

**15 Lyndhurst Terrace  
London NW3**

**HERITAGE ASSESSMENT**

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## **1 INTRODUCTION**

1.1 This Heritage Assessment has been prepared in support of the application for planning permission for proposed development at no. 15 Lyndhurst Terrace (referred to as 'the Site') in the London Borough of Camden (LB Camden). The proposed development comprises the (1) demolition of the existing house on the Site ('the Existing House') and (2) its replacement by a new house ('the Replacement House'). Items 1 and 2 taken together are referred to as the 'Proposed Development'.

1.2 The report sets out the following:

- Relevant legislation, national and local heritage policy and guidance.
- A description of the Site and the Existing House and their heritage and townscape context.
- An assessment of the significance of the Fitzjohns / Netherhall Conservation Area, and the contribution of the Existing House to this, in light of heritage legislation, national and local heritage policy and guidance, and the wider heritage context.
- An assessment of the architectural, urban design and townscape quality of the Replacement House.
- An assessment of the effect of the Proposed Development on townscape and heritage significance, in light of heritage legislation, national and local heritage policy and guidance.
- Conclusions.

## **2 HERITAGE LEGISLATION, POLICY AND GUIDANCE**

- 2.1 This section contains a brief overview of aspects of national, London-wide and local planning policies and guidance that are relevant to the consideration of heritage matters.

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

#### ***Conservation Areas***

- 2.2 Section 72 of the Act requires that when considering applications for planning permission for buildings or land in a conservation area, *‘special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area’*.

#### ***Listed buildings***

- 2.3 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states, *“in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

### **National Planning Policy Framework (March 2012)**

- 2.4 The National Planning Policy Framework (NPPF) sets out the Government’s economic, environmental and social planning policies for England. Taken together, these policies articulate the Government’s vision of sustainable development, which should be interpreted and applied locally to meet local aspirations.
- 2.5 Section 12 of the NPPF deals with conserving and enhancing the historic environment. It applies to the heritage-related consent regimes under the

Planning (Listed Buildings and Conservation Areas) Act 1990, plan-making and decision-taking.

- 2.6 Heritage assets are defined in Annex 2 as a *'building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).'*
- 2.7 The NPPF requires an applicant to describe the significance of any heritage assets affected by a proposal, including any contribution made by their setting (para 128). It goes on to say that *'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.'*
- 2.8 In paragraph 131, the NPPF identifies three key factors local authorities should take into account in determining applications:
- *'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.*
- 2.9 Paragraph 132 states that in assessing impact, the more important the asset, the greater the weight should be given to its conservation. It notes that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
- 2.10 The setting of a heritage asset is defined in Annex 2 as *'the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.'*

- 2.11 Paragraph 133 states that 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 that other stated conditions apply).
- 2.12 Paragraph 134 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.
- 2.13 Paragraph 135 states the effect of an application on the significance of a non-designated heritage asset requires a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset.
- 2.14 Paragraph 138 states that 'Not all elements of a...Conservation Area will necessarily contribute to its significance' and that 'Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area ...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...as a whole.'

***Planning Practice Guidance, March 2014***

- 2.15 The national Planning Practice Guidance (PPG) was launched by the Government in March 2014 and provides a web-based resource in support of the NPPF.
- 2.16 The PPG includes a section entitled '*Design*'. This explains, inter alia, the importance of good design, the planning objectives that good design can help to achieve, the qualities of a well-designed place, and how buildings and the spaces between them should be considered.

2.17 The planning objectives of design are stated to include promoting, inter alia, local character; safe, connected and efficient streets; a network of green spaces and public places; and cohesive and vibrant neighbourhoods.

2.18 In terms of the qualities that contribute to a well-designed place, the PPG states that a well-designed place should:

- *"Be functional;*
- *Support mixed uses and tenures;*
- *Include successful public spaces;*
- *Be adaptable and resilient;*
- *Have a distinctive character;*
- *Be attractive; and*
- *Encourage ease of movement".*

2.19 The PPG identifies the following considerations which may be relevant in terms of how buildings and the spaces between them should be considered:

- *"Layout - the way in which buildings and spaces relate to each other;*
- *Form - the shape of buildings;*
- *Scale - the size of buildings;*
- *Detailing - the important smaller elements of building and spaces; and*
- *Materials - what a building is made from".*

2.20 The PPG includes a section entitled '*Conserving and enhancing the historic environment*'. This considers the factors that should inform decision taking about developments that would affect heritage assets. It notes that *"Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals".*

2.21 In relation to consideration of 'harm' in conservation areas, the PPG states that:

*'An unlisted building that makes a positive contribution to a conservation area is individually of lesser importance than a listed building (paragraph 132 of the*

*National Planning Policy Framework). If the building is important or integral to the character or appearance of the conservation area then its demolition is more likely to amount to substantial harm to the conservation area, engaging the tests in paragraph 133 of the National Planning Policy Framework. However, the justification for its demolition will still be proportionate to the relative significance of the building and its contribution to the significance of the conservation area as a whole.'* (Paragraph: 018 Reference ID: 18a-018-20140306)

2.22 In relation to public benefits, the PPG states that:

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

*Public benefits may include heritage benefits, such as:*

*sustaining or enhancing the significance of a heritage asset and the contribution of its setting  
reducing or removing risks to a heritage asset  
securing the optimum viable use of a heritage asset in support of its long term conservation'*

2.23 In respect of non-designated heritage assets, the PPG states, under the heading 'What are non-designated heritage assets and how important are they?', that they are 'buildings, monuments, sites, places, areas or landscapes identified as having a degree of significance meriting consideration in planning decisions but which are not formally designated heritage assets. In some areas, local authorities identify some non-designated heritage assets as 'locally listed'.'



## **Regional planning policy**

### ***The London Plan – Spatial Development Strategy for Greater London, 2016***

- 2.24 The London Plan is *‘the overall strategic plan for London, setting out an integrated economic, environmental, transport and social framework for the development of London over the next 20-25 years.’* The policies most relevant to townscape, conservation and visual assessment are contained in Chapter Seven ‘London’s Living Places and Spaces’. The London Plan was updated in March 2016 to include the Minor Alterations to the London Plan (MALP).
- 2.25 Policy 7.4 expands on the theme of local character and states that *‘Development should have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings’.*
- 2.26 Policy 7.6 on architecture states that *‘Architecture should make a positive contribution to a coherent public realm, streetscape and wider cityscape. It should incorporate the highest quality materials and design appropriate to its context.’* It goes on to set out a list of requirements of new buildings and structures including, inter alia, that they should be *‘of the highest architectural quality’*; they should *‘be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm’*; they should include details and materials that *‘complement, not necessarily replicate’* local architectural character; they should not cause *‘unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings’* which is said to be particularly important for tall buildings; and they should *‘optimise the potential of sites’.*
- 2.27 Policy 7.8 ‘Heritage Assets and Archaeology’ states that *‘Development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural details.’*

## **Local planning policy**

### ***Camden Core Strategy and Development Policies, 2010***

- 2.28 The Core Strategy and Development Policies documents, which form part of the LDF, were adopted on 8 November 2010.

