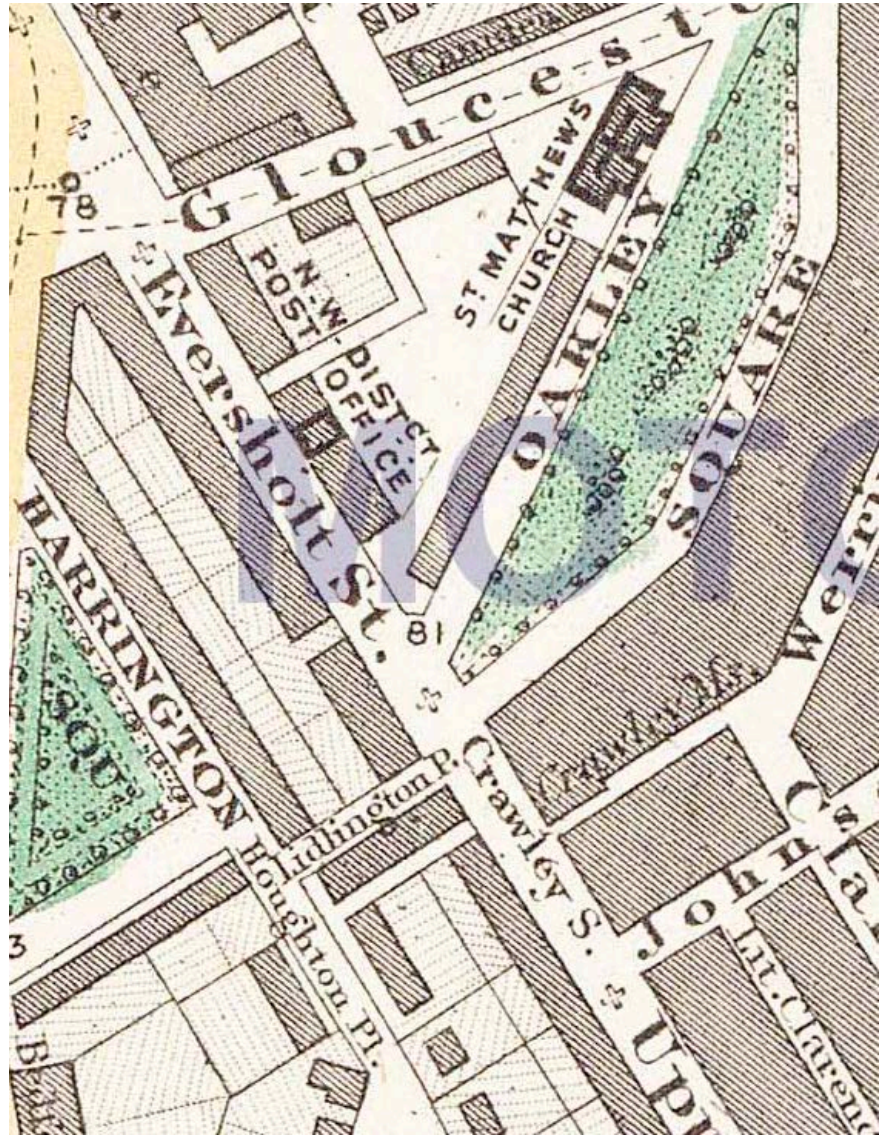
## Appendix B: Historic maps

Not to scale

