

Heritage Impact Assessment

13 Kemplay Road, Hampstead, London NW3



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AHP Architectural
History
Practice

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1. INTRODUCTION

This Heritage Impact Assessment has been prepared on behalf of local residents concerned about the impact of the proposed rebuilding of 13 Kemplay Road on the character and appearance of this part of the Hampstead Conservation Area and the setting of the Grade II-listed Rosslyn Hill Unitarian Chapel.

Revised proposals are currently before Camden Council, after members sought amendments to the submitted scheme. Heritage and Design and Access Statements were submitted with the original submission, but have not been updated or amended to take account of the revised proposals. The Heritage Statement was already inadequate, in that it contained no description of the designated heritage assets whose setting was affected by the proposals, no assessment of their significance, no consideration of the contribution made by their setting, and no assessment of the impact of development on the significance and setting of the heritage assets. This is in spite of the requirement of paragraph 128 of the National Planning Policy Framework (NPPF), that:

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

This Heritage Impact Assessment aims to fill that gap, and thereby to ensure that the significance of heritage assets and the impact on their setting are properly taken into account when the proposals are considered. The assessment has been written by Andrew Derrick BA AA Dipl Cons IHBC, a director of the Architectural History Practice (AHP), and a former Inspector of Historic Buildings with English Heritage (now Historic England). The methodology for assessment follows the stepped approach recommended by Historic England in [The Setting of Historic Assets: Historic Environment Good Practice in Planning](#).

2. THE SITE



Figure 1: John Johnson's original design for the chapel, showing path approach from Pilgrim's Lane (<http://rosslynhillchapel.org.uk/about-us/>)

Set centrally in the land bounded by Rosslyn Hill, Willoughby Road, Kemplay Road and Pilgrim's Lane is the Grade II-listed Rosslyn Hill Unitarian Chapel (incorrectly described as a Methodist chapel at 2.1.5 in the Design and Access Statement and as a former Unitarian chapel at 7.11 in the report to planning committee). This has been the site of a Nonconformist place of worship since 1692, with several rebuildings. It was formerly known as the Red Lion Hill Chapel. Today it has a larger congregation than any other Unitarian church in the country (chapel website). The present chapel was built in 1862 from designs by John Johnson and is an impressive gothic revival design faced in Kentish ragstone. Johnson's drawing (figure 1) shows the original form of the building before the harmonious additions of 1884/5 by Thomas Worthington, the notable Manchester Unitarian architect. The church has an important collection of stained glass and other furnishings, detailed on the chapel website.

The extended chapel is shown on the 1894-6 Ordnance Survey map (figure 2). From this it will be seen that the approaches to the chapel were from Kemplay Road and Pilgrim's Lane (the latter also shown at figure 1). The Rosslyn Hill frontage was originally continuous, offering no access to or view of the chapel. The land on either side of the approach from Kemplay Road was open, and formed part of the original garden setting of the chapel. This is identified more clearly as such on the 1912 map (figure 3), which also shows that by time an approach and view from Rosslyn Hill had been created by the demolition of two buildings.