- 2.29 The Core Strategy sets out the key elements of the Council's planning vision and strategy for Camden. **Policy CS14** seeks to promote high quality places and to conserve the heritage of Camden
- 2.30 The Development Policies document sets out additional planning policies that the Council will use when making decisions on planning applications.
- 2.31 **Policy DP24 Securing high quality design**, seeks to ensure the highest possible standards so that new development contribute to providing a healthy, safe and attractive environment. This includes the consideration of character, setting, context and the form and scale of neighbouring buildings; and the use of materials of an appropriately high quality;
- 2.32 Promoting good design is not just about the aesthetic appearance of the environment, but also about enabling an improved quality of life, equality of opportunity and economic growth. Design should respond creatively to its site and its context and take into account the pattern and size of blocks, open spaces, gardens and streets in the surrounding area (the 'urban grain'). The Council acknowledge that innovative design can greatly enhance the built environment and that within areas of distinctive character, development should reinforce those elements which create the character.
- 2.33 **Policy DP25** seeks to conserve the heritage of Camden. The relevant sections of the policy are:

*'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.*

#### *Other heritage assets*

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

### **The Camden Local Plan Submission Draft 2016**

- 2.34 The Camden Local Plan is currently in draft form and, when adopted, will replace the current Core Strategy and Camden Development Policies documents. The Camden Local Plan was submitted to Secretary of State for Communities and Local Government for independent examination on 24<sup>th</sup> June 2016.
- 2.35 The Camden Local Plan will cover the period up until 2031, and will aim to help the delivery of the Council's vision for Camden.
- 2.36 **Policy D1** on 'design' states that development in the borough should respect local context and character, and preserve heritage assets in accordance with Policy

D2. It also notes that the development must preserve significant and any protected views

2.37 **Policy D2** on 'heritage' aims to preserve and enhance heritage assets and their settings. It states:

*'Designated heritage assets*

*The Council will not permit the loss of or substantial harm to a designated heritage asset, including Conservation Areas and Listed Buildings, 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:*

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

*The Council will not permit development that results in harm that is less than substantial to the significance of a designated heritage asset unless the public benefits of the proposal convincingly outweigh that harm.*

*Conservation areas*

*In order to maintain the character of Camden's conservation areas, the Council will take account of conservation area statements, appraisals and management strategies when assessing applications within conservation areas.*

*The Council will:*

- e. require that development within conservation areas preserves or, where possible, enhances the character or appearance of the area;*
- f. resist the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area;*

*g. resist development outside of a conservation area that causes harm to the character or appearance of that conservation area; and*  
*h. preserve trees and garden spaces which contribute to the character and appearance of a conservation area or which provide a setting for Camden's architectural heritage.'*

- 2.38 The section on listed buildings states that the Council will “*resist development that would cause harm to significance of a listed building through an effect on its setting*”.

### ***Supplementary Planning Documents and guidance***

- 2.39 The **Camden Planning Guidance** gives additional advice and information on how the Council will apply the planning policies in the Camden LDF, including those policies relating to development within conservation areas. Updates in 2015 related to design (CPG1) and updates in 2014 related to non-designated heritage assets and the local list.
- 2.40 CPG1 states that ‘Non-designated heritage assets may either be identified as part of the planning process (e.g. pre-application process) or on Camden's Local List.’ In respect of the local list it states that ‘In order to ensure that the identification of non-designated heritage assets is consistent and that their significance is properly considered, the selection criteria, set out below, were developed and adopted in November 2012.’
- 2.41 The criteria are (1) architectural significance, (2) historical significance, (3) townscape significance, and (4) social significance. An explanation of each criterion is given. To be considered for inclusion on the Local List nominations should satisfy a minimum of two criteria with at least one of them being either criterion 1 or 2.
- 2.42 The **Fitzjohns Netherhall Conservation Area Character Appraisal and Management Plan** (referred to as the ‘Appraisal’) was adopted in February 2001. This document describes the character and appearance or significance of the Conservation Area and sets out a management strategy for its future and is

referred to in the following sections of this report. It identifies the following points that are relevant to this report:

- The view along “*Thurlow Road, west towards Heath House*” (page 27)
- most houses in the conservation area as being ‘positive contributors’, including no. 15 Lyndhurst Terrace as well as nos. 2, 5, 7, 13, 17 and 19 on this street (page 31); and
- No. 11 as a negative feature with an uncharacteristic skyline, unsympathetic materials, lack of details and very plain front boundary (page 28).

### **Other guidance**

- 2.43 The HE ‘Advice note 1: Conservation Area Designation, Appraisal and Management’ (2016), suggests a number of questions to assess the value of an unlisted building to the significance of a conservation area, provided its historic form and values have not been eroded:

*“Is it the work of a particular architect or designer of regional or local note?”*

*Does it have landmark quality?*

*Does it reflect a substantial number of other elements in the conservation area in age, style, materials, form or other characteristics?*

*Does it relate to adjacent designated heritage assets (DHA) in age, materials or in any other historically significant way?*

*Does it contribute positively to the setting of adjacent designated heritage assets?*

*Does it contribute to the quality of recognisable spaces, including exteriors or open spaces with a complex of public buildings?*

*Is it associated with a designed landscape e.g. a significant wall, terracing or garden building?*

*Does it individually, or as part of a group, illustrate the development of the settlement in which it stands?*

*Does it have significant historic association with features such as the historic road layout, burgage plots, a town park, or landscape feature?*

*Does it have historic associations with local people or past events?*

*Does it reflect the traditional functional character or former uses in the area?*

*Does its use contribute to the character or appearance of the area?"*

### 3 THE SITE AND ITS HERITAGE CONTEXT

- 3.1 The Site lies at the northern end of the west side of Lyndhurst Terrace, a short road in the Fitzjohns / Netherhall Gardens Conservation Area in Hampstead. Lyndhurst Terrace runs roughly north / south from Lyndhurst Road to the south, and terminates in a dead end to the north, just beyond the junction with Thurlow Road (to the east). Fitzjohn's Avenue (B511) lies one urban block to the west.
- 3.2 Hampstead village and the Hampstead London Underground Station lie some 650m to the north. A number of bus routes run along Fitzjohn's Avenue and Rosslyn Hill to the east.

#### History of the development of the area

- 3.3 Hampstead Manor (originally in the ownership of Westminster Abbey) descended to the Maryon family from Sir William Langhorne (a cousin) who had bought it in 1707. There were two parts to the estate around Hampstead village; Manor Farm (the main estate) with 350 acres in the vicinity of Finchley Road; and East Park to the east of East Heath (now part of Hampstead Heath)<sup>1</sup>.
- 3.4 The area east of Fitzjohn's Avenue around Lyndhurst Road formed the freehold of the Rosslyn Park estate, which belonged to the Dean and Chapter of Westminster<sup>2</sup>. The Survey of London<sup>3</sup> notes that, *"in 1842 an Act enabled Church lands to be let on long building leases and in 1851 the opening of Hampstead Road station prompted William Lund, lessee of the Forsyth estate, to secure a 99-year building lease in 1852. In 1859 Davidson sold Rosslyn House and the south-western part of the estate to Charles Henry Lardner Wood, who kept it as a country house until his death in 1893. On the rest of the estate Thurlow, Lyndhurst, and Eldon roads and Windsor Terrace [now named Lyndhurst Terrace] had been laid out by 1862 and c. 40 houses built by 1864, mostly fronting Haverstock Hill."*

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<sup>1</sup> The Fitzjohn's Netherhall Conservation Area Character Appraisal and Management Plan, page 6

<sup>2</sup> Buildings of England London 4: North; 1998: Pevsner and Cherry, page 237