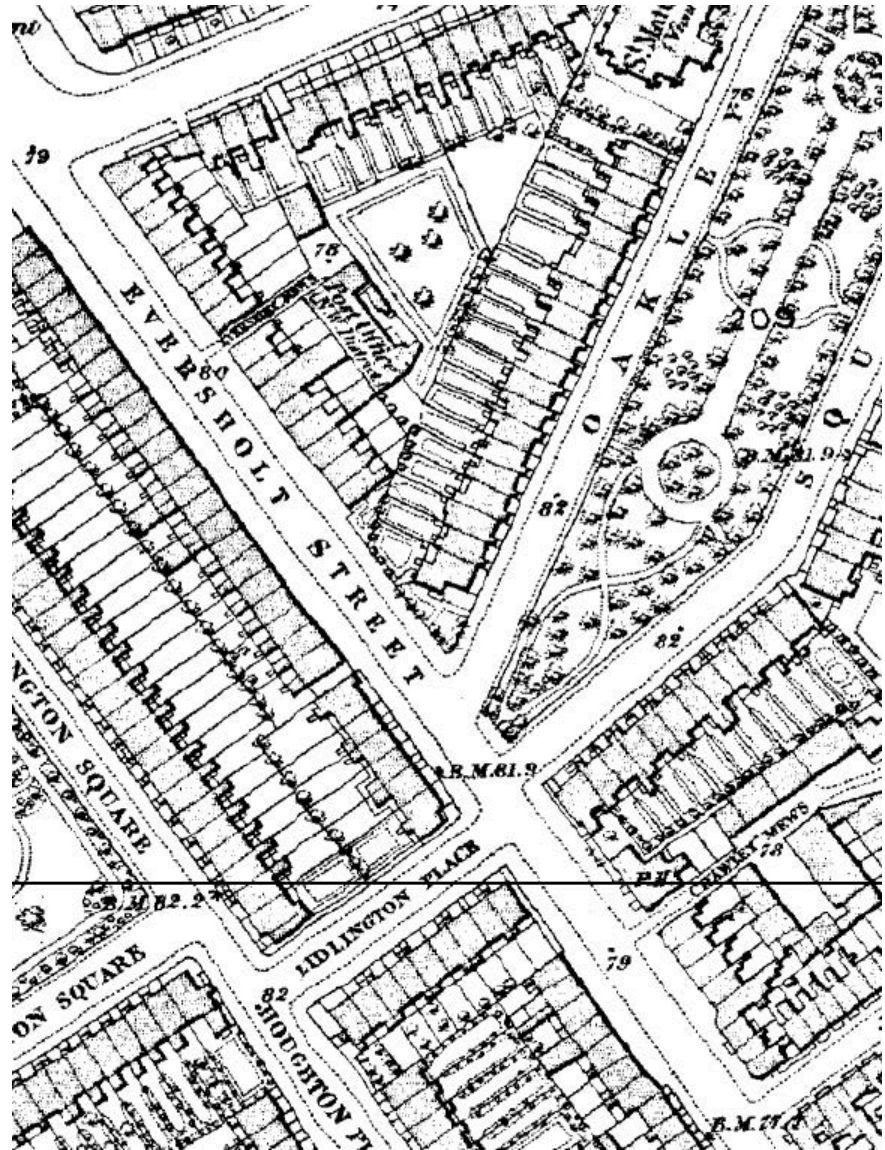


Greenwood's map, 1830

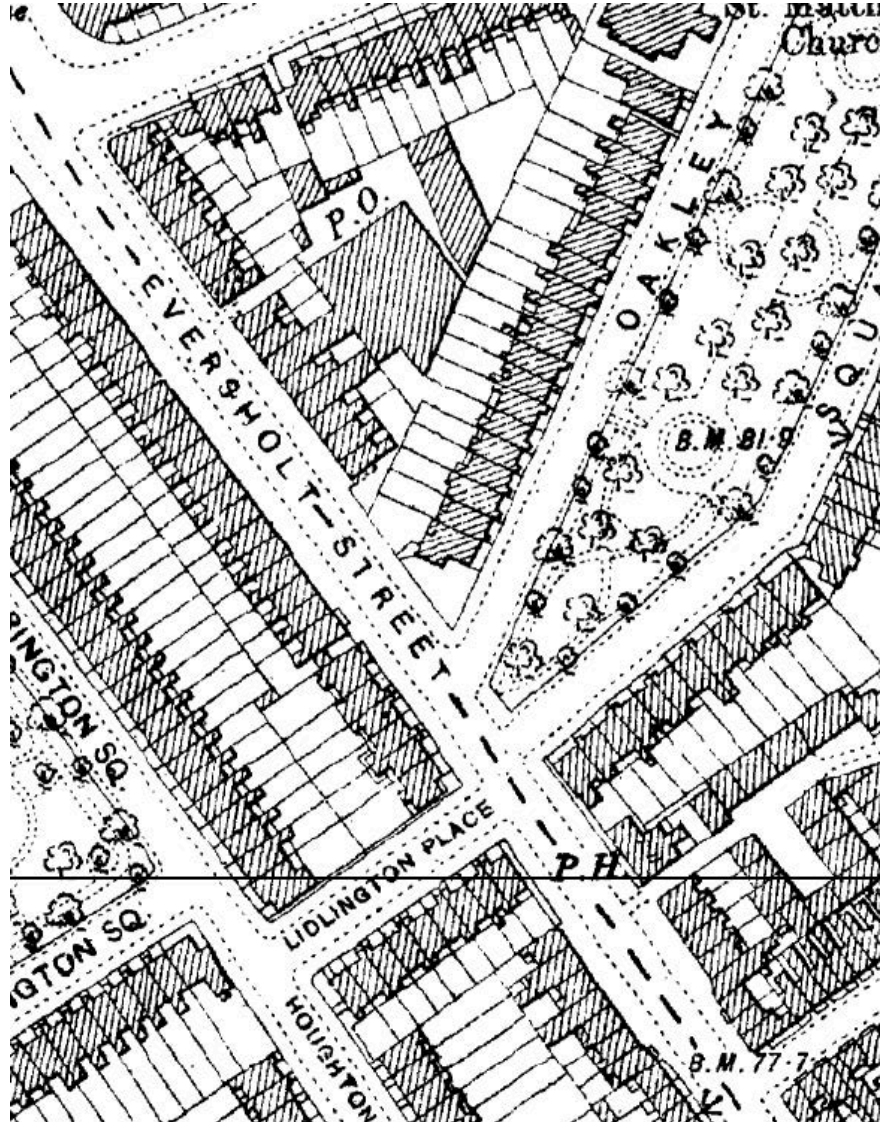




