

Donald Insall Associates

Chartered Architects and Historic Building Consultants

6 Regent's Park Terrace

Statement of Case by Cordula Zeidler IHBC
Camden Council Ref: 2016/5735/L & 2016/5642/P

March 2017



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Contents

1.0	Qualifications and Experience	4
2.0	Background	5
3.0	Summary Conclusion	6
4.0	Legal Status of the Site and Surrounding Area	7
5.0	Legal and Policy Background	8
6.0	Historical Background	9
6.1	Development of the Area	9
6.2	The Building	9
7.0	Description of the Site and Surrounding Area	13
7.1	Setting	13
7.2	Elevations	13
7.3	Interiors	13
8.0	Significance of the Building	16
9.0	Commentary on the Proposals	17
9.1	Introduction	17
9.2	Description of the Proposals	17
9.3	Justification of the Proposals	17
10.0	Response to Reasons for Refusal	21
11.0	Conclusion	24

Appendices

- I Planning Policy and Guidance
- II Statutory List Description

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1.0 Qualifications and Experience

- 1.1 I am Cordula Zeidler, a Consultant at Donald Insall Associates, Architects and Historic Building Consultants, where I have responsibility for heritage advice on proposals that affect the historic environment.
- 1.2 I have a Master's Degree in Art History (2002) from Humboldt University Berlin, and a Master's Degree in Architectural History (2003) from the Bartlett School of Graduate Studies at University College London. I am a full member of the Institute of Historic Building Conservation.
- 1.3 I was previously an architectural adviser for the Twentieth Century Society (2004-6) and a conservation officer at the London Borough of Islington (2006-8). From 2013-2015 I was a Projects Director for public realm consultancy Publica where I advised on proposals for the public realm in historically sensitive areas.
- 1.4 I have practiced as a heritage adviser with Donald Insall Associates (DIA) from 2008-2013, and again since 2015. DIA is a practice of over fifty years and has a reputation as one of the country's leading conservation architects and heritage advisors. This has been acknowledged in the award of over 180 professional and craft awards.
- 1.5 I regularly advise private and public clients as well as property developers and some of the Great Estates, including the Crown Estate, Cadogan, and Grosvenor, on development proposals in conservation areas and affecting listed buildings. I oversee the work of historic researchers in my team, and lead on assessments of significance for heritage assets, and on design development for sensitive sites.
- 1.6 I sit on the Design Review Panels for the London Boroughs of Hackney and Islington, and was a panel member for the Twentieth Century Society from 2006-2012.

2.0 Background

2.1 This statement of case addresses the background to an application for listed building consent and planning permission to alter the terraced Grade II listed house at 6 Regent's Park Terrace in the Primrose Hill Conservation Area, and the reasons given in Camden Council's (Camden's) refusal of the applications 2016/5735/L and 2016/5642/P. It also explains why in my professional opinion the proposed development would be acceptable in terms of its impact on the historic environment and the significance of the listed building and conservation area, and how it would accord with relevant legislation and with national and local policy in heritage terms.

2.2 The relevant reasons sated by Camden for refusal are as follows, for the planning application:

1 The proposed double height rear conservatory, by virtue of its detailed design, would be detrimental to the character and appearance of the host building and the Primrose Hill Conservation Area, contrary to Policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and Policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.

And for the Listed Building Consent:

1 The proposed double height rear conservatory, by virtue of its design, would be detrimental to the special architectural and historic interest of the Grade II listed building, contrary to Policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and Policy DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.

2 The applicant has failed to satisfactorily demonstrate that the proposed underfloor heating would not cause unacceptable harm to historic fabric, and consequently, the special architectural or historic interest of the Grade II listed building, contrary to Policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and Policy DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.

2.3 As background it is important to be aware that consent was granted recently (Camden Refs: 2016/3393/L and 2016/3302/P, granted on 17 June 2016), for proposals near-identical to those here refused, with the exception of a floor inserted at ground floor level in the new rear extension, and new basement underfloor heating.

3.0 Summary Conclusion

- 3.1 6 Regent's Park Terrace is a listed building which forms part of a terrace of jointly listed houses at 1-22 Regent's Park Terrace which in turn adjoin listed houses Gloucester Crescent; 68, 69 and 70 Gloucester Crescent (Grade II listed) are nearest the site. The building is therefore in the setting of other listed buildings. It is also in the Primrose Hill Conservation Area. As detailed below, it is my opinion that creating a double height rear addition, as already consented by Camden, and additionally inserting a floor structure at ground level within this extension, and installing underfloor heating in the basement of this building, would neither harm the building's significance nor would it harm the setting of adjacent listed buildings or fail to preserve or enhance the character or appearance of the conservation area.
- 3.2 The proposed internal changes are sympathetic, confined to areas of lower significance and in some cases reinstate lost plan form, and Camden agree that the internal refurbishment is not harmful, with one exception; the proposed basement underfloor heating is seen to be harmful. It would in fact not affect historic features, and could be achieved without raising the existing floor level and changing proportions in this room, thereby causing no harm. The rear addition is consented and would sit comfortably behind the building and in its conservation area context; there are similar extensions nearby which have set a precedent and shaped the character of the back elevations of this terrace, and what is proposed is carefully detailed and subservient to the listed building. The proposed internal floor plate half way across the extension at ground floor level, the subject of Camden's second objection, would be a small change to the consented addition. Camden's assertion that such a floor plate would 'internalise' the existing rear ground floor room above and beyond the consented addition is ill-founded, as a new volume behind this room which is consented would have the same effect of creating another enclosed volume behind the house and rear room. If however there was any harm caused by this floor plate and the underfloor heating, such less-than-substantial harm would be comfortably outweighed by benefits provided as part of the proposals, including the removal of a unsightly rear balcony and staircase, improvements to the plan form on upper floors, and through making the building suitable for its optimum viable use as a family home.
- 3.3 The proposal would, therefore, meet the statutory duty to preserve the character or appearance of the Primrose Hill Conservation Area and to preserve the listed building and the setting of other listed buildings as set out in Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. They would also meet the criteria for conserving and enhancing the historic environment as defined by the *National Planning Policy Framework*, and the objectives of Camden Council's planning policy CS14 in their Core Strategy, and DP24 and 25 in Camden's Development Policies.
- 3.4 In summary, it is considered that the proposal would be acceptable in terms of their impact on heritage assets and would accord with relevant legislation and with national and local policy in heritage terms.

4.0 Legal Status of the Site and Surrounding Area

- 4.1 The appeal site is located within the Primrose Hill Conservation Area in the London Borough of Camden.
- 4.2 6 Regent Park Terrace is a terraced town house and is listed at Grade II together with the adjoining contemporaneous houses at 1-22 Regent's Park Terrace. The nearby terraces in Gloucester Crescent to the east of the site are also Grade II listed, and the site makes a contribution to their setting.