<sup>3</sup> <http://www.british-history.ac.uk/vch/middx/vol9/pp51-60>



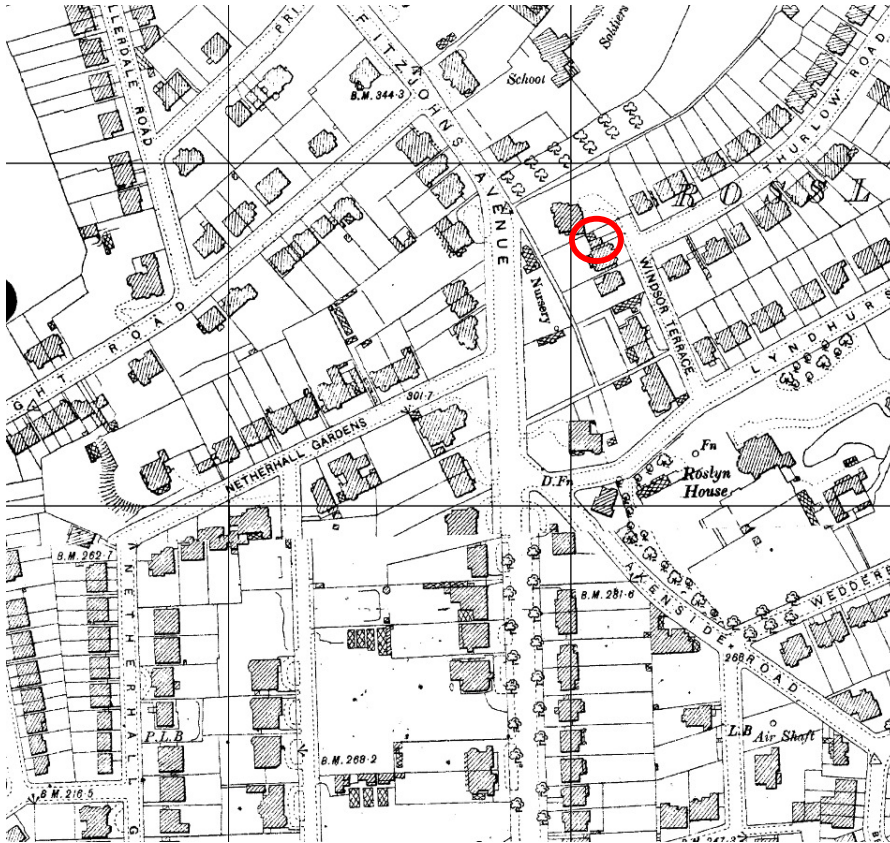


Figure 1: Ordnance Survey Map 1896; the red circle marks the Site  
Scale 1:2500 Crown copyright and Landmark Information Group Limited 2013

3.5 Lyndhurst Terrace, known originally as Windsor Terrace, had been built up by 1896, as seen in the map above (it was renamed Lyndhurst Terrace in 1939). The land to the west of Spring Place (the footpath to the rear of no. 13 Lyndhurst Gardens, within the garden of which no. 15, the Site, was built) is shown as nursery land at this time. South of here, the northern end of the tree lined north / south alignment of Fitzjohn's Avenue can be seen. Fitzjohn's Avenue was seen as the principal grand planning gesture in the area and Harper's magazine described it as one of the "*noblest streets in the world*" in 1883<sup>4</sup>.

3.6 The elder Willett (a fashionable builder in Kensington from 1876) built Lyndhurst Gardens and Wedderburn Road from 1886 onwards, with large red brick homes of varied designs. Roslyn House, at the southern end of Windsor Terrace, can still

<sup>4</sup> A History of the County of Middlesex: Volume 9: Hampstead, Paddington (1989)

be seen in the 1896 map, prior to its development for houses at the turn of the century.

- 3.7 The plan form of the area has remained consistent since this time. The principal changes have been the redevelopment of individual houses and infill schemes within the large private gardens (of which the Site is an example). Some local examples of individual houses of high quality from the modern era are given in the Design and Access Statement ('DAS') (p12).

### The Site



No. 15 Lyndhurst Terrace, front elevation

- 3.8 The Existing House is believed to date from the 1970s. It is a 2 storeys high house built of yellow brick with large windows. It is of a modest scale and appearance and simply detailed. The two-storey element is effectively one bay wide and runs the depth of the house. The ground floor at both the front and rear

projects beyond the floor above. This element is highly glazed at either end. The main entrance is topped by a brick soldier course, with a large bay window above at 1st floor level. To the rear, a single storey conservatory style element projects into the garden. The southern flank wall projects forward of the 1st floor elevation, which has almost full width glazing with a door onto the flat roof of the ground floor projection.



No. 15 Lyndhurst Terrace rear elevation

- 3.9 Adjoining the 2 storeys high wing to the north is a single storey element with a clerestory window to the front, and full width glazing to the rear (this is set higher than the remainder of the house, and the floor level steps up from the main wing). The stair to the 1st floor sits in this part of the house and rises in a timber clad element (curved in plan) set against the north flank of the 1<sup>st</sup> floor element.
- 3.10 A lower single storey element (originally a garage) projects forward from the raised single storey north bay, presenting a curved largely blank stretcher bond brick elevation, to the street. It incorporates what appears to be the remains of a red brick garden wall associated with no. 13, the brickwork of which is spalling (see below). The condition of the building overall is poor, as set out in section 2.1 of the DAS at pages 5 and 6.
- 3.11 The Site retains the robust gault brick boundary wall and gate piers that once formed part of the frontage of no. 13, Heath House, a large 19th century villa. Historic maps show how the Site originally contained an outbuilding / coach house, which was accessed through the surviving gate piers, and an attached glass house to the north, that occupied the full width of the Site (it is unclear how

the remnant of the red brick wall in the house on Site related to these former structures).

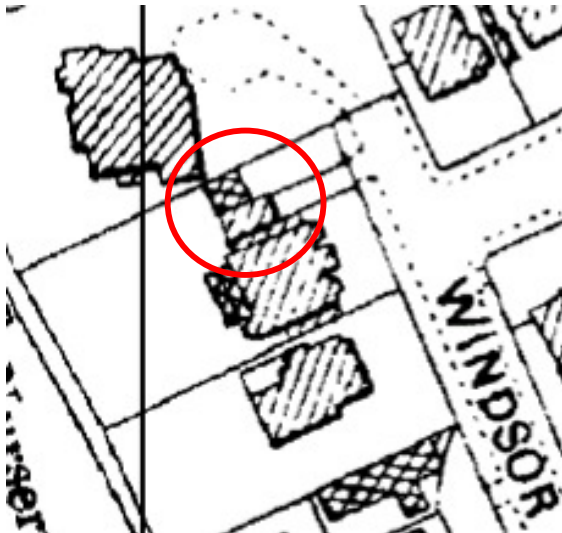


Figure 1: Ordnance Survey Map 1896; the red circle marks the Site  
Scale 1:2500 Crown copyright and Landmark Information Group Limited 2013

- 3.12 The house lacks a cohesive appearance and form. Different architectural elements are aggregated without any resolution of form or detail. Many external details are unresolved and crudely executed – the junctions between the walls and the flat roofs are particularly rudimentary. Its design is muddled in places – the geometry of the main staircase requires you to go up and down again to pass between living room and kitchen. There is no sophistication to the interior arrangement, and no crafting of interior spaces.
- 3.13 The house has the appearance of an unsophisticated self-build project, or a building that has been extended in successive phases over time. The mediocre quality of the architecture of the house clearly does not bear any comparison with the high quality of the notable examples of domestic architecture in Hampstead of the same period, such as those referred to in the DAS (p12).
- 3.14 The contribution of the Existing House to the significance of the Fitzjohns / Netherhall Conservation Area is assessed in section 4.