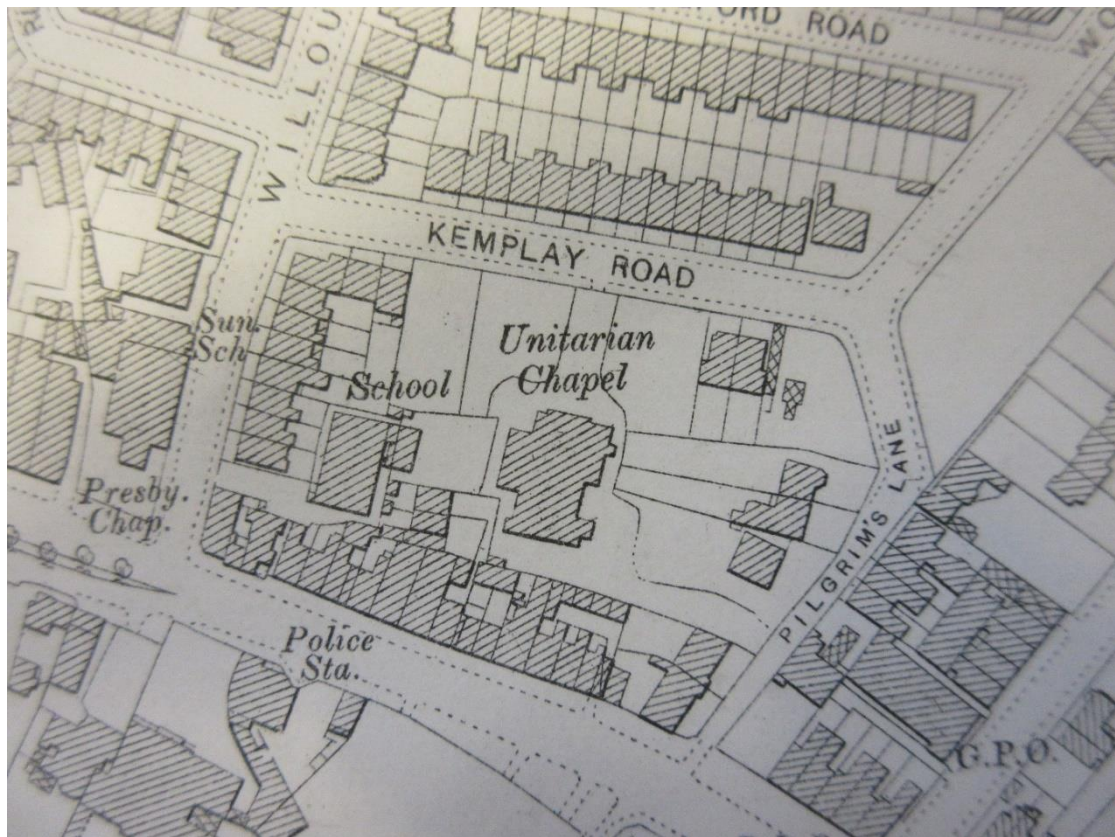


Figure 2: Detail from Ordnance Survey map 1894-96 edition (London sheet XVIII)



Figure 3: Detail from 1912 OS map (London sheet 1.16)

The fully open, garden character of the view towards the chapel from Kemplay Road survived until 1952, when the Metropolitan Borough of Hampstead resolved to acquire land by compulsory purchase from the chapel authorities, for its permanent housing programme. Council minutes of September 1952 record an intention to build eight houses, but by February 1953 it had been decided to reduce the number to seven, with a gap left at the side of what is now no.13. The reasons for this decision are not stated in the relevant council minutes (included at appendix 1), but the Design & Access Statement accompanying the present application states (at 3.1) that 'both houses on either side of the access road to the chapel were originally designed to make sure the chapel could be viewed from Kemplay Road'. Whether or not this was the intention, it was certainly the effect. A contract was let to S. Varney & Co. of Herne Hill, whose final tender price (for three three-bedroom and four two-bedroom houses) was £13,670. The development was completed in 1955. Council minutes for April 1953 also record the sale for development of the access land to the chapel from Pilgrim's Lane.

3. NEARBY HERITAGE ASSETS AND THEIR SETTINGS

The NPPF defines a heritage asset 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)’.

Setting of a heritage asset is defined in the NPPF 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’.

The application site lies within Hampstead Conservation Area, a designated heritage asset. The area around Willoughby Road, including Kemplay Road, is described in the Hampstead Conservation Area Statement as

...one of the most dense and homogenous parts of Hampstead, laid out somewhat like a grid. The houses are mostly of red or gault brick. Few are of high architectural quality, but many have attractive timber porches, ornamental brickwork or other flourishes typical of their period. Denning Road, Carlingford Road, Kemplay Road all run downhill away from Willoughby Road comprising largely four storey terraced Victorian houses with their rooflines stepping downhill to the east¹.