5.0 Legal and Policy Background

- 5.1 The legislative provisions and planning policy relating to the heritage issues addressed in this report are set out in Appendix III and include the following:

Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990

The National Planning Policy Framework (NPPF) 2012

- 5.2 Any proposals for consent relating to heritage assets are subject to the policies of the NPPF (2012). This sets out the Government's planning policies for England and how these are expected to be applied. With regard to '*Conserving and enhancing the historic environment*', the framework requires proposals relating to heritage assets to be justified and an explanation of their effect on the heritage asset's significance provided.
- 5.3 The NPPF includes relevant design policies for proposals such as this. In paragraphs 56 and 58 it addresses **new design**, and **architectural style** in paragraph 60.
- 5.4 Regarding **Heritage Assets** paragraphs 129 and 131 explain what applications should take account of and set out and paragraph 132 sets out how the **significance of heritage assets** should be taken into consideration with proposals to alter them and the acceptability of change. That paragraph also explains that substantial harm or loss of Grade 1 or 2* listed assets would be 'wholly exceptional'.
- 5.5 Paragraph 133 sets out criteria as to what 'substantial public benefits' would be required to 'outweigh' substantial harm to a designated asset.
- 5.6 Paragraph 134 set out how **less than substantial harm** to a designated heritage asset should be weighed against the public benefits of a proposal.
- 5.9 Paragraph 137 explains how **proposed development in a conservation area** and development affecting the **setting of a heritage asset** should enhance or better reveal the significance of the heritage asset.
- 5.10 Paragraph 138 sets the factors to consider when assessing the impact of the **loss of a building (or other element) in a conservation area**.

Planning Practice Guidance (2013)

- 5.11 This replaced the earlier English Heritage 'Historic Environment Planning Practice Guide' (2010) and elaborates on the policies contained in the NPPF.

Camden Council Policies

- 5.12 Camden's Core Strategy has a policy on heritage, namely:

CS14 Promoting high quality places and conserving our heritage

- 5.13 Camden's Development Policies document has these additional related policies:

*DP24 Securing High Quality Design,
DP25 Conserving Camden's Heritage.*

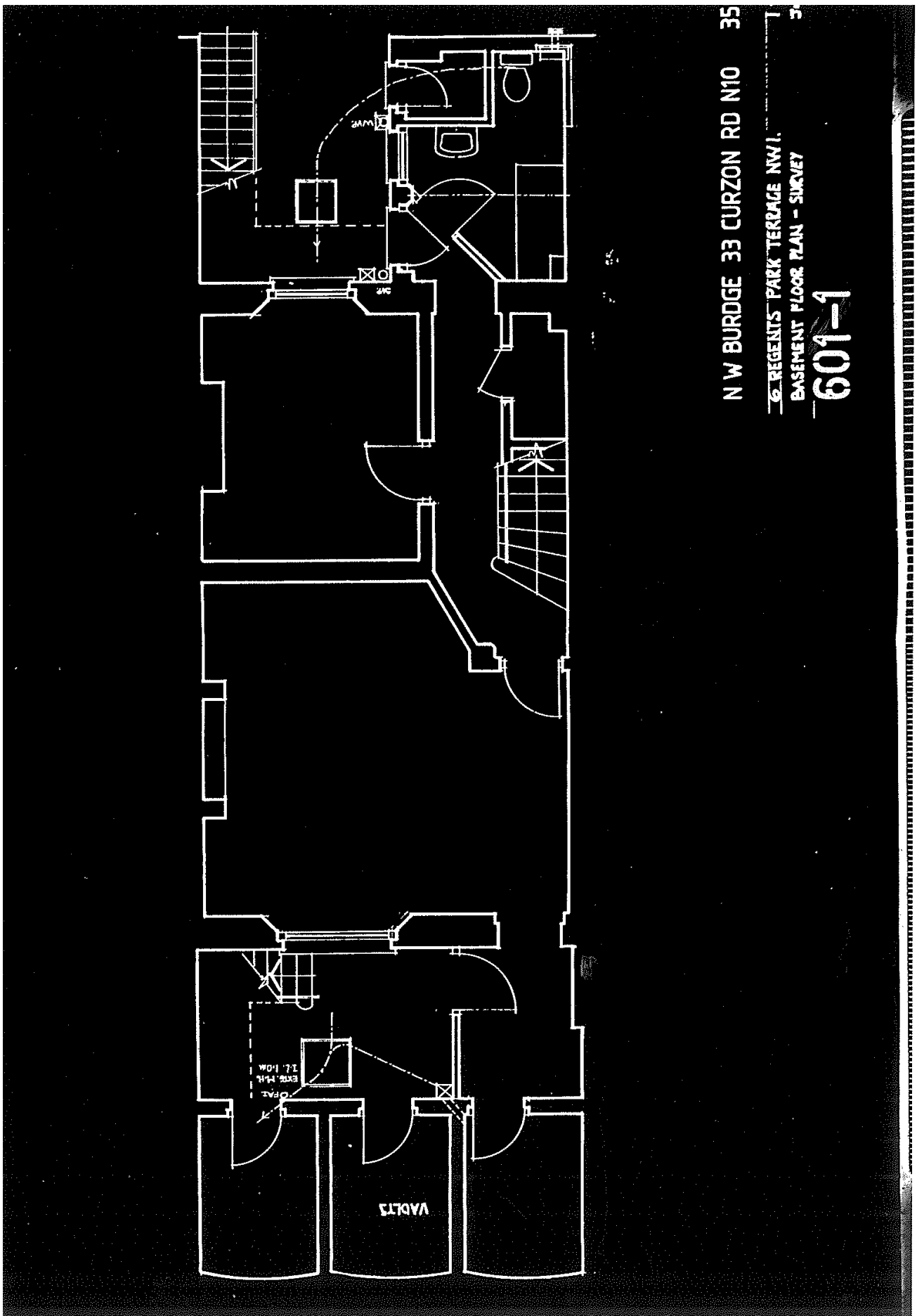
6.0 Historical Background

6.1 Development of the Area

- 6.1.1 It was not until the early 19th century that development of London reached beyond the Marylebone Road. In 1811, The Prince Regent (later King George IV) commissioned the architect John Nash to design The Regent's Park, with rows of grand terraced housing surrounding the landscaped park.
- 6.1.2 The land north east of The Regent's Park belonged to Charles Fitzroy, 3rd Baron Southampton, and its development began after the completion of The Regent's Park. In 1820 Regent's Canal opened and soon after the London and Birmingham Railway line arrived, with a terminus located at Chalk Farm, just north of the Southampton Estate. In 1840, Charles Fitzroy, 3rd Baron Southampton, sold the Southampton Estate in freehold portions for development. However, in 1837 the railway terminus was relocated to Euston Square which cut through the estate and interrupted the development of the land.
- 6.1.3 By 1875 Gloucester Crescent and Oval Road were developed. In addition, the proximity of the railway and the canal resulted in a number of industrial buildings north of Gloucester Road. Despite the amount of industrial activity, Charles Booth's 1889 poverty map of London described the houses in the area as mostly 'middle class/ well to do' and those overlooking Regent's Park as 'upper class'.