- 3.15 The photographs in the section below highlight the very limited views of the Site in the local area.

### **Immediate Site context**

- 3.16 On either side of the Site are two substantial mid-19th century villas typical of the conservation area. No. 13, Heath House, to the south (in the garden of which no. 15 was built), is a large double fronted Italianate style former house (now a language school) typical of the designs of the period. This prominent and robust building terminates the view west along Thurlow Street (as noted in the Council's Appraisal, see below).



View into Site from Lyndhurst Terrace

- 3.17 To the north of the Site is Elm Bank (no. 17-19 Lyndhurst Terrace), a gothic style house with picturesque gables and tall chimneys. Running along the boundary with the Site is a large garage / shed of a utilitarian appearance, with a plastic sheet roof. There is a heavily pruned chestnut tree in the front garden (referred to in the Council's Appraisal).



Elm Bank, view of shed on boundary with Site

- 3.18 Opposite the Site is the stock brick flank wall and side boundary wall of the front garden of no. 19 Thurlow Road, a large house, the principal facade of this which is rendered and painted white. No. 20, on the opposite side of Thurlow Road, is a very substantial Italianate style villa (now apartments), of 3 storeys over an almost fully exposed lower ground floor.



View north of Elm Bank entrance



View of no. 20 Thurlow Road

- 3.19 To the rear of the Site, beyond the garden of no. 13 Lyndhurst Terrace, is Spring Place, a narrow pedestrian route that runs along the rear garden boundary, connecting Fitzjohn's Avenue and Shepherd's Path (the latter a pedestrian route between Fitzjohn's Avenue and the southern end of Lyndhurst Terrace). Beyond Spring Place is no. 80 Fitzjohn's Avenue, an apartment block built in the late 1980s, which has a prominent tower at its northern end, with a conical roof.

## Wider area

- 3.20 The area around the Site was built almost exclusively as a residential suburb of large houses. Today many of the homes have been converted into apartments, and some are used as schools, or for other institutional uses. These buildings, however, retain their townscape character as substantial houses.
- 3.21 Lyndhurst Terrace and the adjoining Thurlow Street and Lyndhurst Street, include fine examples of the large Italianate and neo-Gothic, as well as later arts and crafts style houses, the two major phases of development that typify the conservation area (see below and section 4). Of note to the south are nos. 1 and 3 Lyndhurst Terrace, listed grade II\*, see below. This flamboyant Gothic pair were designed in 1864-5 by and for Alfred Bell, the stained glass designer, and his father-in-law John Burlison Sen. (assistant to Gilbert Scott). They were united as Bayford house in 1870 by Bell and Charles Buckeridge, and have been subdivided since <sup>5</sup>.



View south along Lyndhurst Terrace

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<sup>5</sup> Buildings of England London 4: North; 1998: Pevsner and Cherry, pages 237 to 238



View north along Lyndhurst Terrace towards Elm Bank; no. 11 lies in the foreground to the left (facing) and no. 19 Thurlow Street can be seen to the far right.

- 3.22 Nos. 9 and 11 are described in the Council's Appraisal as follows, "*No. 11 is a 1960s block of flats which is unsympathetic in terms of design, scale and details, as is the two-storey no. 9.*" No. 11 is identified as a negative feature (no. 9 is not) as it has a "*monolithic built form, uncharacteristic skyline, unsympathetic materials, lack of details*". The Appraisal goes on to say its front boundary is very plain. No. 9, a modest post-war house, with no front boundary, is considerably more visible in the local townscape than the Existing House.
- 3.23 The mature street trees on Lyndhurst Terrace and in the area generally are prominent, even when not in leaf. They are an important element of the townscape, and dominate many views in summer, screening views of many of the buildings in these streets around the Site when in leaf. The Chestnut tree at no. 17 Lyndhurst Terrace is dying and does not contribute to the significance of the conservation area.

## **Heritage assets**

### ***Conservation area***

- 3.24 The Site lies within the Fitzjohns / Netherhall Conservation Area. The conservation area was designated on 1 March 1984 and has been extended on



several occasions since (the original designation included the Site). See section 4 for a statement of significance of the conservation area.

### **Listed buildings**

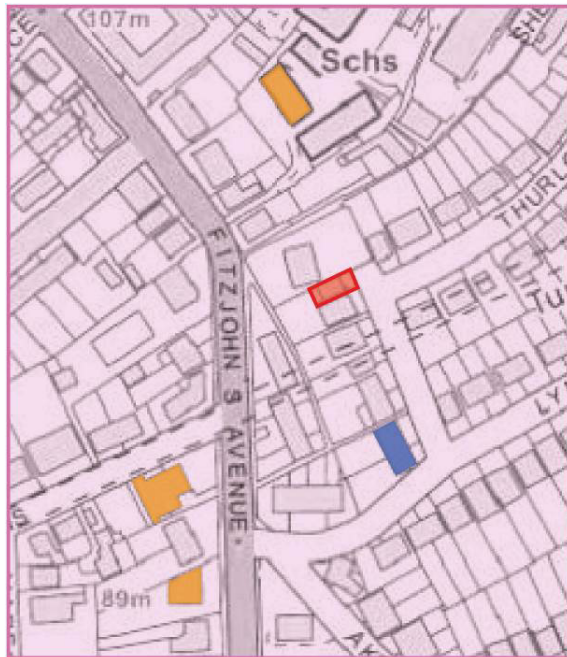
3.25 The building on Site is not listed and there are no listed buildings adjoining the Site. Listed buildings nearby are shown on the heritage context plan at figure 1, and are described below.

3.26 **Nos. 1 and 3 Lyndhurst Terrace and attached boundary walls**, are listed grade II\*. These are the closest listed buildings to the Site – they are about 80 away, in the same run of buildings on the north side of Lyndhurst Terrace, with several other buildings between them and the Site. The list description notes:

*“Pair of semi-detached houses. c1864-5. By John Burlison, aided by Alfred Bell of Clayton and Bell, both stained-glass manufacturers, for themselves; 1868 converted to one house and interior Gothicised by Bell and Charles Buckridge; c1895 divided again. Yellow stock brick with red and white brick dressings, bands and diaper decoration. Slated roofs with dormers and tall brick slab chimney-stacks. Gothic style.”*

3.27 **No. 50 Netherhall Gardens**, is listed grade II. This red brick house was built in 1878 to the design of Norman Shaw for E Long, RA.

3.28 **No. 61 Fitzjohn's Avenue**, is listed grade II. This former studio extension to the north-west facade of No.50 Netherhall Gardens, is now a separate dwelling. It was built in 1878 to the designs of Norman Shaw for E Long, RA.



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Notes:

Approximate site boundary marked in red for indicative purposes only.

 Fitzjohn's Netherhall Conservation Area

Listed buildings:

 Grade II\* listed

 Grade II listed

- 3.29 **No. 86a Fitzjohn's Avenue, Fitzjohn's Primary School**, is listed grade II. This primary school was built in 1856-58 by William Munt for the Soldiers' Daughters' Home, Hampstead. It is of Kentish rag with Bath stone dressings and has a tiled roof.
- 3.30 **No.75 Fitzjohn's Avenue and attached walls, gate piers & gates**, are listed grade II. This detached Gothic villa dates from the late 19th century and was designed by TK Green for PF Poole, RA. It is built of purple brick with black and white brick bands and stone dressings.