Kemplay Road is described in the Conservation Area Statement as follows:

Most of the north side is a terrace (Nos.4-24) that steps up the hill. Built in gault brick with three storeys and raised ground floor and a semi-basement. The windows have a distinctive arch detail in carved brickwork; originally built with a small dormer there are now a number of large harmful dormers (Nos. 4, 10, 14, 18, 22, 24). At the corner with Pilgrim’s Lane is No.2, a two storey double fronted house with similar brickwork to the adjacent terrace. The single storey bay and porch has a parapet and balustrade and there are pollarded trees in the front garden. The south side has three storey Victorian properties at either end but the central section has a lower profile with the Rosslyn Hill Unitarian Chapel (listed) set back from the street. It also has an entrance on Rosslyn Hill. The Chapel is in Kentish ragstone rubble with Portland Stone dressings. Either side of the Chapel, on a site that was part of the chapel garden and was left unbuilt until the middle of the 20th century are some plain two storey terraces - Nos.5 & 7 and Nos.13-21. There are mature trees in the chapel garden and in the front gardens of Nos.5-21. Tucked away to the west of the Chapel is Pilgrim’s Place, a listed terrace of three mid-19th century unrendered cottages.

¹ London Borough of Camden, Hampstead Conservation Area Statement, p.27

The application site forms part of a group of mid-1950s council houses built by the Metropolitan Borough of Hampstead on part of the former garden of the Unitarian Chapel, and partly frames a view towards the chapel from Kemplay Road.

The chapel is listed Grade II and described in the list entry as follows:

Unitarian chapel. 1862 by John Johnson; 1885, north aisle, chancel and committee room added by Thomas Worthington, a Manchester Unitarian. Kentish ragstone rubble with Portland stone dressings. Slated pitched roof with fleche. Gothic style. Wide aisled nave of 7 bays with sanctuary. INTERIOR: with vaulted timber roof and gallery at west end. 2 plaster relief panels in chancel attributed to John Flaxman. Good range of C19 stained glass, in geometrical tracery, by Morris and Co to cartoons by Burne Jones, Henry Holiday, Clayton & Bell, Wilson & Hammond, Lavers & Westlake and Mayer & Co of Munich. Good range of memorials including a memorial to the artist Helen Allingham.



Figure 4: 13 Kemplay Road, with Grade-II listed Unitarian Chapel to rear

4. CONTRIBUTION OF SETTING TO SIGNIFICANCE OF HERITAGE ASSETS

The group of mid-twentieth-century red brick former council houses are described in the Conservation Area Statement (p. 34) as ‘neutral’ in terms of their contribution to the character and appearance of the conservation area.

The Unitarian Chapel is of high significance as a good example of mid-Victorian gothic revival design, and for the quality of its internal furnishings. There are important views towards the building, particularly from Kemplay Road, and these views make a positive contribution to the building’s significance and to the character and appearance of this part of the conservation area.

The primary view is from Kemplay Road (figure 4). It was possibly in order to maintain this view that the number of houses was reduced from eight to seven in 1953. There is also a view of the chapel from Rosslyn Hill (figure 5). Although giving onto a major thoroughfare and also a positive element in the setting of the chapel, this is a less significant view, being oblique and only formed later, by the demolition of a building on the street frontage (compare maps at figs. 2 and 3).



Figure 5: View towards Unitarian Chapel from Rosslyn Hill

5. RELEVANT NATIONAL POLICY AND LOCAL PLAN POLICY AND GUIDANCE

The most relevant sections of the relevant national and local policies are here highlighted in bold.

Section 66 (1) Planning (Listed Buildings and Conservation Areas) Act, 1990 states that:

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** [...]

Section 72(1) of the 1990 Act states that:

...in the exercise of functions under the Planning Acts, 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 that area.**

NPPF paragraph 126 enjoins local authorities to recognise that designated heritage assets are an irreplaceable resource and to conserve them in a manner appropriate to their significance. Paragraphs 132-4 state:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. **Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.** As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a Grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance [...] should be wholly exceptional. [...] **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.**

Camden Local Plan policy D2 (Heritage) states the following:

Designed heritage assets include conservation areas and listed buildings. 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.