6.2 The Building

- 6.2.1 No. 6 constructed between 1841 and 1849. No. 6, along with several adjoining houses to the north, was set back from the north and south ends of the terrace and also had a large closet wing which appears to be an original feature; the other houses in the terrace are also shown with similarly sized closet wings.
- 6.2.2 Occupancy records for 1851 reveal that one of the earliest residents at 6 Regent's Park Terrace was the physician and biologist William Benjamin Carpenter. Carpenter's ideas on the nervous system, brought together with new experimental knowledge—especially on reflex action and moral will - mediated the spread of a physiological and psychological science of human nature in Britain. He was also instrumental in unifying the University of London in 1836.
- 6.2.3 By 1870 a smaller outbuilding was attached to the rear of No. 6's closet wing, as with all the houses in the terrace. However, this outbuilding appears to have been removed by 1934. The house experienced no bomb damage during the Second World War and in 1974 it was listed along with the rest of the houses on Regent's Park Terrace as Grade II.
- 6.2.4 No original or early drawings and floor plans of the building survive. However, the building is a typical example of mid-19th-century terraced townhouse, and its internal layout would probably have followed a characteristic late-18th/early-19th-century plan form: the ground floor would have included an entrance hall, staircase, and front and rear rooms; while the upper floors and basement had a large front room with a staircase and smaller room to the rear.
- 6.2.5 A 1986 drainage plan of the basement shows this typical layout. The closet wing is subdivided with partitions forming a WC and also a cupboard that is accessed externally. Entry from the house into the garden is via a doorway in the closet wing. This 1986 plan also shows that there was a rear external staircase leading up to a balcony at ground-floor level. The proposed 1986 basement plan reveals that the balcony served a set of ground-floor French doors - as the proposals involved the replacement of the rear-room basement window with French doors that matched the design of the existing ones directly above at ground-floor level. The ground-floor French doors would also have replaced an original window opening. It is unclear when the staircase and associated ground-floor French doors were added to the building as the staircase is not shown on any Ordnance Survey maps. However, a



N W BURDGE 33 CURZON RD N10 35
 6 REGENTS PARK TERRACE NW1.
 BASEMENT FLOOR PLAN - SURVEY
 604-1

Drainage plans of No.6 Regent's Park Terrace (1986)

FROM TILED BRICK PLUMBING WITH BRICK 150MM
AND FLY ON WALLS 3 TO 400MM

SUPPLY 1 FIN WHITE CONCRETE BENCH SINKING
FITTINGS - EXTEND AS NEC. SURF IN 100MM
CONCRETE 150MM THICK FROM NEW BENCH

FOR NEW PVC WASTE - FROM DEEP SINK 100MM
TO NEW STUB STACK

EXCAVATE AS NEC. 1 DOUBLE AREA SOLID
FLOOR TO BATHROOM TO REDUCED LEVEL -
210MM HIGH TO CORNER OF WALL - 150MM
HATCHED 150MM CONCRETE BENCH SINKING
WOOD STRIPPER WITH 150MM CONCRETE
STAIR BENCH - CONCRETE SLOPED AND FINISH
HATCHING TO CORNER OF WALL - 150MM HIGH
SUPPLY 150MM WOODEN DOOR - 150MM
HATCHING TO CORNER OF WALL - 150MM
HATCHING TO CORNER OF WALL - 150MM

BOX IN NEW GIBB STOPS WITH STAIN BRASS
FRONT REMOVABLE TOP FOR 150MM HIGH

FROM NEW GIBB STOPS
NEW STAIN BRASS DOOR WITH STAIN BRASS
FRONT REMOVABLE TOP FOR 150MM HIGH
FULLY LAPPED

PROVIDE NEW SOLID FLOOR TO BATH TO
MATCH GIBB STOPS TO LEVEL OF
MAIN FLOOR

DEMOLISH EXIST. TILING SCREEN 150MM
BATH DOOR

PROVIDE NEW GLAZED SCREEN TO BATH
DOOR NO 20/02 1 RE-FIX EXIST. SCREENED
DOOR CARTRIDGE WITH BRASS BUSHING
TO BATH DOOR WITH BRASS BUSHING
WITH STAIN BRASS BUSHING TO BATH DOOR
CARRIAGE AT REAR 1 ADJUST AS NEC. TO
MATCH

EXIST. SOLID FLOOR TO MAIN HALL TO
BE RETAINED - DISTURB TO RE-ASSEMBLE
BY CONTRACTOR - CONTRACTOR TO REMOVE
DOOR BATH

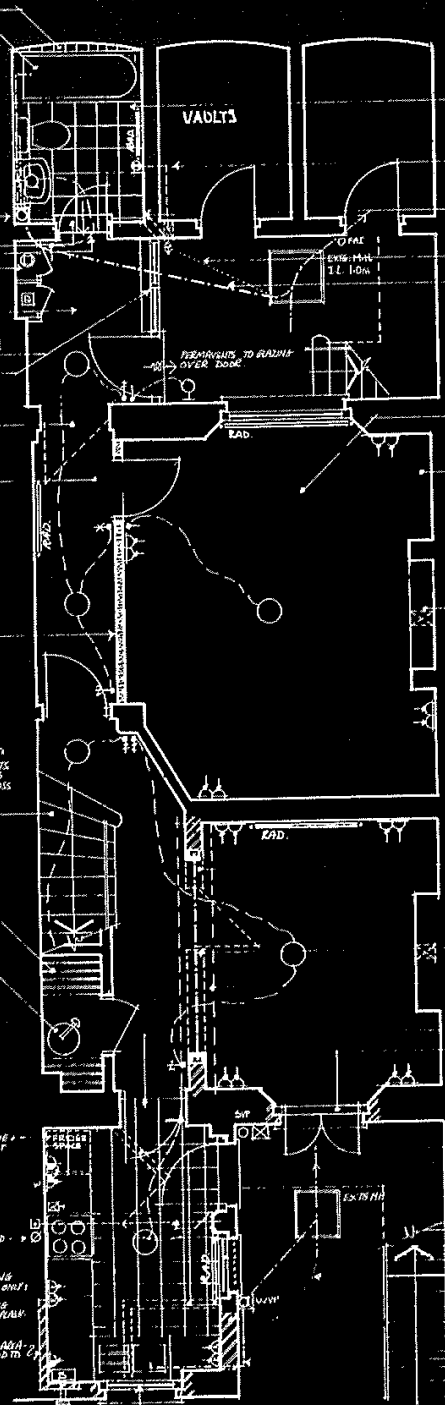
NEW HATCHED D.P.C. 1 SPECIALIST PARTNER
TO BE CHECKED OUT BY ARCHITECT
IN CONSULTANCE WITH TILE DESIGNER
1 DISCREPANCY NOTED - 150MM HIGH
GIBB CONTRACTOR TO HACK OFF DAMAGED
FLOOR TO EXTENT DETERMINED BY SPECIALIST
CONTRACTOR

FROM NEW GIBB PARTITION AS SHOWN -
BOTH PARTS ON D.P.C. FROM EXIST.
OPENING, LINDING, STAIR ETC. 1
STAIN BRASS DOOR REMOVABLE TOP FOR
DOOR 1 REFINISH TO MATCH EXIST.

ALLOW FOR STRIPPING OUT ALL REDUNDANT
FITTINGS AS NEC.