Stanford's map, 1862

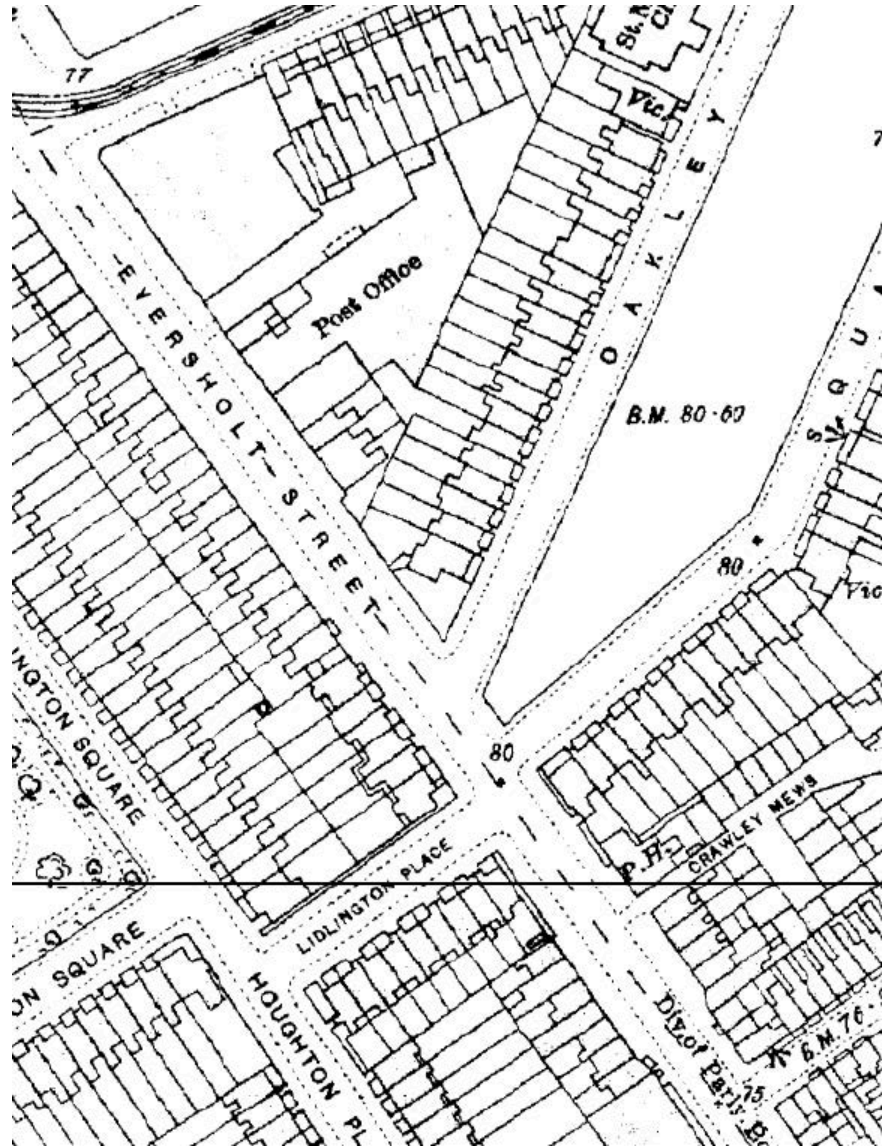


1875-76



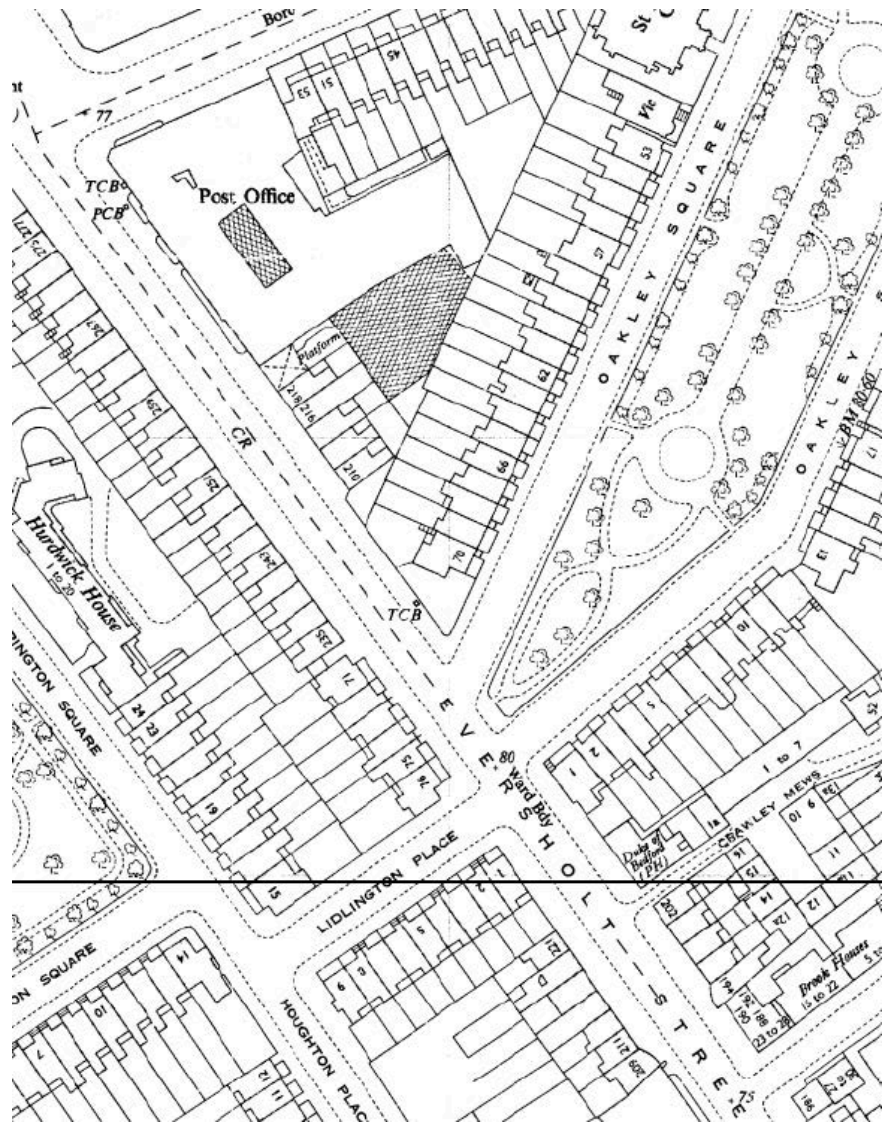