- 3.31 **No. 55 Fitzjohn's Avenue (Hampstead Tower) and attached walls**, are listed grade II. This detached house dates from 1880-1 and was designed by JT Wimperis for HF Baxter. The asymmetrical design is in a Gothic baronial style and it is built of red brick with stone dressings, with tall enriched brick chimney-stacks.
- 3.32 The Site does not contribute any element of significance to the setting of these buildings.

#### **4 SIGNIFICANCE OF FITZJOHNS / NETHERHALL CONSERVATION AREA AND THE CONTRIBUTION OF NO. 15 LYNDHURST TERRACE**

- 4.1 This section assesses the heritage significance of the Fitzjohns / Netherhall Conservation Area and the contribution of no. 15 Lyndhurst Terrace to this. The assessment is proportionate to the significance of the conservation area, the interest of the building, and the nature and extent of the Proposed Development. It is sufficient to understand the potential impact of the proposals, i.e. the redevelopment of the Site, on heritage interest.
- 4.2 The assessment below is based on the LB Camden's Fitzjohns / Netherhall Conservation Area Character Appraisal and Management Plan (the 'Appraisal'), desk-top research and a site visit. It uses Historic England ('HE') and LB Camden guidance where appropriate (as set out in section 2 of this report).

##### **Significance of the Fitzjohns / Netherhall Conservation Area**

- 4.3 The Fitzjohns / Netherhall Conservation Area was laid out as a residential suburb with a number of grand large houses from the mid 19th century to the early years of the 20th century. Today a number of the houses, including on Lyndhurst Terrace, have been converted into flats or education / education related establishments.
- 4.4 The Council's Appraisal notes that the conservation area "*spreads across the southern slopes of Hampstead, on the descent from Hampstead Village (105m above sea level) to Swiss Cottage / Finchley Road (60m). The hills and their gradients play an important part in determining the area's character. Long views along the Avenues combine with substantially scaled properties and generous grounds to create an imposing district.*"<sup>6</sup>
- 4.5 The Site lies in "*Sub Area Two Rosslyn*" as identified in the Council's Appraisal, which is described (in comparison to sub-area 1) as follows, "*the street layout in this sub-area has a smaller and more intimate character, with gentler gradients, and the architecture ranges from the early period of the 1860s to the 1880s.*"

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<sup>6</sup> Ibid Page 10

- 4.6 The large houses generally conform to a common layout pattern, are of a similar scale and massing and share a broad palette of materials. This brings an overall cohesion to the townscape which has a distinctive grain and richness derived from the varied detailed design of houses. The Council's Appraisal notes this interesting dynamic derived from the different design of houses but the overall cohesive quality of the townscape<sup>7</sup>.
- 4.7 A variety of architectural styles can be seen including Neo-Gothic, classical Italianate, Queen Anne, Jacobean, Domestic Revival and arts and crafts. Brick predominates as the building material but a variety of finishes can be seen throughout the area including brown, yellow, grey, purple coloured bricks, stone or terracotta features or detailing, as well as tile hanging and half-timber effects. There is also a variety of roof forms, clad in slate or clay tiles, some with gables or deep eaves, some with dormers, and many with bold chimneys.
- 4.8 There have been a number of post-war infill developments, redevelopments and extensions, some more accomplished in design terms than others. These developments are isolated and scattered about the area and consequently the dominant townscape character of large houses remains. This is evident on Lyndhurst Terrace.
- 4.9 In terms of architecture, Lyndhurst Terrace is a street of historic buildings of a generally Italianate or neo-Gothic style, though there is a greater variety of styles of houses in the surrounding street. The Appraisal considers the streets in alphabetical order. Lyndhurst Terrace is described at pages 24 to 25 as follows (we have marked the reference to the Site in bold):

*"A short street with a dramatic junction at Lyndhurst Road with distinctive buildings on either side. On the west side the listed Nos. 1 & 3 (Grade II\*) and the east no. 2, an Italianate two storey building in yellow brick with red and black brick dressings and an unusual colonnaded wide porch with triple segmental arches. Both were built in the early 1860s and at that time nos. 1 & 3 terminated the vista of Lyndhurst Road....."*

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<sup>7</sup> ibid

.....Shepperd's Path leads down to Fitzjohn's Avenue with walls in gault brick. No. 11 is a 1960s block of flats which is unsympathetic in terms of design, scale and details, as is the two storey no. 9. **Fitting better in the streetscape is the two storey No. 15, (built in the 1960s) a narrow brick and glass building.** No. 13 is a substantial three storey building in gault brick that terminates the views of Thurlow Road. It has a stucco portico with columns and slate roof. At the end of the street there is an imposing pair of gates to Elm Bank (nos. 17 & 19) a detached two storey house with gable, the rear visible from Fitzjohn's Avenue."

- 4.10 The Existing House is identified by LB Camden in the Appraisal as a positive contributor (we assess the contribution of this to the significance of the conservation area below).

#### **Contribution of no. 15 Lyndhurst Terrace to the significance of the Fitzjohns / Netherhall Conservation Area**

- 4.11 No. 15 Lyndhurst Terrace is described in section 3 at paras 3.8 to 3.13. In contrast to the majority of the other houses in the local area, it is post-war in date. It is smaller than most of the other houses nearby, and is not prominent in the street scene.

#### ***Council's appraisal***

- 4.12 No. 15 Lyndhurst Terrace, along with a large number of other buildings in the conservation area has, been identified as a "*building which makes a positive contribution*". Those in Lyndhurst Gardens include nos. 2, 5, 7, 13, 17 and 19.
- 4.13 "*Buildings which makes a positive contribution*" are defined in the Appraisal at page 30 as "*notable because of their value as local landmarks, or as particularly good examples of the local building tradition.*" The Appraisal goes on to say:

*"The distinct quality of Fitzjohns / Netherhall is that it largely retains its homogenous mid-late 19<sup>th</sup> century architectural character. For this*

*reason, most of the 19<sup>th</sup> century buildings make a positive contribution to the character and appearance of the Conservation Area.....There is also has [sic] some 20<sup>th</sup> century re-development and infill which contributes to the character of the area as it is today”*

### **Recent planning history**

- 4.14 Planning permission was refused for the redevelopment of the Site, application ref: 2015/6278/P in February 2016. The officer’s delegated report for the application reads as follows in relation to the contribution of the Existing House to the significance of the conservation area. It does not name an architect in relation to the Existing House:

*“15 Lyndhurst Terrace is noted as a positive contributor to the conservation area on p.33 of the CAAMS. In its overview of positive contributors to the special character and appearance of the conservation area, the CAAMS notes “20<sup>th</sup> century re-development that contributes to the character of the area as it is today” (p.32). The current building at 15 Lyndhurst Terrace – “a narrow brick and glass building, built in the 1960s” – is described as “fitting better in the streetscape” than its neighbours Nos. 9 and 11, both also 1960s infill buildings, which are unsympathetic in terms of design, scale and detail” (p26).*

*The detailed design, massing and use of materials at the existing No. 15 are characteristic of many modern houses built in the north of the Borough in the same period, and create a substantially more architecturally interesting and original composition than other nearby mid-twentieth-century buildings, such as Nos. 9 and 11. In this way it makes a contribution of historic interest to the conservation area as an exemplar of a phase of its urban development in addition to its architectural and townscape qualities. Unlike No. 11, No. 15 does not fill its infill site, but rather uses a modest scale and to sit respectfully in the settings of its immediate neighbours, allowing the plot to serve as an historically verdant gap in the imposing streetscape. Its use of yellow brick complements the variety of brickwork and colour found in the*

*terrace while the verticality created by its fenestration responds to the larger scale of its imposing neighbours. The quality of its design, especially as it sits in its plot and addresses the street, contrasts markedly with No. 9."*

- 4.15 This assessment lacks substance in terms of the architectural interest of the building and its contribution to the local townscape. Historically, the plot has had buildings on it that occupy the full width of the site (both in the late 19th century, and in respect to the Existing House). The gap is not a positive element of the imposing streetscape, and there is no planting in the front garden today.
- 4.16 The Redington and Frognal Association did not object to the loss of the Existing House on Site; their concerns related to the design of the replacement building. Nor did the Heath and Hampstead Society object to the loss of the Existing House in their original letter. They later e-mailed the Council as they had been given new information about the importance of the Existing House, but they did not say what this information was, nor do they name an architect. They simply referred to the Council's Appraisal and went on to say they agree with Sir Nicholas Serota that *"this is an important feature of the street"*. The Thurlow Road Neighbourhood Association claimed in their letter that the architect of the Existing House was Ted Levy.
- 4.17 We have not found any evidence at the RIBA, LMA, Camden Local Archives or on the Camden Council planning web site, to suggest that the Existing House is by the architect Ted Levy or his practice.