ALLOW FOR DECORATING THROUGHOUT BUILDING
ALLOW FOR ALL PREPARATION - 150MM 2 COATS
GIBB CONTRACTOR TO REMOVE DOOR
DOWN 1 PREPARE PRIME 1 UNDERCOAT 1
ALL NEW 1 EXISTING ADDITIONAL
CEMENT FINISH TO EXIST. STAIRS

PROVIDE TWO TILES SLATED SHEDDING
PROVIDE NEW CHIMNEY SYSTEM 1
HOT WATER SUPPLY TO EXISTING FLOOR
NEW 150MM CYLINDER FOOTING



FRAMES WALLS 1 CEILING TO RECEIVE 4 COAT
GIBB DOOR BY CONTRACTOR - ALL
PLUMBING TO WALLS 1 CEILING TO BE TO
SPEC. GIBB'S RECOMMENDATIONS

PROVIDE NEW EXTERIOR FINISH - LIGHT TANTON
CONCRETE WITH STAIN BRASS DOOR - DUCT TO
NEW AIR LOCK IN EXTERIOR WALL

FIN PLASTER LAPPED NEW 1 TO EXIST. A BENCH

RUN WITH LINE 1 SEAL WITH GIBB REDUCED
DRAIN RUN TO GULLY

PROVIDE NEW DRAIN RUN FROM STUB STACK
1 CONNECT TO BATH 150MM 1 150MM OF SOLUBLE
FITTINGS IN FINISH GIBB - UNDER 150MM
PROVIDE GIBB DOORING LINDING UNDER DOOR
BELOW WALL

EX. 1 TEST EXIST. DRAIN RUNS 1 RECOMMENDATION
OF ARCHITECT. ALLOW FOR PIPING FOOT CONTRACTOR TO
CLEAN MAIN RUN WITH HIGH PRESSURE JET

PROVIDE 1 FIN 'SUNNERS' BENCH FLOORING
TO ALL FLOORS OTHER THAN BATHROOM 1 MATCH
TO EXISTING EXIST. TO ALL WALL STRUCTURES 1
NEW BRICKING OVER TO MATCH GIBB

ALLOW FOR CUTTING OUT BROOM BAND OF EXIST.
SCAFFOLD AT PERIMETER 1 COATING CURVED JOBS
1 150MM OF WALL WITH 150MM DOORS 1 MAKE
GOOD DEPEND - SUBJECT TO FURNISH INFORMATION
1 SPEC. GIBB'S RECOMMENDATIONS

PROVIDE 1 FIN 150MM S.D. TUBS 1 BRICKING
THROUGHOUT 1 FIN 150MM S.D. DUR 31 ADDRESS

TAKE OUT EXIST. BOILER 1 SEAL
MAIN FLOOR 150MM S.D. DUR 31 ADDRESS
PROVIDE PLASTER LAPPED NEW 1 FINISH TO
FACE OF CHIMNEY BENCH 1 OVER EXISTING
MAKE GOOD EXISTING FINISH

REMOVE EXISTING FLOOR COMPLETE - TO LIGHT
FITTINGS 1 SCAFFOLD AS SHOWN

ALLOW FOR REMOVING OLD DOOR THRESHOLDS
FINISH OUT 1 REPAIRING AS NEC. 1 FIN GIBB
NEW DOOR FINISH

DEMOLISH EXIST. WALL AS SHOWN - PROVIDE ALL
NEED FINISHING 1 SUPPORT TO STRUCTURE OVER
1 REBUILD PILES 300x225 MM ON NEW R.C.
BEAM FOUNDATION 1 PROVIDE NEW 150MM
150MM S.D. DUR 31 ADDRESS 1 150MM S.D. DUR 31
R.C. POSTS - ALL TO FINISHING DETAILS
DIMS. AS SHOWN

GRADE STAIRS WITH 150MM 1 RENDER 1 SET - 1
TO EXIST. DOOR PILES
MAKE GOOD ALL AREAS DISTURBED

MAKE GOOD FLOOR 1 PROVIDE NEW SECTION
OF BUTTRESS DAM 1 FULLY LINKED TO EXIST.

PROVIDE NEW FRAMES 1 ARCHITECTURE ETC. TO EXIST.
OPENING 1 MAKE GOOD FROM EXIST. WALL
1 BREAK OUT WINDOW ARCHWAY - PROVIDE
1 PROVIDE MAKE FINISH DOORS 1 FRAME
WITH SPECIALIST FINISH DOORS - TO MATCH
EXIST. 1 FINISH DOORS TO GROUND FLOOR
IMMEDIATELY ABOVE 1 PROVIDE DOOR
GIBB CONTRACTOR TO REMOVE DOOR 150MM
GLAZED WITH LAMINATED GLASS 1 FIN GIBB
SECURITY BOLTS 1 NINE BOLTS

CAREFULLY DEMOLISH EXIST. PARTITION WALLS
AS SHOWN (SOLID FLOOR OVER)

BREAK OUT EXIST. 1 PROVIDE NEW SOLID
FLOOR AS SHOWN (GIBB ADJUST TO GIBB)

ALLOW FOR LAYING VINYL FLOOR TILES

REMOVE EXIST. 150MM 1 150MM 1 150MM

OVERHAUL 1 REPAIR EXIST. D.H.G

SEAL REDUNDANT DRAIN RUNS AS BEFORE

BACK-UP EXIST. DOOR OPENING

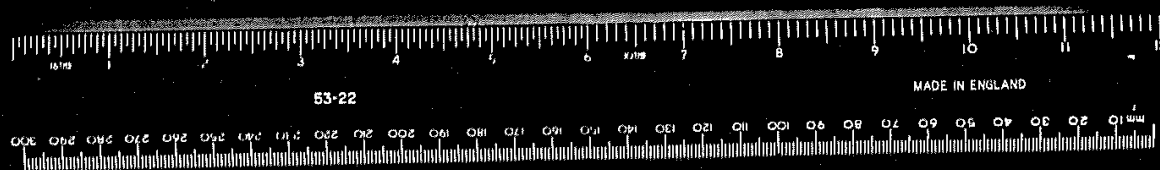
ALLOW FOR COMPLETE REPAIRING OF
KITCHEN WALLS 1 150MM 1 150MM 1 150MM

300MM PVC WASTE TO EXIST. GULLY

NEW WALL FINISHED BRICKWORK FINISH
DOORS 1 TO EXIST. ADJACENT WALL 150MM

NEW NEW WINDOW OPENING 1 PROVIDE
D.H.G 150MM 150MM 150MM 150MM
GIBB 150MM 150MM 150MM 150MM
GIBB 150MM 150MM 150MM 150MM
GIBB 150MM 150MM 150MM 150MM

6 REGENT'S PARK TERRACE NW/1
B SECOND FLOOR PLAN - PROPOSED
601-01
N W BURDGE 33 CURZON RD N10 359 7121
1-50
3/16/86



Plans showing proposed alterations to No. 6 Regent's Park Terrace (1986)

site visit has revealed that they are 20th century fabric and it is likely that these were installed prior to the listing of the building in 1974 when permission was not required.

7.0 Description of the Site and Surrounding Area

7.1 Setting

- 7.1.1 6 Regent's Park Terrace forms part of a Grade II-listed terrace of uniform houses which runs north to south between the east and west ends of Gloucester Crescent. It is located in the Primrose Hill Conservation Area, to the north-east of the Regent's Park Conservation Area. The streets surrounding Regent's Park Terrace are predominantly residential.
- 7.1.2 Immediately west of Regent's Park Terrace is Oval Road which runs north to south between Gloucester Avenue and Regent's Canal alongside the railway line and comprises both 20th-century and mid-late-19th-century semi-detached housing. Regent's Park Terrace is set back from Oval Road behind a brick wall which encloses a narrow garden with trees, providing the street with a degree of privacy from traffic and pedestrians. The north and south ends of the terrace project from the buildings in the middle of terrace. The handsome and uniform appearance of the mid-19th century terrace contributes to the wider Conservation Area.

