

46 Inverness Street, London NW1 7HB: assessment of proposals

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Introduction

- 1 The purpose of this note is to review and assess proposals for a site at 46 Inverness Street, London NW1 7HB. I have been asked to provide an independent opinion regarding the proposed scheme for the site and of the response to those proposals by the local planning authority. I have reviewed and commented on previous versions of the proposed scheme. This note sets out my opinion on earlier versions of the scheme and the scheme now to be submitted for planning permission, and my comments regarding these resolved proposals are as set out in the context of the initial and revised proposals.
- 2 The scheme proposes to replace the existing building at 46 Inverness Street with a two storey residential dwelling, plus basement level.
- 3 I have visited and inspected the site, and reviewed the following material:
 - *46 Inverness Street - Heritage Statement*, Issue 1, Purcell, September 2015
 - *46 Inverness Street - Pre-Application No.1*, Revision 2, Purcell, 15 March 2016
 - Pre-application response from the London Borough of Camden, ref 2016/1657/PRE, dated 2 September 2016
 - Revised proposal Option 1 view, Purcell

- Revised proposal Option 2 view, Purcell
 - Drawings dated 12 June 2018: Basement Floor Plan; Ground Floor Plan; First Floor Plan; Main Elevation; Sections A-A, B-B, C-C, D-D; Section E-E; Section F-F.
 - *46 Inverness St - Design & Access Statement - June 2019, Purcell*
 - *46 Inverness St - Heritage Impact Assessment - June 2019, Purcell*
 - 236534 Purcell visualisation View 1
 - 236534 Purcell visualisation View 2
 - Drawings dated 15 May 2019: 001, 002, 100, 110, 111, 112, 201, 202, 203, 204, 201, 211, 220, 222 and 223.
- 4 The author of this report is Kevin Murphy B.Arch MUBC RIBA IHBC. He was an Inspector of Historic Buildings in the London Region of English Heritage (now Historic England) and dealt with a range of major projects involving listed buildings and conservation areas in London. He was specifically responsible for heritage planning casework in the London Borough of Camden. Prior to this, he had been a conservation officer with the London Borough of Southwark, and was Head of Conservation and Design at Hackney Council between 1997 and 1999. He trained and worked as an architect, and has a specialist qualification in urban and building conservation.

The site and its surroundings

- 5 The site is located in the Primrose Hill Conservation Area (designated in 1971), near the junction of Inverness Street and Gloucester Crescent, on the north side of Inverness Street. The boundary of the conservation area runs across Inverness Street along the eastern boundaries of No. 40 and No 37; to the east and on the southern side of Inverness Street is the Camden Town Conservation Area. Numbers 40, 42 and 44 Inverness Street and attached railings, Numbers 37-43 Inverness Street and attached railings, Two Lamp Posts Opposite Numbers 43 are all listed Grade II. Nearly all the buildings in Gloucester Crescent are also listed Grade II.
- 6 This and other information concerning the site and its context is contained in Purcell's extremely thorough and comprehensive 'Heritage Statement'. I have reviewed this document and I consider that it represents a detailed, scholarly and accurate assessment of the site and its surroundings and I agree with its conclusions regarding the heritage significance of 46 Inverness Street and its context.

- 7 The report provides an exhaustive account of the history and development of the area and of the site's role in that development, an analysis of the existing building at 46 Inverness Street and its fabric, and an assessment of heritage significance. It summarises the significance of 46 Inverness Street as follows;

Originally an ancillary structure to 24 Gloucester Terrace, but heavily altered and added to and now in a ruinous state, 46 Inverness Street is not a contributor to the strong residential character of the area in which it is situated. Despite its dual historical narrative, which makes it part of and indeed reflective of the palpable shift in character between the Primrose Hill Conservation Area and the Camden Town Conservation Area, it is now a building of little significance to either area, contributing little to views or streetscape. It is the finding of this report that overall, the significance of 46 Inverness St is 'Low'.

- 8 A detailed explanation of the reasoning behind this conclusion is provided. Based on this reasoning and the evidence on which it is in turn based, I fully agree with the findings of the Heritage Statement regarding the significance of 46 Inverness Street.
- 9 In addition, the Heritage Statement sets out a series of 'Design Parameters' for the redevelopment of the site which, again with reference to the analysis provided earlier in the document, I find to be entirely appropriate, given the nature of the site and its surroundings.