#### **Locally listed Ted Levy buildings in the LB Camden**

- 4.18 The following buildings by the architect Ted Levy have been included on LB Camden's local list. They are mentioned here as Levy is claimed by some to have designed the Existing House on Site.
- No. 50 Redington Road (within the adjoining Redington / Frognal Conservation Area) has been locally listed for architectural and townscape significance. This house was constructed in 1966 by Ted Levy, Benjamin & Partners. Built of red brick with dark stained timber fenestration and has a



characterful composition of steeply sloping roofs and projecting dormer windows. It has permission (won at appeal) to be demolished and redeveloped.

- West Hill Park, Merton Lane has been locally listed for architectural and townscape significance. This housing estate was designed by Ted Levy, Benjamin & Partners and dates from 1971-3.

4.19 It is not hard to see why these buildings have been thought worthy of local listing. They are well resolved designs, all of a piece, with crisp detailing. The Existing House has not been locally listed – unsurprisingly, as it does not share any of these positive qualities.

### ***HE criteria***

4.20 The HE document, 'Conservation Area Designation, Appraisal and Management' (2016), suggests a number of questions to assess the value of an unlisted building to the significance of a conservation area. They consider that any one of these characteristics could provide the basis for considering that a building may make a positive contribution to the special interest of a conservation area i.e. its significance, subject to consideration of whether or not these values have been compromised. The Existing House has undergone limited external alterations, unsurprisingly given its relatively recent date. To the rear brickwork has been painted and some of the eaves boards changed but these are minor mostly cosmetic changes (these alterations are complementary to its self-build character).

4.21 The contribution of the Existing House, no. 15 Lyndhurst Terrace, to the significance of the Fitzjohns / Netherhall Conservation Area is assessed below (it is referred to in this next section as 'the house').

### ***Is it the work of a particular architect or designer of regional or local note?***

**No** – it has been claimed the architect of the house is Ted Levy, a local architect. As noted above, two housing projects by his architectural practice have been

locally listed (one in the nearby Redington / Frognal Conservation Area); as noted, in one of these cases, planning permission has been granted to replace the locally listed house. No. 15 Lyndhurst Terrace has not been locally listed, and it is clear from even a fairly cursory inspection why not. We do not believe the house was designed by Ted Levy (nor do the project architects); even if it was, it seems unlikely, when one compares it with his extant houses, that he was responsible for the details, or supervised their execution. The house falls far below the usual quality of residential buildings and schemes by this architect and his practice. The examples of locally listed housing by Ted Levy's practice cited above are well designed, crisply detailed and of good quality. The house is not in the same league as those – most evidently in respect of the lack of refinement and resolution in its detailing.

*Does it have landmark quality?*

**No** – the building is set back from the street edge at the end of a dead end.

*Does it reflect a substantial number of other elements in the conservation area in age, style, materials, form or other characteristics?*

**No** – there are a large number of houses of a wide variety of designs from the mid 19th century to the early 20th century in the conservation area. This modern house of modern yellow bricks does not reflect the style, appearance or form of these buildings. There are a number of post-war infill houses and apartment blocks in the conservation area, but these are dispersed and they are not the reason for the designation of the conservation area, nor do they contribute to its principal architectural character.

The house is of limited interest in its own right and offers nothing of interest to the local townscape apart from the front boundary wall, which relates to the nineteenth century phase of development of the area.

*Does it relate to adjacent designated heritage assets (DHA) in age, materials or in any other historically significant way?*

**No** – there are no DHAs adjacent to the Site

*Does it contribute positively to the setting of adjacent designated heritage assets?*

**No** – there are no listed buildings adjacent to the site and as assessed above the Site does not contribute any element of significance to the setting of nearby listed buildings.

*Does it contribute to the quality of recognisable spaces, including exteriors or open spaces with a complex of public buildings?*

**No**

*Is it associated with a designed landscape e.g. a significant wall, terracing or garden building?*

**No**

*Does it individually, or as part of a group, illustrate the development of the settlement in which it stands?*

**Yes** – but only as much as any form of development would and not in any significant way. It is an unremarkable example of a post-war private house infill.

*Does it have significant historic association with features such as the historic road layout, burgage plots, a town park, or landscape feature?*

**No** - it is an infill house on the site of a former coach house and glasshouse in the garden of no. 13 Lyndhurst Terrace.

*Does it have historic associations with local people or past events?*

**No** – not sufficiently to suggest that there is any question of resulting ‘heritage significance’. Baroness Serota, who was a government minister and deputy speaker of the House of Lords, and the mother of recently retired Tate Director Sir Nicholas Serota, lived in the house. If previous residents were people with some public profile, as is the case here, then whether this is significant in relation to a building in any particular case is a matter of judgement. In our view this is not an association of a degree warranting the attribution of any historic importance.

*Does it reflect the traditional functional character or former uses in the area?*

**No** – it is in residential use, but it is not of the grand scale of the large houses typical of the area, nor does it have the appearance of a subsidiary service building such as a former coach house or garage.

*Does its use contribute to the character or appearance of the area?*

**Yes** – as a private house, but only as much as any residential building would.

- 4.22 No. 15 Lyndhurst Terrace meets two of the HE criteria as assessed above, but only to a limited degree. This is based on its use conforming to the prevailing residential character of the area, and illustrating the development of the area. It is not considered to be of any architectural interest in its own right, and it fails to meet the high standards set by other infill houses in the area generally, of which examples are given in the DAS.

**Pre-application discussions on the present scheme**

- 4.23 In pre-application discussions with officers of LB Camden in relation to the present scheme, officers have stated that there is an in-principle objection to the loss of the Existing House. Their pre-application advice in an email of 7

November 2016 set out 'notes on positive contribution'. These are set out below (in italics, starting with 'LBC;') with our own comments (in upright type).

- 4.24 LBC state that *'Notwithstanding the fact that the building is specifically identified as making a positive contribution in the FNCAS, and that the Council's previous refusal at the application site sets out our position, we identify the following qualities of architectural, historic, townscape and social interest in the building, which make up its positive contribution to the character and appearance of the Conservation Area.'* The Council's subsequent bullet points under this heading are set out below.