7.2 Elevations

- 7.2.1 On the street, the building is two bays wide and four storeys high with a basement; this elevation would not be affected by the proposals.
- 7.2.2 The rear elevation is five storeys high and two bays wide and is of yellow stock brick. Some areas of the brick wall at basement level have been painted white. The closet wing is four storeys high and at second floor is set back from the lower levels.
- 7.2.3 At basement level are French doors providing access into the basement. There is a white-painted 20th-century metal staircase against the side wall of the neighbouring closet wing that provides access to the ground floor rear room through modern French doors. There are six-over-six sash windows to the upper levels. All of the window and door openings retain original segmental heads.
- 7.2.4 The rear elevation of the closet wing consists of: a six-over-six plain sash window at basement level; a small window opening with modern glazed louvres on the ground floor, in addition to small vents and some pipework; two tall rectangular casement windows with geometric fanlights on the first floor; and a three-over-three sash on the second floor, in addition to a small vent. The side elevation of the closet wing includes: a glazed door and six-over-six sash window at basement level; a pair of six-over-six sash window on the ground floor; and two tall rectangular casement windows with geometric fanlights on the first floor. All of the window openings have segment heads, apart from the first-floor windows which retain flat concrete lintels. There are several downpipes and some wiring which run from the roof down to the basement level. The roof is concealed behind a parapet which is continuous with the rest of the terrace.

7.3 Interiors

- 7.3.1 The basement largely retains its original plan form, in addition to an original chimneypiece in the front room. The staircase is a simple cantilevered stone stair with metal handrail. The floor has a modern timber finish in the main rooms and modern tiles in the closet wing. The rear room has lost its chimney piece.
- 7.3.2 On the ground floor the original plan form survives and several original features remain, such as cornices, ceiling roses, doors and architraves. The original principal open-string cantilevered staircase rises to the second floor.



Rear elevation

- 7.3.3 The first floor also retains its original form and retains original features, such as marble chimneypieces, cornices and ceiling roses.
- 7.3.4 The second and third floors retain little historic fabric, apart from an original secondary staircase with stick balusters which connects the upper floors.

8.0 Significance of the Building

6 Regent's Park Terrace was constructed between 1841 and 1849 as part of the development of the area following the subdivision of the Southampton Estate in 1840. 6 Regent's Park Terrace forms part of a terrace of yellow-brick houses with rusticated stuccoed lower floors which are a common building type in this area. The special interest of the listed building lies primarily in its external appearance and its contribution to the streetscene and wider conservation area. Of high significance is also its remaining plan form (particularly at ground and first-floor levels) and surviving historic features. Its rear elevation is not readily visible and has seen alteration; it is therefore of secondary significance.

9.0 Commentary on the Proposals

9.1 Introduction

9.1.1 In this section I consider the impact that the proposals would have on the significance of the listed building, the character and appearance of the Primrose Hill Conservation Area, and the setting of nearby designated heritage assets, explaining whether and why the proposals would be acceptable in heritage terms and accord with relevant national and local policy.

9.2 Description of the Proposals

9.2.1 The proposals are near-identical to a scheme of alterations permitted by Camden in 2016 (2016/3393/L & 2016/3302/P). The proposals include the refurbishment of this single-family dwelling for the same use with modern bathroom and kitchen provision and some alterations to the under-pavement vaults and bedrooms, and the addition of a two-storey conservatory. The minor changes of the refused application in relation to the consented works involve the following:

- the addition of a floor within the consented conservatory at raised ground-floor level;
- locking shut the French doors in the ground floor rear room and creating access to the conservatory through the closet wing;
- introducing a three-part glazed door to the conservatory at ground-floor level, with the addition of a glazed railing for safety purposes;
- the introduction of underfloor heating at basement level;
- the replacement of the existing skylight;
- the addition of a new skylight to the inner slope of the roof.

9.3 Justification of the Proposals

9.3.1 The majority of works were consented as part of the 2016 submission (2016/3393/L & 2016/3302/P) and it has therefore already been accepted by the Council that their impact on the significance of the listed building and the wider conservation area does not cause harm. This is also set out in the decision notices.

9.3.2 The floor within the conservatory at raised ground-floor level is the main reason for Camden's refusal of these applications. Camden object to the 'internalisation' of the rear principal room. They also recognised that similar consent was granted at 13 Regent's Park Terrace but stated that since this application was approved planning policy has changed with the introduction of the National Planning Policy Framework (March 2012) and that the harm which they perceived to be caused by the addition of the floor is now required by policy to be outweighed by public benefits arising from the proposal. This statement of case sets out why no harm is caused by this element of the proposals, and even if it were, how such harm would be outweighed by benefits.

9.3.3 The legislative basis for decision making on applications that relate to the historic environment is the Planning (Listed Buildings and Conservation Areas) Act 1990. Sections 66 and 72 of the Act impose a statutory duty upon local planning authorities to consider the impact of proposals upon listed buildings and their setting and conservation areas and also to have special regard to the desirability of preserving the special architectural or historic interest of listed buildings and preserving or enhancing the character or appearance of a conservation area.

9.3.4 The adoption of the National Planning Policy Framework (NPPF 2012) has simply crystallised previous policy approaches to the historic environment. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development and it emphasises the need to take account of

the pros and cons of any proposal to alter and adapt buildings of 'special' architectural and historical interest. Following on from this, the NPPF states that any 'less than substantial' harm to the significance of a heritage asset should be weighed against the public benefits of the proposal, including securing the optimum viable use of a designated heritage asset (NPPF paragraph 134 – see appendix).

- 9.3.5 This Report shows clearly that the main impact on the character of the listed building has been the permission for a double-height conservatory. This is causing no harm. It has also, importantly, already 'internalised' the rear ground floor room. Whether this extension is accessed only at basement level, or at basement and ground-floor level, has no impact whatsoever on the significance of the building over and above the impact which would be caused by the existence of the conservatory which divided the house from the garden by means of a new volume and thereby changes the building's plan form. The conservatory is also clearly a glazed modern addition and would not impact on the appreciation of the original form of the listed building or its original plan form. The addition of a floor simply allows the consented two-storey conservatory to work as a more functional and meaningful addition.
- 9.3.6 The design of the consented conservatory already gives the impression that there is a floor at ground-floor level; the garden elevation of the conservatory has a solid horizontal metal element in the location of a ground floor floor plate, and in views from the rear it therefore appears as though the consented scheme is divided into two vertically arranged rooms even if it is not.
- 9.3.7 The new floor would span between two closet wings and would, therefore, not result in any alteration of the principal rear elevation.
- 9.3.8 The floor and the conservatory are additions that are easily reversible in the future.
- 9.3.9 The rear room has also acted as a walk-through room for many years due to the presence of the French doors leading to the external staircase. In order to mitigate this and lessen the existing internalisation of the rear room, it is proposed to lock these doors shut and access the conservatory from the closet wing, with the insertion of a new doorway in an existing window opening. Permission has already been granted for the removal of the existing window and the blocking of this opening in the closet wing. As such, this alteration would have a neutral impact on the significance of the listed building. Furthermore, locking shut the French doors would be an enhancement as the rear room would no longer be used as a 'walk through', i.e. an internal room.
- 9.3.10 Several public benefits are offered by the proposals. Whilst this Statement of Case is very clear in its findings regarding harm, namely that no harm to significance would be caused, it is also clear that were Camden's view (that some less-than-substantial harm is caused) be found to be correct, then such harm would be outweighed by public benefits.
- 9.3.11 As outlined in Paragraph 20 of the National Planning Policy Guide, 'benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.' The proposals would offer the following benefits:
- The introduction of a door (serving the external walkway and staircase) at ground-floor level in the closet wing as this area of the closet-wing façade is very plain and the proposals would improve its appearance;
 - The removal of the unattractive 20th-century white-painted metal staircase and balcony;
 - Locking shut and retaining the ground-floor French doors and thereby ending the present arrangement of using the ground floor rear room as in effect a corridor;
 - The introduction of an element of the original plan form on the third floor with the reinstatement of a doorway and wall;
 - The addition of underfloor heating in the basement as this would allow a more consistent

temperature throughout the year which would be better for the listed building (potentially avoiding issues of condensation, damp and decay), and also enable the removal of radiators from walls.