1896



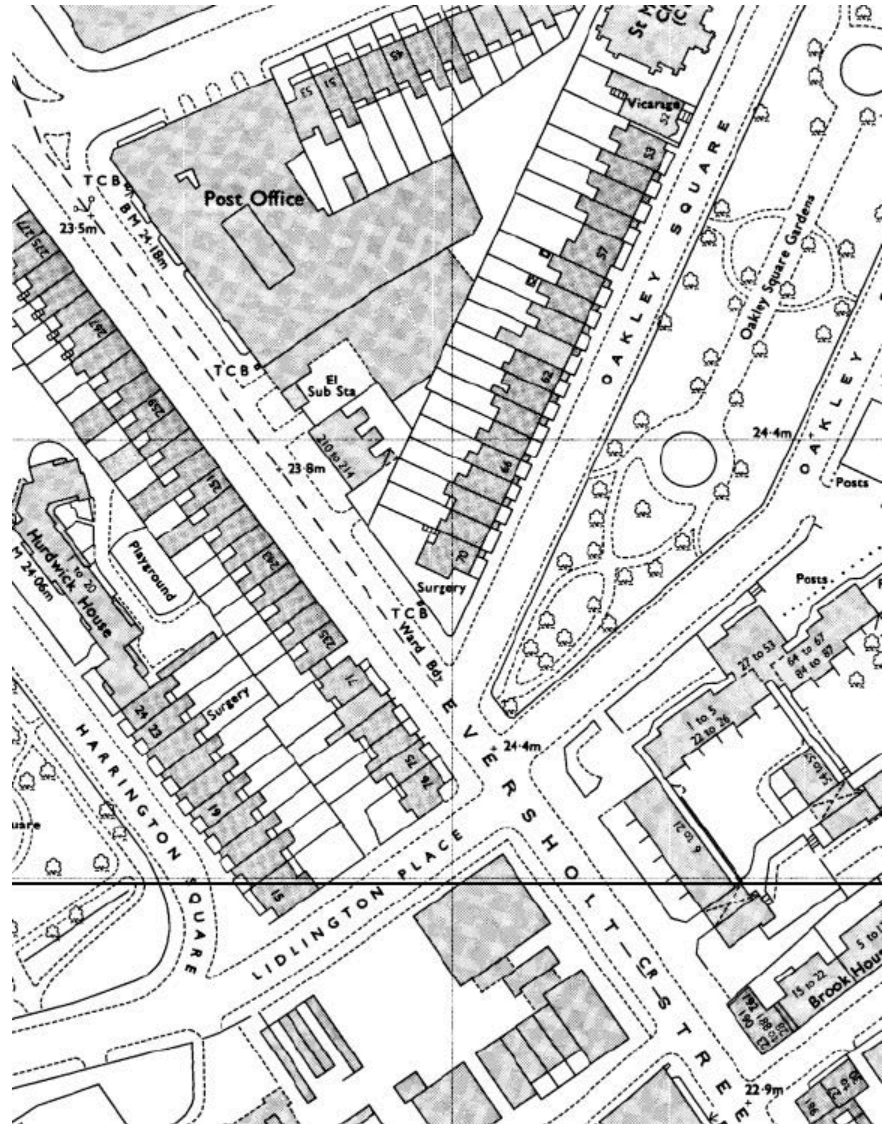


1916





1953



1968-88

## Appendix C: List description

NUMBERS 58-70 AND ATTACHED RAILINGS, 58-70 OAKLEY SQUARE (west side)