The proposed scheme

- 10 The proposed scheme is illustrated in the drawings and Design & Access Statement by Purcell. This document describes the nature and purpose of the scheme and how it has responded to previous pre-application advice, to the circumstances of the site and its significance, and to the design parameters contained in the Heritage Statement. The scheme proposes to replace the existing building at 46 Inverness Street with a two storey residential dwelling, plus basement level.
- 11 Again, I find this work to be thorough and intellectually sound – the analysis that gives rise to the design proposal is logical, robust and consistent with good architectural practice. The proposed scheme is very evidently based on a careful correlation of the brief and the client's expectations for the site with the constraints imposed in heritage and design terms by the heritage significance and physical reality of the site in relation to neighbouring properties. In addition, the creative interpretation of the style and appearance of the context of the site in contemporary terms corresponds to a familiar approach to building in a historic setting, of which many examples exist. The resulting design, in my view, is of a very high quality and entirely appropriate for its site. The proposed scheme would very

clearly preserve the character and appearance of the conservation area and the setting of listed buildings (and the Camden Town Conservation Area), and thus satisfy legislation, policy and guidance concerning the historic built environment.

The initial proposals

- 12 The Council's pre-application response to the initial proposals is dated 2 September 2016). The Council says that:

The front elevation/wall of the low, single storey building acts as a visual link that reflects the particular traditional pattern or character that could be expected from a return structure found at the junction of a Victorian development and which contributes to the particular architectural character of this part of the Conservation Area. The current single storey building and its neighbours are all part of the same homogeneous architecture.

- 13 This, at best, significantly overstates the significance of the structure at 46 Inverness Street but, more simply, is inaccurate - 46 Inverness Street is not a typical 'return structure' nor is the 'current single storey building and its neighbours are all part of the same homogeneous architecture'. However, the Council confirms that 'The existing single storey building is depressed and run down, no objection is made to the principal of a replacement structure in this location, pending an appropriate and sensitive design'.
- 14 This is consistent with the Council's previous confirmation, in an earlier pre-application response to a previous scheme for the site in 2015, that 46 Inverness Street does not make a positive response to the Primrose Hill Conservation Area, something made clear in the conservation area appraisal (adopted in 2000).
- 15 The Council rightly emphasises the importance of the 'gap' between the buildings of Gloucester Crescent and Inverness Street, occupied by 46 Inverness Street as a significant feature of the conservation area and the streetscape. This is something noted in both the Heritage Statement and the pre-application document. The pre-application document provides a detailed analysis of the 46 Inverness Street 'gap' along with others in the vicinity and makes a number of cogent observations. It notes that 'the gap site at No. 46 is not an intentional view; rather, it is the product of the termination of two development schemes, Gloucester Crescent arriving from the west, and Inverness Street arriving from the north east'. It continues 'preserving the precise character of the gap site is not a key priority in the development of the site., being unintentional and making a limited contribution to the character of the wider Conservation Area. Instead, responding to context and setting is more important here, particularly retaining a sense of the hierarchy of the buildings

within the streetscape and, further, responding to the existing building lines, scales, and massing.

- 16 The Council, in contrast, provides a somewhat misleading assessment. It maintains that such gaps are 'planned spaces', which is highly questionable – the clear historical evidence is that such gaps were the product of incremental development, adjacent but unrelated, rather than intentional pieces of urban design. The large, unarticulated, blank expanse of the rendered gable to 24 Gloucester Crescent should, apart from anything else, make this obvious. The Council also somewhat overstates the value of seeing rear elevations from the street, which is something the builders of Gloucester Crescent and Inverness Street (and their purchasers) would not have understood. That said, there appears to be no dispute between the applicant and the Council that such gaps have a measure of heritage significance, and I agree with this.
- 17 However, the Council, in my view, exaggerates the degree to which the proposed scheme would cause the loss of the gap at 46 Inverness Street. The proposed scheme very obviously maintains a height that is substantially less than the adjacent buildings. The scheme would be a storey lower than 44 Inverness Street and less than half the height of (the blank gable of) 24 Gloucester Crescent. I therefore find it remarkable that the Council feels able to assert that 'The proposed height scale, bulk and massing would impose, dominate and detract from both the Gloucester Crescent and Inverness Street listed buildings'. The Council attaches somewhat more importance to the porch to 24 Gloucester Crescent than the feature deserves, and the greater (stepped) height of the proposal does not inherently compromise the porch in views – it is marginally higher at the rear of the porch.
- 18 The Council's objection to the additional height at first floor rising from the back-of-pavement line does not acknowledge the improvement over the present situation whereby the existing building steps forward to the back-of-pavement line at the boundary with 44 Inverness Street – the proposed scheme steps forward at a point much further towards Gloucester Crescent before stepping in again towards 24 Gloucester Crescent. The two story portion of development that sits forward of the building line of Inverness Street – apart from remaining lower than adjacent buildings – is relatively narrow in width.

The revised proposals

- 19 The revised proposals (as illustrated in the Revised proposal Option 1 and 2 views) represent a lower massing, whose parapet line corresponds the top of the first floor windows of 44 Inverness Street and approximates to the height of the porch to 24 Gloucester Crescent. The architectural expression is more grounded in the aesthetics of the surroundings terraces and allusive to the proportions and

fenestration of those buildings. The elevation of the proposal is drawn well away from the back-of-pavement line. It is clear that these revised proposals successfully addressed the concerns expressed by the Council in its pre-application response.