The above would all be environmental benefits that would enhance the significance and appearance of the listed building.

- The scheme would also ensure the ongoing use of this building as a single-family dwelling which is its optimal viable use, creating a further public benefit.

9.3.12 The proposals include another element that differs from the consent. Introducing a three-part sliding glazed door to the garden elevation of the conservatory at ground-floor level would be a very minor change to the design of the consented conservatory, as this copies the detailing of the lower ground floor three-part door. The proposed glazed balustrade at this level would also have a negligible impact on the appearance of the conservatory. As such, these works would have a neutral impact on the significance of the listed building and conservation area. Camden agree with this.

9.3.13 The proposals include a second element that differs from the consent. The existing rooflight would be shifted slightly so that it is in a more practical and useable position and would be replaced with a new conservation grade rooflight. A new rooflight is also proposed adjacent to the existing rooflight. This would be in a discreet position and would not be visible from street views. These works would have no impact on the significance of the listed building and do not form part of Camden's reasons for refusal.

9.3.14 A last element that is different to the consent is for new basement underfloor heating. This would benefit the listed building as this it would allow a more consistent temperature throughout the year and also enables the removal of radiators from walls. There are no historic features at basement level which would be affected by this change. The proportions of the basement rooms could be maintained by dropping the floor by a small amount so that any additional build up would still be in line with the existing finished floor level. Such detail could be conditioned.

9.3.15 It is therefore considered that the proposal to sensitively refurbish this building, add a rear addition with a floorplate at ground floor level and access via the closet wing room into it, and basement underfloor heating, would protect the special interest of the listed building and preserve the character and appearance of the Primrose Hill Conservation Area and the setting of adjacent listed buildings.

9.3.16 It is also key to the acceptability of the proposals to understand the reasons why Camden permitted a near-identical set of proposal earlier in 2016. In their decision notice for the planning permission (ref 2016/3302/P), Camden stated:

***Informative
Reasons for granting permission***

There are similar examples of double height conservatories at the rear of other properties on Regent's Park Terrace (e.g. Nos. 7, 11, 13, 18 and 20) and therefore the proposed conservatory would not be out of keeping with the surrounding pattern of development. Furthermore, given that the rear elevation of the property is 5 storeys tall, the proposed conservatory would appear subordinate and by virtue of its lightweight design, it is considered that the original form of the building would remain discernible when viewed from the rear. The position of the glazing bars has been revised so that they are equally spaced. Furthermore, the external walkway has been reduced in size such that it would only extend beyond the rear of the original closet wing, and it would be accessed from the closet wing through a new door rather than from the double height conservatory. This is welcomed in terms of retaining a sense of the original building and in terms of simplifying the rear elevation design. [...]

Considerable importance and weight has been attached to the harm and special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under and s.72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

Special regard has been attached to the desirability of preserving the listed building and its features of special architectural or historic interest, under s.16 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

The proposed development is in general accordance with Policies CS5 and CS14 of the London Borough of Camden Local Development Framework Core Strategy, and Policies DP24, DP25 and DP26 of the London Borough of Camden Local Development Framework Development Policies. The proposed development also accords with the London Plan 2015; and the National Planning Policy Framework 2012.

- 9.3.17 It is therefore clear that the double-storey rear addition is acceptable in principle both in relation to the listed building and conservation area.
- 9.3.18 It is my opinion that the proposals would not result in any harm to heritage assets (the listed building, the Primrose Hill Conservation Area, and nearby listed buildings). The Barnwell Manor and Forge Field judgements provided detailed consideration of the overarching statutory duty imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990 to preserve listed buildings and their setting and to preserve or enhance the character or appearance of conservation areas. The judgements stated that any harm to heritage assets would engage a 'strong presumption' against the grant of planning permission. As the proposals would avoid such harm and preserve the Conservation Area and the setting of listed buildings, the proposals would accord with the statutory duty imposed by the Act and the 'strong presumption' against the grant of planning permission referred to by these judgements would not therefore apply.
- 9.3.19 The proposals would also accord with the relevant policies of the National Planning Policy Framework, including the core planning principle relating to heritage assets that planning should '*conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.*'
- 9.3.20 As the proposals would not cause any harm to the significance of any of the relevant designated heritage assets paragraphs 133 and 134 of the NPPF, relating to the assessment of harm to heritage assets, are not considered relevant to the proposals.
- 9.3.21 The proposals would accord with all of the relevant key principles regarding conservation and new design that are contained in policy CS14 of the Core Strategy, and DP24 and 25 of the Development Policies.
- 9.3.22 In accordance with the above, it is therefore considered that the proposals would be acceptable in terms of the impact on the historic environment and would accord with relevant legislation and with national and local policy in heritage terms.

10.0 Response to Reasons for Refusal

- 10.1 In this section of the report I will provide a detailed response to the reasons for refusal given by Camden insofar as these relate to the historic environment.
- 10.2 For the reasons set out above I strongly disagree with Camden's view that these proposals would harm the listed building and would fail to preserve or enhance the Primrose Hill Conservation Area; were this to be the case then the many other similar examples of rear additions and underfloor heating in comparable listed buildings in conservation areas (as listed in Donald Insall Associates' Historic Building Report that accompanied the planning application and application for listed building consent) would have been refused because they failed to preserve or enhance the assets concerned; clearly, this is not the case, and many have been granted.
- 10.3 Camden cites that the proposal would not meet policy CS14 of the Core Strategy. The relevant part of this policy is:

We will seek to manage change in a way that retains the distinctive characters of our conservation areas and will expect new development to contribute positively to this. The Council will therefore only grant planning permission for development in Camden's conservation areas that preserves and enhances the special character or appearance of the area.