Policy D2 (Heritage) also states:

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.**

Concerning listed buildings, Policy D2 states:

The Council will:

i. resist the total or substantial demolition of a listed building;

j. resist proposals for a change of use or alterations and extensions to a listed building where this would cause harm to the special architectural and historic interest of the building; and

k. **resist development that would cause harm to significance of a listed building through an effect on its setting.**

Policy D2 (Heritage) states that the Council will take account of conservation area statements when assessing applications within conservation areas. The Hampstead Conservation Area Statement includes the following policy guidelines:

H5: The Council will seek the retention of those buildings which are considered to make a positive contribution to the character or appearance of the Conservation Area, **and will only grant consent for demolition where it can be shown that the building detracts from the character of the**

area. Consent will not be granted for demolition unless a redevelopment scheme has been approved which will preserve or enhance the Conservation Area.

H43: Normally the infilling of gaps between buildings will be resisted where an important gap is compromised or the symmetry of the composition of a building would be impaired. Where side extensions would not result in the loss of an important gap they should be single storey and set back from the front building line.

6. IMPACT ON SIGNIFICANCE OF HERITAGE ASSETS AND SETTING

No. 13 Kemplay Road has been identified as making a neutral contribution to the character and appearance of the Hampstead Conservation Area. The view towards the Grade II Rosslyn Hill Chapel contributes positively to the setting of the listed building, and to the character and appearance of the Hampstead Conservation Area.

It is proposed to demolish no. 13, which forms the end of a short terrace of houses, and replace it with a new, larger, detached house. The Conservation Area Statement (policy guideline H5) states that the council will only grant consent for demolition where it can be shown that the building detracts from the character of the area. No. 13 has been identified as neutral, and therefore does not detract from the character of the area. Policy D2 (Heritage) states that the Council will take account of conservation area statements when assessing applications within conservation areas, but no reference was made to the statement and its policy guideline H5 in the officer's report when demolition was considered (7.5). Instead, at 7.19 the opinion was offered that 'the modern design is an improvement on the utilitarian design of the existing building, and therefore is considered to preserve and enhance the character and appearance of the conservation area'.

Even if this opinion on the merits of the replacement building was to be accepted (it is at least open to debate), it does not suffice as an assessment of impact on the character and appearance of the conservation area. It is suggested that the main issue here is not the merits or otherwise of the existing building, but the impact of its replacement on the setting of the listed chapel. Notwithstanding the requirements of NPPF paragraph 128, the council has not been helped, but rather hindered by the applicants in this regard. Earlier proposals were accompanied by elevations which did not show the listed chapel accurately, omitting the gabled aisle. This was compounded by diagram 2 on page 6 of the Design and Access Statement, which omitted the aisle from the highlighted (in red) view of the chapel. Furthermore the Heritage Statement contained no description of the designated heritage assets whose setting was affected, no assessment of their significance, no assessment of the contribution made by their setting, and

no assessment of impact. Possibly based on this information, or lack of information, the officer report to the planning committee contained a number of challengeable comments and opinions:

7.14 : ‘A longer, wide view is provided from Kemplay Road itself, over the side gardens between the houses and the trees which can be obscured by low branches. The chapel has a gabled western aisle which is largely obscured in this wider view, although the gable can be seen above the existing planting’. As the photograph at figure 4 shows, the view of the gabled western aisle is not largely obscured; much more than the gable can be seen, including the window with gothic tracery and historic stained glass.

7.14 continues: ‘There is a relatively narrow angle of view from the west, over the side garden of no. 13 which does not take in the grounds of the chapel or the western aisle, but does provide a view of the rear of the chapel and its steeped pitched roof. The increase in width of the proposed dwelling would encroach into this view when viewed from the northwest, but this encroachment is limited given the width of the gap between nos. 7 and 13. The view of the aisle is already obscured by the existing building from this vantage point’. Again, the views are not as obscured as is suggested, but the fact of encroachment is acknowledged. Encroachment into an important view cannot be regarded as preservation or enhancement, only as harm; the only debate concerns the degree of harm, relative to the purported benefits of the scheme.