CAMDEN TOWN, CAMDEN, GREATER LONDON

Date listed: 11 January 1999

Date of last amendment: 11 January 1999

Grade II

CAMDEN TQ2983SW OAKLEY SQUARE 798-1/83/1242 (West side)

Nos.58-70 (Consecutive) and attached railings GV II Terrace of 13 houses. c1845-59. Yellow stock brick with stucco dressings, 2nd floor continuous sill band and mutule cornice; channelled stucco ground floors. 4 storeys and basements. 2 windows each. Prostyle porticos and mostly panelled doors with overlights; approached by steps. Ground floor sashes round-arched with keystones and some with cast-iron window guards. Upper floors have architraved sashes; 1st floor with console-bracketed pediments, Nos 60-62 and 66-68 segmental, and mostly with bowed cast-iron balconies which continue over the portico. 2nd floor sashes have cornices, 3rd floor lugged sills. INTERIORS: not inspected.

SUBSIDIARY FEATURES: attached cast-iron railings with spearhead finials to areas.

## **Appendix D: Approach to the statutory tests in sections 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990**

We set out as follows the approach that we take to section 66(1) and section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 in the light of the *Barnwell Manor* Court of Appeal judgment and subsequent decision in the High Court in *Forge Field*.

Section 66(1) of the Act requires decision makers to "have special regard<sup>[1]</sup> to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses" when determining applications which affect a listed building or its setting.

Section 72(1) of the Act requires decision makers with respect to any buildings or other land in a conservation area to pay "*special attention*<sup>[2]</sup> [...] to the desirability of preserving or enhancing the character or appearance of that area".

The necessary stages for the decision maker in fulfilling its duties under these sections (and therefore the approach to be taken in any analysis) are as follows:

Identify whether any harm is likely to be caused to a listed building or its setting or to a conservation area or its character or appearance and, if so, the likely nature of that harm. The assessment of as to whether there is likely to be harm is a matter for the decision-maker's own judgment. The decision-maker can still rationally conclude that there is no harm where any adverse implications for the listed building or conservation area are de minimis, considering the overall impact of the proposal on the heritage asset as a whole.

Identify all other material planning considerations, including national and local policies (compliance with the statutory development plan to be given particular weight because of the presumption in section 38(6) of the Planning and Compulsory Purchase Act 2004 that determination must be in accordance with the plan unless material considerations indicate otherwise).

If there is likely to be harm (whether substantial or not), the decision-maker must balance that harm against any countervailing planning benefits, but in so doing must give “considerable importance and weight” to the finding of harm. Another way to describe giving “considerable importance and weight” to the finding of harm is to say (as the court did in *Forge Field*) that there is a “strong presumption ... against granting planning permission for any development which would fail to preserve the setting of a listed building or the character or appearance of a conservation area”, which presumption “can be outweighed by material considerations powerful enough to do so”.

Where “substantial harm” is found, the advice in paragraph 133 of the NPPF should additionally be taken into account, namely that consent should be refused “unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss” or at least one of four specified criteria are met.

Where there is found to be harm which is less than substantial, care is needed that the decision-maker expresses and applies the test correctly. Paragraph 134 of the NPPF states: ““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.” However, this now needs to be applied in the light of *Barnwell Manor* and *Forge Field*. As set out above, even where “a development proposal will lead to less than substantial harm to the significance of a designated heritage asset”, in weighing that harm “against the public benefits of the proposal, including securing its optimum viable use”, it is clear that “considerable importance and weight” should be given to that finding of harm.

If both section 66 (any listed building and/or its setting) and section 72 (any conservation area) are engaged, this analysis needs to be carried out separately under each section.

# KMHeritage

72 Pymer's Mead

London SE21 8NJ

T: 020 8670 9057

F: 0871 750 3557

[mail@kmheritage.com](mailto:mail@kmheritage.com)

[www.kmheritage.com](http://www.kmheritage.com)

© 2017