This is reflected in the Development Policies, DP25, which say that Camden will

- b) only permit development within conservation areas that preserves and enhances the character and appearance of the area; [...]*
- 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.*

- 10.4 It is clear both from the consent given for a near-identical rear addition, and from a recent consent to the neighbouring building at 7 Regent's Park Terrace for a double storey conservatory, that rear additions such as the one proposed are in principle acceptable to Camden in this location and in this and similar listed buildings and in their setting; in fact these extensions are becoming part of the character of this part of the conservation area. It is also clear that the existing rear elevation is compromised to some degree by an existing staircase and balcony, and that the proposed, carefully considered design would enhance this elevation and the special interest of the conservation area and listed building by replacing these unsightly features with high quality design, and that this would be a benefit. Whether or not such an extension has a floorplate at ground floor level, Camden's main point of objection, is irrelevant in views from without, as the consented design of the elevation suggests such a floor plate. Internally, the rear ground floor room that exists would be 'internalised' in any case were the consented scheme implemented, and the addition of a floorplate to this consent makes no material difference; in fact the new proposal would improve the current situation by stopping the rear room being used as a corridor to the rear balcony. It is clear also that other internal changes that would come with the proposed addition would not harm the building's special interest or significance as these changes would affect areas of low or no significance, and because the interventions would be small scale and some sympathetic or beneficial. As regards the proposed underfloor heating, this would only affect spaces that have been compromised and lost their original finishes; no harm would therefore be caused.
- 10.4 Policy CS14 goes on to state: *The character of conservation areas derive from the combination of a number of factors, including scale, density, pattern of development, landscape, topography, open space, materials, architectural detailing, and uses. These elements should be identified and responded to in the design of new development.*

- 10.5 The principles of this policy are also reflected in Camden's Development Policies, DP24, which is also quoted as a relevant policy in the refusal notice. This policy places emphasis on context and appropriateness of new design in relation to existing architecture and character, as follows:

The Council will require all developments, including alterations and extensions to existing buildings, to be of the highest standard of design and will expect developments to consider:

- a) character, setting, context and the form and scale of neighbouring buildings;*
- b) the character and proportions of the existing building, where alterations and extensions are proposed;*
- c) the quality of materials to be used; [...]*
- i) accessibility.*

The design is, as Camden noted in their decision notice for the approved double storey conservatory at this address, subservient and in keeping with its context and therefore complies with policies CS14 and DP24.

- 10.6 Camden's delegated report adds further reasoning to the refusal in its paragraph 3.4, namely:

'the internalisation of the room is unacceptable in listed building terms because it would harmfully impact on the hierarchy of spaces within the host building by reducing the importance of the existing rear room, and the proposal would alter the historic plan form of the building, which contributes to the historical and architectural significance of the building'.

This would not be the case. The new proposed room would have simpler detail which would make it clearly recognisable as a modern addition, and it would therefore not compete with the hierarchy established by the historic rooms. The plan form would not be materially altered beyond what has already been permitted as there would be no direct access from the rear room to the extension. Even if there was some harm as asserted by Camden, this would be no more than minimal and outweighed by the public benefits explained above.

- 10.7 Camden's report dismisses examples of similar rear additions cited in Donald Insall Associates' Historic Building Report as relevant comparatives:

'3.5. The applicant has provided other examples from the borough of what they consider to be similar examples; however, it is not possible to make direct comparisons between different buildings and particularly in the case of listed building applications, it is important to assess each case on its merits. It is worth noting that many of the examples provided relate to different types of buildings and different types of extensions'.

It is of course correct that each case must be assessed on its merits and that buildings differ. However, the principle of enclosing a ground floor rear room in a reasonably intact listed building which has two rooms and a staircase at each level will always have the same effect, namely adding another habitable volume behind an existing historic room and thereby extending the building's footprint. If this is in principle acceptable in one listed building, it must be acceptable in another, too.

- 10.8 Camden further dispute that earlier consents of similar design are relevant because they precede the NPPF:

'3.6. It is recognised that No. 13 Regent's Park Terrace also has a double height rear conservatory and that it features an upper ground floor level internally (approved pursuant to planning references 2010/1993/P and 2016/1997/L); however, planning policy has changed since 2010 with the introduction of the National Planning Policy Framework (NPPF) and it is not considered

that that particular decision should be used as a precedent to allow undue harm to this particular listed building.

The NPPF has not changed the basis on which listed building consent and planning permission can be granted: this basis was and is the 1990 Act which sets out that the special interest of listed buildings and conservation areas must be preserved or enhanced. This would be the case in the refused proposals. If anything, the NPPF has made it clearer that if harm was caused to the significance of a heritage asset than this can be outweighed by public benefits. It is my view that no harm would be caused, but if less-than-substantial harm were created by these proposals, then the benefits explained above would outweigh it.

11.0 Conclusion

- 11.1 As detailed above, it is my opinion that the proposals, in total, and insofar as they deviate from an earlier similar consent, i.e. by inserting a floorplate in a previously consented rear addition and installing basement underfloor heating, would neither harm the listed building nor would they harm the setting of adjacent listed buildings or the character or appearance of the conservation area.
- 11.2 As explained, the proposal would see only minor changes to an agreed proposal, and the changes would not alter the impact of the proposal in such a way as to harm the significance of any heritage asset.
- 11.3 The proposal would, therefore, meet the statutory duty to preserve the character or appearance of the Primrose Hill Conservation Area and to preserve the listed building and the setting of other listed buildings, as set out in Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. They would also meet the criteria for conserving and enhancing the historic environment as defined by the *National Planning Policy Framework*, and the objectives of Camden's adopted policies CS14, DP24 and 25.
- 11.4 In summary, it is considered that the proposal would be acceptable in terms of their impact on heritage assets and would accord with relevant legislation and with national and local policy in heritage terms.

Appendix I

Planning Policy and Guidance

Planning (Listed Buildings and Conservation Areas) Act 1990

The Act is legislative basis for decision making on applications that relate to the historic environment.

Sections 66 and 72 of the Act impose a statutory duty upon local planning authorities to consider the impact of proposals upon listed buildings and conservation areas.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that:

in considering whether to grant 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.

Similarly, section 72(1) of the above Act states that:

... with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

National Planning Policy Framework

Any proposals for consent relating to heritage assets are subject to the policies of the NPPF (2012). This sets out the Government's planning policies for England and how these are expected to be applied. With regard to 'Conserving and enhancing the historic environment', the framework requires proposals relating to heritage assets to be justified and an explanation of their effect on the heritage asset's significance provided.

The NPPF has the following relevant policies for proposals such as this:

*14. At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking.*

The NPPF sets out twelve **core planning principles** that should underpin decision making (paragraph 17). Amongst those are that planning should:

- *not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;*
- *proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;*
- *always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;*
- *support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing*

buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);

- *conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;*

With regard to the **significance** of a heritage asset, the framework contains the following policies:

129. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal 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.

In determining applications local planning authorities are required to take account of significance, viability, sustainability and local character and distinctiveness. Paragraph 131 of the NPPF identifies the following criteria in relation to this:

- *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.*

With regard to potential '**harm**' to the significance designated heritage asset, in paragraph 132 the framework states the following:

...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. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

With regard to '**less than substantial harm**' to the significance of a designated heritage asset, of the NPPF states the following:

134. 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.

In relation to the consideration of applications for development affecting the **setting of a designated heritage asset**, paragraph 137 of the document states the following:

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.

In terms of **non-designated heritage assets**, the NPPF states:

135. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balance judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

With regards to the loss of a building (or other element) which makes a positive contribution to a **Conservation Area**, paragraph 138 states this should be treated:

...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.

National Planning Policy Guidance

The planning practice guidance was published on the 6th March 2014 to support the National Planning Policy Framework and the planning system. It includes particular guidance on matters relating to protecting the historic environment in the section: Conserving and Enhancing the Historic Environment. The relevant guidance is as follows:

Paragraph 3: What is meant by the conservation and enhancement of the historic environment?

The conservation of heritage assets in a manner appropriate to their significance is a core planning principle. Heritage assets are an irreplaceable resource and effective conservation delivers wider social, cultural, economic and environmental benefits.