The application proposals

- 20 The most recent proposals, in response to dialogue with the Council and with the Primrose Hill Conservation Area Committee, revert to a design closer to the initial proposals while remaining at the reduced height of the revised proposals. I note that a shadow gap is introduced to enhance the relationship of the proposed scheme with the porch to 24 Gloucester Crescent, and this is a positive measure. Adjustments have been made to the fenestration – including the introduction of spandrel panels – and the scheme continues to adopt a more symmetrical approach to the street massing than the initial proposals.

Assessment

- 21 I conclude that the proposed scheme for 46 Inverness Street, both as originally proposed, as revised and as now resolved for the purposes of making a planning application, preserves and enhances the character and appearance of the Primrose Hill Conservation Area, as well as preserving and enhancing the setting of the nearby listed buildings and the Camden Town Conservation Area. That this is the case is clear when the existing situation is compared with what is proposed, and when a balanced assessment of the effect on heritage significance is undertaken. The proposed development thus complies with S.66(1) and S.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. I do not believe that it leads to ‘substantial’ harm or any meaningful level of ‘less than substantial’ harm to any heritage assets.
- 22 It is important to note that the legal requirement regarding satisfying Section 72(1) of the Act was established by *South Lakeland District Council v Secretary of State for the Environment and another* [1992] 1 ALL ER 573, and is met if the proposed development leaves the conservation area unharmed.
- 23 In considering the proposed scheme for 46 Inverness Street it is worth noting Historic England’s online guidance regarding ‘Legal Requirements for Listed Building and Other Consents’¹. English Heritage points out that ‘Most of the principles that should be adhered to when making planning and other consent decisions affecting the historic environment are set out in policy and guidance. However, the law introduces some important and inescapable considerations for certain applications’.

¹ <http://historicengland.org.uk/advice/hpg/decisionmaking/legalrequirements/>

24 Historic England continues:

When considering any conservation area consent or planning permission decision that affects a conservation area a local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of that area....

The House of Lords in the South Lakeland case² decided that the “statutorily desirable object of preserving the character or appearance of an area is achieved either by a positive contribution to preservation or by development which leaves character or appearance unharmed, that is to say preserved.”

A development that merely maintains the status quo, perhaps by replacing a building that detracts from the character and appearance of the conservation area with a similarly detrimental building, would satisfy the statutory consideration. This is notwithstanding that the existing detrimental building presents an opportunity, when it is being redeveloped, to improve the environment.

However, in a number of ways the policies in the NPPF seek positive improvement in conservation areas. Most explicitly paragraphs 126 and 131 require that local planning authorities should take into account "the desirability of new development making a positive contribution to local character and distinctiveness". Paragraph 9 says that pursuing "sustainable development involves seeking positive improvements in the quality of the...historic environment...". The design policies further reinforce the objective of enhancement of an area's character and local distinctiveness, concluding that "Permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area..." (paragraph 64).

Compliance with both the statutory consideration and the NPPF policies therefore, generally speaking, requires account to be taken of the desirability of taking opportunities to enhance the character and appearance of a conservation area. As such, whilst the South Lakeland case is still relevant to the interpretation of statute, its effect on decision-making has apparently been negated in this respect by the policies in the NPPF.

- 25 The key word in the final paragraph of this extract is ‘apparently’. This carefully chosen word makes it abundantly clear that it is far from certain that the South Lakeland decision has been definitively altered by the National Planning Policy Framework. One reason is that it, as a legal decision, cannot be altered without a similar decision or legislation that overturns it – policy, even national planning policy guidance, cannot overturn legal decisions such as South Lakeland. Planning

² *South Lakeland District Council v Secretary of State for the Environment and another* [1992] 1 ALL ER 573

decisions are ultimately made in a legal and policy context – not just in a policy context alone.

- 26 The conclusion is this: it would be extremely difficult to portray the proposed scheme for 46 Inverness Street as doing anything less than maintaining the ‘status quo’ in the Primrose Hill Conservation Area, given that the site presently – as confirmed in the conservation area appraisal and in pre-application discussions – makes no positive contribution to the conservation area, and the evident quality of architectural design that is present in the proposal. However, and as already stated, it is clear that the proposed scheme goes well beyond preserving the status quo - it positively enhances the Primrose Hill Conservation Area.

Summary and conclusion

- 27 The existing building at 46 Inverness Street, in my view, is not neutral in the Primrose Hill Conservation Area – I believe that it detracts from the character and appearance of the conservation area and the setting of listed buildings and should be replaced. The proposed scheme – for a residential use that is consistent with the residential character and appearance of the area – provides a dwelling that is a sensible and practical size. It does this while respecting its context and preserving the townscape gap that exists between Nos 24 Gloucester Crescent and 44 Inverness Street. Its architectural language - whether as originally proposed or as revised – is sympathetic to the architectural expression and typologies of that context. In my view, the proposed scheme is exemplary in its design and response to its site, and should be granted planning permission.

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