7.15: ‘...the view of the chapel would only be affected in a very narrow angle of view, the proposal is not considered to cause harm to the setting of the listed building’. Again, the fact that the view would only be affected in a narrow angle does not mean that there would be no harm to the setting of the listed building. It means that there *would* be harm, albeit harm that was less than substantial. The degree of harm may be at the lower end of less than substantial, but nevertheless still constitutes harm, and the NPPF does not allow for arguments over degrees of less than substantial harm. In the absence of any public benefits (the applicants have not even sought to argue for these) the proposal should not be permitted as it stands.

7. MAXIMISING ENHANCEMENT AND MINIMISING HARM

In its guidance document *The Setting of Heritage Assets*, Historic England advises that enhancement may be achieved by various means. These include:

- ‘removing or re-modelling an intrusive building or feature’. The existing house is neutral, not intrusive.
- ‘replacement of a detrimental feature by a new and more harmonious one’. The existing building is not a detrimental feature, and its replacement is not obviously more harmonious.
- ‘restoring or revealing a lost historic feature or view’. Rather than restoring or revealing a view, the current proposal aims to reduce an existing historic view.
- ‘introducing a wholly new feature that adds to the public appreciation of the asset’. No such new feature is proposed.
- ‘introducing new views (including glimpses or better framed views) that add to the public experience of the asset’. No new views will be introduced, but existing glimpses and framed views will be reduced, detracting from rather than adding to the public experience of the asset.
- ‘improving public access to, or interpretation of, the asset including its setting’. No such improvements are proposed.

Opportunities for enhancement therefore have not been taken, or are not available. We are therefore left with options for reducing harm. Amongst these, Historic England includes

- relocation of a development or its elements
- changes to its design
- the creation of effective long-term visual or acoustic screening, or
- management measures secured by planning conditions or legal agreements.

Of these options, the only one which applies is reducing harm by changes to design. This could be achieved by changing the location and massing of the replacement building to retain the width of the existing frontage and attachment to its neighbour, while extending in the basement and at the rear. This would preserve the public view towards the chapel from Kemplay Road and thereby preserve the setting of the listed building and the character and appearance of this part of the conservation area. However, this straightforward mitigation option has not been pursued.

8. CONCLUSIONS

No. 13 Kemplay Road belongs to a group of mid-twentieth century former council houses, built on part of the garden of the nineteenth century Rosslyn Hill Unitarian Chapel. The chapel is a Grade II building and makes a positive contribution to the character and appearance of the Hampstead Conservation Area, while no. 13 is a neutral contributor. The proposal to demolish the house and replace it with a larger detached house will result in encroachment upon the most important public view of the listed chapel. This will result in harm to the setting of that heritage asset, and to the character and appearance of this part of the conservation area. That harm would be less than substantial, and no public benefits have been advanced to weigh against the harm. Opportunities for mitigating the harm have not been taken. National and local policy therefore advises that planning permission should be refused.

* * *

APPENDIX 1: COUNCIL MINUTES AND PLANS, 1952-4

Hampstead Committee minutes - 25th September 1952

8.—Permanent Housing—Proposed Site in Kemplay Road.

- (a) We are in a position to report upon a further site in the Borough in connection with the Council's permanent housing programme.
- (b) The area comprises a site in Kemplay Road adjoining the Unitarian Chapel, Rosslyn Hill, and is owned by the Chapel Authorities; the net area of the site is .368 of an acre—the gross area for density calculation purposes being .45 of an acre.
- (c) We have obtained a favourable architectural report upon the possibilities of the site which would be capable of providing eight houses. Town Planning consent and approval to the use of the site for housing purposes have been obtained from the London County Council. The constructional costs with fees, but exclusive of cost of site, are estimated at £13,110, which figure we have submitted to the Finance Committee.
- (d) We are of opinion that steps should be taken to acquire the site and that it would be desirable to obtain Compulsory Powers.