- 4.25 *LBC: The building is singled-out in the FNCAS as an example of C20th infill development and as such it is characteristic of the post-war development in the Conservation Area, yet provides a notably more imaginative and successful response to its site and context than nearby near-contemporaries.*

Post-war infill is incidental to the reasons for designating the CA and not a particularly important part of its significance. We do not agree that the Existing House is imaginative or successful, as set out in our assessment above. Many external details are unresolved and crudely executed – the junctions between the walls and the flat roofs are particularly rudimentary. In the design of its elevations it adopts standard elements in an unremarkable fashion, and the design overall is unsuccessful when considered on its own, and in terms of how it relates to its context, as set out in detail above.

- 4.26 *LBC: The building was designed by a well-known architect, Ted Levy, who had some associations with the Conservation Area and more with the wider Borough, and though not his best work, is an increasingly rare survival, and the commissioning original occupiers of the house bring some interest through their own reputations and as residents in many ways typical of the Hampstead society which reshaped the built fabric of the Conservation Area and wider Hampstead during the C20.*

This has been addressed by us above; we know of no evidence that this design is by Ted Levy; and even if it is, it is not a good example, as LBC acknowledge. The former residents of the Existing House do not in our view afford it any heritage significance. The overriding character of the conservation area remains large 19th

century villas; any 'reshaping' of the conservation as took place was very limited in extent and not integral to its significance, which as with most conservation areas derives principally from the fact that it has not been subject to great change in the C20.

- 4.27 *LBC: Externally, notwithstanding any perceived limitations of its internal layout and functionality, the architecture of the building has merit as an architect-designed modernist house using brick, timber and glazing and an esoteric combination of forms and proportions to create an interesting, contextual and modest detached dwelling.*

Our contrary view has been set out above. The reality of the Existing House as found on site and as seen from the street does not live up to these claims for the merits of its architecture. It is not clear what is meant by 'esoteric'; 'muddled' might be a better word in recognition of the various poorly related elements. The different architectural elements are aggregated without any resolution of form or detail.

- 4.28 *LBC: The building contributes to the rhythm of the street scene (e.g. large buildings interspersed with small buildings) and it helps to preserve the sense of a gap between the larger C19th buildings.*

That is, it reflects its origins as a coach house site, but the coach house has gone. This is a townscape role that could be better fulfilled by a replacement building that was a better work of architecture.

- 4.29 *LBC: The smaller size of No. 15 also allows No. 17 Lyndhurst Terrace and its setting (an attractive, Victorian house in the end plot with prominent gables and chimneys) to be viewed and fully appreciated from the street corner and as part of the street scenes along Lyndhurst Terrace or Thurlow Road.*

The point made in reply to the previous point applies here too.

- 4.30 The Council conclude under the heading of positive contribution by stating '*I would like to reiterate our assertion that the building is small and tucked away as part of its designed and intended character, and that this is a critical part of its contribution to the Conservation Area; this building was never designed to stand out or be overly prominent in the street scene along Lyndhurst Terrace. The*

*building was designed to be discreet and we consider that it provides a welcome contrast with the 'louder' buildings in the area.'* Again, this could be true of a replacement house.

## **Summary**

- 4.31 Whilst many of the buildings in Lyndhurst Gardens could be said to make a positive contribution to the character and appearance of the Conservation Area, no. 15 makes at best a neutral contribution to the significance of the conservation area. The Council's positive assessment of no. 15 does not in our view stand up to scrutiny.
- 4.32 No. 15 Lyndhurst Terrace is of very limited architectural interest. It lacks the rigour and sophistication of other post-war infill buildings in the local area. The Existing House has been claimed to be the work of Ted Levy. We have found no evidence to substantiate this. If indeed by Levy, it does not meet the high standards of design seen in this practice's two locally listed housing schemes (see section 3), neither in its external appearance nor its internal plan and section.
- 4.33 It is primarily the residential use and materials, reflecting those qualities prevalent in the surrounding buildings, that could be said to contribute to the significance of the conservation area. These are elements that a new building on Site could contribute to the significance of the area to an equal if not better degree. A well-designed replacement house would enhance the character and appearance of the conservation area.

## **5 THE PROPOSED DEVELOPMENT**

- 5.1 The Proposed Development involves the demolition of the existing building on Site and its redevelopment to provide a new house. The context led design approach, by an award winning and extensively published architectural practice, is set out in detail in the comprehensive Design and Access Statement ('DAS'). The DAS and application drawings should be consulted in this section.

### **Description**

- 5.2 The Replacement House is two storeys high above a basement. It is positioned broadly in the same location as the Existing House on Site, the entrance and part of the north-east wing coming slightly forward towards the street, the latter at an angle.
- 5.3 The simple brick clad form with a flat roof has a sculptural quality and a robust, modest character. The solid brick elevations have punched openings and are articulated by the varied grain and texture of the brickwork. The entrance is marked by an arched recessed porch 'cut into' the form.
- 5.4 The front garden design includes planting and mature trees.

### **Assessment**

- 5.5 The Replacement House represents a thoughtful and considered approach to the Site and is of a high quality of architectural design. This bespoke design for a home for the client offers a very personal arrangement of rooms and spaces which are expressed in the plan and the articulation of the form. The new house will be of a significantly greater quality of design, materials and details than the Existing House.
- 5.6 The DAS sets out a clear and compelling rationale for the design of the Replacement House. It provides a thorough and thoughtful analysis of the character and appearance of the setting of the Existing House. i.e the



conservation area. It is apparent that the rationale for and the design of the Replacement House are based on a direct response to the existing setting of the Site.

- 5.7 The design responds to the unique quality and context of the Site, and the neighbours to the north and south, each of a different architectural style, but common materials. The front elevation has been angled to respond positively to the building line of each of these in defining a street edge. The design complements the materiality of these two buildings and defers to both through the simply detailed facades and modest openings. All of this is convincingly explained on pages 14-15 of the DAS.
- 5.8 The height, scale and massing of the new house will ensure it will have a subordinate relationship with its neighbours. The simplicity of the elevation design and the lack of applied decoration will contribute to this, as will the solidity of its appearance. The use of bricks and their bonding will provide a fine texture and grain to the building, of significantly greater quality than the current cheap yellow bricks. Pages 16-19 of the DAS make clear the amount of thought that has gone into these aspects of the design.
- 5.9 The richness of the interior spaces of the Replacement House, which make ingenious use of cross sectional devices to bring daylight to all parts of a tightly planned house, are testament to the quality of architectural thinking that has gone in to the design, and hold out the promise of a new home that would be a delightful and intriguing place to live.
- 5.10 The proposed front garden planting, behind the retained boundary wall, will enhance the immediate street edge and character of this end of Lyndhurst Terrace. The robust 19th century boundary wall will remain prominent in the local townscape.
- 5.11 The positive responses to the design proposals from a number of eminent practitioners and critics, set out at the end of the DAS, are evidence is that the resulting design is a success in architectural terms. It is not hard to imagine the project winning architectural awards.

## **6 ASSESSMENT OF EFFECT AND CONCLUSIONS**

### **Demolition**

- 6.1 The principal NPPF policy considerations in determining an application for the replacement of the Existing House are its contribution to the significance of the Fitzjohns / Netherhall Conservation Area and the level of harm, if any that its loss would cause to the significance of the designated heritage asset i.e. the Fitzjohns / Netherhall Conservation Area.
- 6.2 The NPPF notes that not all elements of a conservation area will necessarily contribute to its significance. There is clearly a wide range of buildings in this conservation area in respect of age and quality, including along Lyndhurst Terrace, and a correspondingly wide range in terms of the contributions of buildings to the significance of the conservation area. We have assessed the level of the contribution of the Existing House (which the Council identify as one of the many positive contributors) to the conservation area's significance and found it to make at best a neutral contribution.
- 6.3 The Existing House does not conform to the prevailing character and appearance of residential architecture in the conservation area or along this street. It does not reflect the more ordered and accomplished elevational design of the larger houses along this street, nor their materiality. These houses (of varied styles) share common features such as elevations of brick with punched openings, and are of a robust and solid appearance. This contributes to the cohesive character of the townscape.
- 6.4 The Existing House is of limited architectural interest in its own right, and such positive qualities as it possesses, as assessed in section 4, could be equally if not better provided by a new building on site, of a higher architectural quality. Such a building could be designed to relate in a more considered way to its neighbours. It is our view that the Existing House does not make a positive contribution to the Fitzjohns / Netherhall Conservation Area and that its demolition would not harm the significance of the Fitzjohns / Netherhall Conservation Area.