Conservation is an active process of maintenance and managing change. It requires a flexible and thoughtful approach to get the best out of assets as diverse as listed buildings in everyday use to as yet undiscovered, undesignated buried remains of archaeological interest.

In the case of buildings, generally the risks of neglect and decay of heritage assets are best addressed through ensuring that they remain in active use that is consistent with their conservation. Ensuring such heritage assets remain used and valued is likely to require sympathetic changes to be made from time to time. In the case of archaeological sites, many have no active use, and so for those kinds of sites, periodic changes may not be necessary.

Where changes are proposed, the National Planning Policy Framework sets out a clear framework for both plan-making and decision-taking to ensure that heritage assets are conserved, and where appropriate enhanced, in a manner that is consistent with their significance and thereby achieving sustainable development.

Part of the public value of heritage assets is the contribution that they can make to understanding and interpreting our past. So where the complete or partial loss of a heritage asset is justified, the aim then is to capture and record the evidence of the asset's significance which is to be lost, interpret its contribution to the understanding of our past, and make that publicly available.

Paragraph 8: What is "significance"?

"Significance" in terms of heritage policy is defined in the Glossary of the National Planning Policy Framework.

In legislation and designation criteria, the terms 'special architectural or historic interest' of a listed building and the 'national importance' of a scheduled monument are used to describe all or part of the identified heritage asset's significance. Some of the more recent designation records are more helpful as they contain a fuller, although not exhaustive, explanation of the significance of the asset.

Paragraph 9: Why is 'significance' important in decision-taking?

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

Paragraph 13: What is the setting of a heritage asset and how should it be taken into account?

The "setting of a heritage asset" is defined in the Glossary of the National Planning Policy Framework.

A thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.

Setting is the surroundings in which an asset is experienced, and may therefore be more extensive than its curtilage. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not.

The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each.

The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. This will vary over time and according to circumstance.

When assessing any application for development which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change. They may also need to consider the fact that developments which materially detract from the asset's significance may also damage its economic viability now, or in the future, thereby threatening its ongoing conservation.

Paragraph 15: What is a viable use for a heritage asset and how is it taken into account in planning decisions?

The vast majority of heritage assets are in private hands. Thus, sustaining heritage assets in the long term often requires an incentive for their active conservation. Putting heritage assets to a viable use is likely to lead to the investment in their maintenance necessary for their long-term conservation.

By their nature, some heritage assets have limited or even no economic end use. A scheduled monument in a rural area may preclude any use of the land other than as a pasture, whereas a listed building may potentially have a variety of alternative uses such as residential, commercial and leisure.

In a small number of cases a heritage asset may be capable of active use in theory but be so important and sensitive to change that alterations to accommodate a viable use would lead to an unacceptable loss of significance.

It is important that any use is viable, not just for the owner, but also the future conservation of the asset. It is obviously desirable to avoid successive harmful changes carried out in the interests of repeated speculative and failed uses.

If there is only one viable use, that use is the optimum viable use. If there is a range of alternative viable uses, the optimum use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes.

The optimum viable use may not necessarily be the most profitable one. It might be the original use, but that may no longer be economically viable or even the most compatible with the long-term conservation of the asset. However, if from a conservation point of view there is no real difference between viable uses, then the choice of use is a decision for the owner.

Harmful development may sometimes be justified in the interests of realising the optimum viable use of an asset, notwithstanding the loss of significance caused provided the harm is minimised. The policy in addressing substantial and less than substantial harm is set out in paragraphs 132 – 134 of the National Planning Policy Framework.

Local Policy

Camden Council's Local Policy (2010) has the following policies which are relevant to the proposals outlined in this report. Policy **CS14** promotes high quality places and conserving the council's heritage.

25.2 *In order to preserve and enhance important elements of local character, we need to recognise and understand the factors that create this character. The Council has prepared a series of conservation area statements, appraisals and management plans that assess and analyse the character and appearance of each of our conservation areas and set out how we consider they can be preserved and enhanced. We will take these into account when assessing planning applications for development in conservation areas. We will seek to manage change in a way that retains the distinctive characters of our conservation areas and will expect new development to contribute positively to this. The Council will therefore only grant planning permission for development in Camden's conservation areas that preserves and enhances the special character or appearance of the area. The character of conservation areas derive from the combination of a number of factors, including scale, density, pattern of development, landscape, topography, open space, materials, architectural detailing, and uses. These elements should be identified and responded to in the design of new development. Design and Access Statements should include an assessment of local context and character, and set out how the development has been informed by it and responds to it.*

25.3 *The character and appearance of a conservation area can be eroded through the loss of traditional architectural details such as historic windows and doors, characteristic rooftops, garden settings and boundary treatments. Where alterations are proposed they should be undertaken in a material of a similar appearance to the existing. Traditional features should be retained or reinstated where they have been lost, using examples on neighbouring houses and streets to inform the restoration. The Council will consider the introduction of Article 4 Directions to remove permitted development rights for the removal or alterations of traditional details where the character and appearance of a conservation area is considered to be under threat.*

Regarding listed buildings, Camden's core strategy states:

25.11 *Camden's listed buildings and structures provide a rich and unique historic and architectural legacy. They make an important and valued contribution to the appearance of the borough and provide places to live and work in, well known visitor attractions, and cherished local landmarks. We have a duty to preserve and maintain these for present and future generations. There are*

over 5,600 buildings and structures in Camden that are on the statutory list for their special architectural or historic interest.

25.13 *In order to protect listed buildings, the Council will control external and internal works that affect their special architectural or historic interest. Consent is required for any alterations, including some repairs, which would affect the special interest of a listed building. The matters which will be taken into consideration in an application for alterations and extensions to a listed building are those set out in Policy HE7 of PPS5.*

Camden's Development Policies document has two relevant policies, **DP24** and **DP25**, as follows:

DP24 Securing high quality design

The Council will require all developments, including alterations and extensions to existing buildings, to be of the highest standard of design and will expect developments to consider:

- a) character, setting, context and the form and scale of neighbouring buildings;*
- b) the character and proportions of the existing building, where alterations and extensions are proposed;*
- c) the quality of materials to be used;*
- [...] and*
- i) accessibility.*

DP25 Conserving Camden's heritage

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;*
- [...]*

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.*

Appendix II

Statutory List Description

NUMBERS 1-22 AND ATTACHED RAILINGS, 1-22, REGENTS PARK TERRACE

Grade II

Date first listed: 14 May 1974

Terrace of 22 houses. c1840-50. Yellow stock brick with rusticated stucco ground floors. Nos 1-21 form a symmetrical facade with slightly projecting end houses. 4 storeys and basements. 2 windows each. Square-headed doorways with cornice-heads, fanlights and panelled doors. Entrance to No.1 on right hand return with stucco portico having pilasters, cornice and parapet; round-arched door way. Architraved sashes; 1st floor with cornices and continuous cast-iron balconies, 2nd floor with cornices. Plain stucco sill bands to 2nd and 3rd floors. Stucco modillion cornice and blocking course. No.22: rusticated stucco. 2 storeys and basement. 1 window. Projecting stucco portico with balustraded parapet. Cornice with balustraded parapet. INTERIORS: not inspected. SUBSIDIARY FEATURES: attached cast-iron railings with foliated finials to areas.