We recommend—

- (e) That, subject to any further approvals required, a Compulsory Purchase Order be made, sealed and submitted to the Minister of Housing and Local Government for confirmation with respect to the site described below and indicated on the plan (numbered 2559/3) exhibited in the Council Chamber, and that all necessary steps be taken with a view to obtaining the confirmation thereof :—

Land in Kemplay Road adjoining the Unitarian Chapel, Rosslyn Hill, between Nos. 3 and 23, Kemplay Road, in the Metropolitan Borough of Hampstead.

19th February 1953

9.—Kemplay Road Scheme.

- (a) The Borough Engineer and the Housing Architect have now prepared and submitted to us plans showing the proposed development of the Kemplay Road site to provide seven houses. The plans will be exhibited in the Council Chamber for inspection by members of the Council.
- (b) In principle we have approved the proposals and have forwarded copies of the plans to the London County Council for town planning (Stage II) approval.
- (c) The preliminary rough estimate of constructional costs with fees, but exclusive of cost of site and site works, is £13,295, which figure we have submitted to the Finance Committee. (See report of that Committee, page 26.)

30th April 1953

11.—Rosslyn Hill Chapel Trust Property.

We have received and noted a letter, dated 9th March, 1953, from the Charity Commission, enclosing copy of a Notice of an Order in respect of the proposed sale of land in Pilgrim's Lane, being part of the drive approach to the Rosslyn Hill Chapel, for the sum of £300. The land forms part of certain trust property held in connection with the Chapel.

12.—Vote of Thanks to Chairman

24th September 1953

3.—Kemplay Road Housing Scheme—Lay-out Plans.

- (a) The Borough Engineer and the Housing Architect have prepared and submitted to us working drawings of the proposed development of this site to provide three 3-bedroom and four 2-bedroom houses. These drawings will be exhibited in the Council Chamber.
- (b) In principle we have approved the proposals and have forwarded copies of the plans to the London County Council for town planning approval.