## **Assessment of Replacement House**

- 6.5 The Replacement House, designed by an award winning architectural practice, is based on a thorough understanding of the townscape character of the Site and its context, and the significance of the Fitzjohns / Netherhall Conservation Area. It has a distinctive residential character and will contribute a valuable addition to the rich tradition of 'one off' architect designed homes in the area.
- 6.6 The Replacement House offers architecture of a high quality and deploys a limited palette of high quality materials. The use of brick to define solid elevations with punched openings will complement the materiality of the neighbouring buildings. The home will remain subservient to the grand villas either side, a result of its modest height and size, as well as the limited openings and lack of applied decoration.
- 6.7 The Replacement House, in addition to its own inherent architectural quality, will deliver townscape benefits which will enhance the character, appearance and significance of the conservation area. The "fold" in the street elevation will help define the northern end of this dead-end street, seen behind the enhanced planting and trees in the front garden.
- 6.8 The replacement of the Existing House would cause no harm to the significance of the designated heritage asset, the Fitzjohns / Netherhall Conservation Area. The Council's conservation appraisal makes clear what is apparent on site, that the main significance of the area lies in its handsome Victorian buildings. Where there are good quality modern additions to the area, they are incidental to the main aspect of the area's heritage significance, but they can still make a positive contribution, when thoughtfully designed in relation to context and of good architectural quality in their own right. The Replacement House fits this description considerably better than the Existing House. The Proposed Development (that is, the replacement of the Existing House by the Replacement House taken together), which will deliver a high quality domestic building of a sensitive design, will enhance the significance of the conservation area.
- 6.9 Should others disagree with our assessment, the loss of the existing building on Site could only be said to cause only very limited harm (at the lower end of "*less than substantial*" as defined in the NPPF at para. 134) to the significance of the

designated heritage asset, the Fitzjohns / Netherhall Conservation Area. The Proposed Development (as set out above) which will deliver a high-quality house by an award winning architectural practice, and the townscape benefits that result, as explained above, will far outweigh any very limited harm. This is explored further below in relation to planning policy and guidance.

### **Consideration in relation to planning policy and guidance**

- 6.10 As assessed above, we do not agree that the Existing House on Site makes a positive contribution to the significance of the conservation area, nor do we consider it to be a non-designated heritage asset. It is our view that its replacement with the Replacement House would enhance the significance of the conservation area – not harm it. Notwithstanding this we comment on the Council's case below.
- 6.11 The Council's pre-application advice stated the following in respect of the principle of development:

*...the key issue is still the loss of a building which is considered to make a positive contribution to the character and appearance of the Fitzjohns Netherhall Conservation Area.*

*Paragraph 138 of the NPPF states that: "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".*

*Both paragraphs 133 and 134 note that harm to the significance of a heritage asset, whether it be designated (i.e. Fitzjohns Netherhall Conservation Area) or non-designated (i.e. the positive contributor) must be weighed against the public benefits of the proposal.*

- 6.12 This is not a correct account of what the NPPF says. Effects on non-designated heritage assets are dealt with under paragraph 135; there is no reference to public benefits; a balanced judgement is to be made.

- 6.13 In respect of paragraph 133 dealing with ‘substantial harm’, it is apparent from the PPG guidance cited at 2.21 above that the Proposed Development could not result in substantial harm to the designated heritage asset, the conservation area; the Existing House is not ‘important or integral to the character or appearance of the conservation area’. The Council’s pre-application advice did not claim that there was substantial harm.
- 6.14 The Council’s contention there is heritage harm would therefore fall to be tested against paragraph 134 of the NPPF. This requires that harm should be weighed against public benefits. The PPG makes clear that public benefits can include heritage benefits, including enhancing the significance of heritage assets.
- 6.15 The case that the Proposed Development enhances the significance of the conservation area is a simple one. The main significance of the conservation area lies in its Victorian building stock. Postwar development is distinctly secondary – fundamentally it is not what the conservation area is about. Good quality postwar development is capable of making a positive contribution, adding visual richness, distinctiveness and architectural quality to the streetscape.
- 6.16 The Existing House is not a good example, and in our contention contributes very little that is positive. Even if it is held to contribute enough to make it a ‘positive contributor’, however, this contribution is greatly exceeded by the Replacement House. The Proposed Development enhances the conservation area to a appreciably greater extent, thereby providing a heritage benefit – a public benefit - which outweighs any loss from the loss of the Existing House.
- 6.17 Considering the Existing House as a non-designated heritage asset, as the local authority say they consider it to be, requires the Proposed Development to be considered under paragraph 135 of the NPPF. This does not bring in any substantially different considerations – a balanced judgement has to be made, and the result is the same as when considering the matter under paragraph 134 – the benefits outweigh any losses that may be considered to arise.
- 6.18 In relation to LB Camden’s policies, the arguments in favour of the Proposed Development are similar to those set out in the recent appeal decision in respect

of the redevelopment of 22 Frognal Way NW3 not far from the Site, in a neighbouring conservation area (APP / X5210 / W / 16 / 3150327).

- 6.19 Any proposed development needs to be considered on its individual merits in respect of the site and its setting, and the qualities and design of the existing building and the proposed building. In the case of the Proposed Development, however, it is the case, as the Inspector found in that appeal case, that the positive contribution of the existing building is limited; that in this regard the net effect of the provision of the new dwelling and thereby its removal would at worst be neutral, as what is special about the conservation area would not be harmed; and that in this regard the Proposed Development would reflect the character of the conservation area and preserve the part of the conservation area it would be located in.
- 6.20 The scheme, which will enhance the significance of the conservation area to an appreciably greater extent, would therefore not be in conflict with policy CS14 of the LB Camden Local Development Framework and policy DP25 of the LB Camden Local Development Framework Development Policies (or emerging policy D2), which amongst other things seek to preserve and enhance Camden's rich and diverse heritage assets, including conservation areas. A full assessment of the proposals as against relevant national and local planning policy is set out in the Planning Statement accompanying the application.

## **Conclusions**

- 6.21 No. 15 Lyndhurst Terrace is an unremarkable building of little architectural quality, that makes at best a neutral contribution to the significance of the Fitzjohns / Netherhall Conservation Area. The Proposed Development offers architecture of a high quality designed by an award-winning practice and will become a valued addition to the rich history of private commissions for new homes in the area.
- 6.22 In respect of the design considered in its own right, and the relationship between the Proposed Development and its surroundings, the effect will be entirely positive. The Proposed Development will enhance the quality of the townscape of the area and the character and appearance and significance of the Fitzjohns / Netherhall Conservation Area. There will be no effect on the setting of any listed

buildings. In respect of design and built heritage considerations, it is in line with the policies and guidance on design set out in the NPP and PPG; London Plan policies; local policies CS14, DP24 and DP25 and SPDs.

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