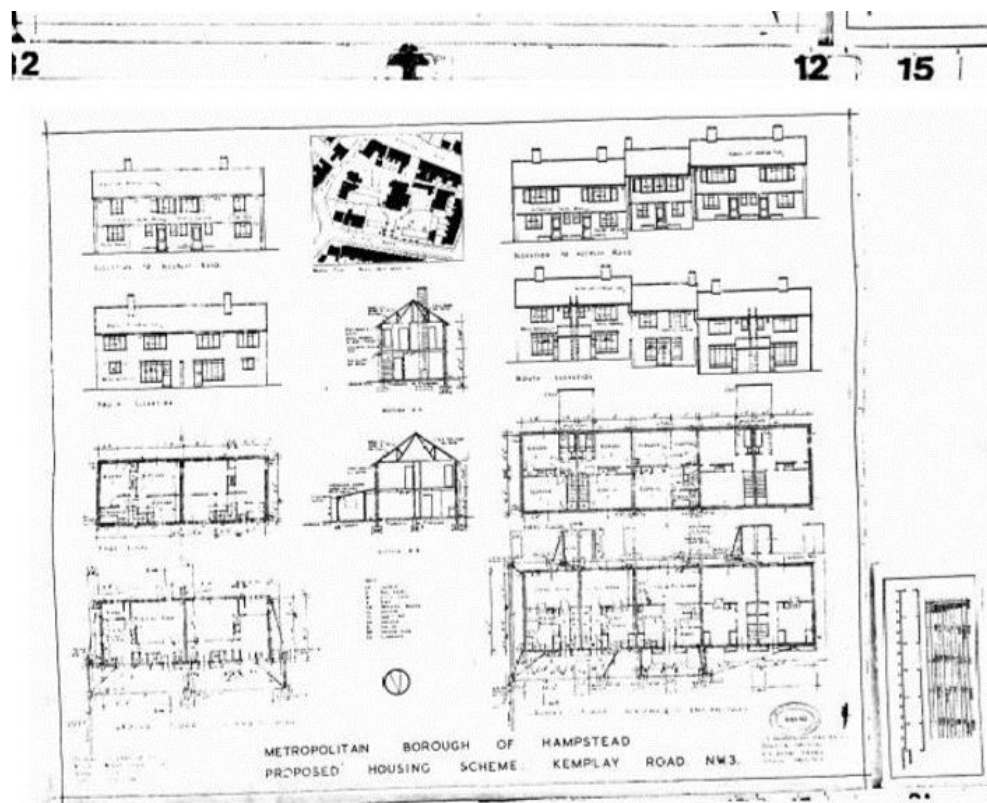
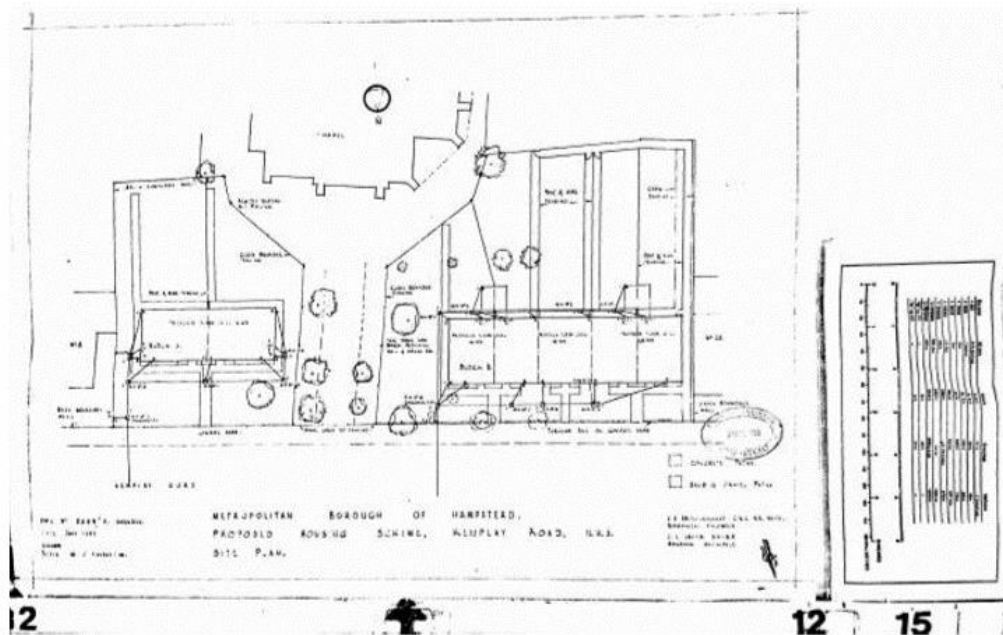
25th November 1954

5.—Kemplay Road Housing Scheme—Contract.

- (a) We report that circumstances have arisen which make it impracticable for us to proceed with the contract of G. H. Wright Ltd. whose tender was accepted by the Council for the erection of 7 houses at the Kemplay Road Housing Site. Their tender of £13,797 16s. was subsequently reduced by variations, amounting to £636, to £13,161 16s.
- (b) We have considered the next lowest tender received—that of S. Varney and Co. Ltd., amounting to £14,306 (an increase of £508 above the lowest tender) and we recommend below that it be accepted; the variations referred to above will apply also in this case, and further reductions may be required to offset the additional amount of the tender or of part of it. The tender is based on the R.I.B.A. form of contract and is subject to a "rise and fall" clause in respect of wages and materials. The period for completion of the contract is 8 months from the date of order to commence, assuming that there are no extensions of time for inclement weather or other reasons.

We recommend—

- (c) That no further action be taken on the tender submitted by G. H. Wright Ltd.
- (d) That, subject to any necessary sanctions, the tender of S. Varney and Co. Ltd. of 103 Shakespeare Road, Herne Hill, S.E.24, amounting to £14,306 be accepted for works in connection with the Kemplay Road Housing Scheme; and that a contract be prepared and sealed accordingly. *(The above amount is covered by the estimate already approved for the Scheme.)*
- (e) That the Housing Committee be given authority to take such action, by way of variations to the tender if necessary, in order to obtain the approval of the Ministry to the acceptance of the tender as early as practicable.



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