



31 DALEHAM GARDENS,  
LONDON, NW3 5BU.

**PLANNING & HERITAGE  
STATEMENT**

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## 1.0 Introduction

1.1. This Planning & Heritage Statement has been prepared by Lambert Smith Hampton on behalf of LB of Camden to accompany a Conservation Area Consent planning application in relation to the following proposed development at 31 Daleham Gardens, London, NW3 5BU:

- Demolition of existing building

1.2. This Statement outlines the background/planning history for the site, identifies various relevant adopted planning policies, justifies the principle of development, establishes the context of the site within the wider locality, and assesses / justifies the proposal.

1.3. The planning application submission documentation includes:

- Covering Letter
- Conservation Area Consent Application Form
- Site Location Plan
- Site Plan
- Existing Floor Plans (Listed in Appendix 2)
- Demolition Method Statement
- Planning & Heritage Statement (Prepared by: Lambert Smith Hampton)

1.4. The report is structured as follows:

- Section 2 – sets out the site context and the proposed development
- Section 3 – provides an overview on the planning history for the site
- Section 4 – relates to the heritage aspect of the site
- Section 5 – highlights the various key relevant planning policies
- Section 6 – covers the key planning justification for the proposal
- Section 7 – concludes with the planning merits of the proposal

## **2.0 Proposed Development**

- 2.1. The proposal seeks consent for the demolition of the existing building located at 31 Daleham Gardens, London, NW3 5BU.
- 2.2. The existing building was badly damaged by a fire in 2017 and has been deemed unsafe. The proposed re-development of the site will be prepared once the building has been demolished, and therefore the site will not be undeveloped long-term.
- 2.3. Once demolished, the site will feature a suitable boundary and hoarding.

### 3.0 Application Site

- 3.1. The application site features a site area of approximately 0.1348ha, and features a building which comprises four-stories (including a basement) (143sqm). The site is located to the west of Daleham Gardens, close to the junction with Akenside Road. The site is located within the Fitzjohns Netherhall Conservation Area, and featured residential units / was in a residential use before it was badly damaged by a fire in 2017. The building is currently considered to be unsafe and it has not been inhabited since the fire.
- 3.2. The application site is located at a higher ground level than the neighbouring property located to the south. The application site features a staggered front building line, with a prominent front gable.

Application Site



Figure 1: Street Scene Image of the Application Site Pre-Fire Damage



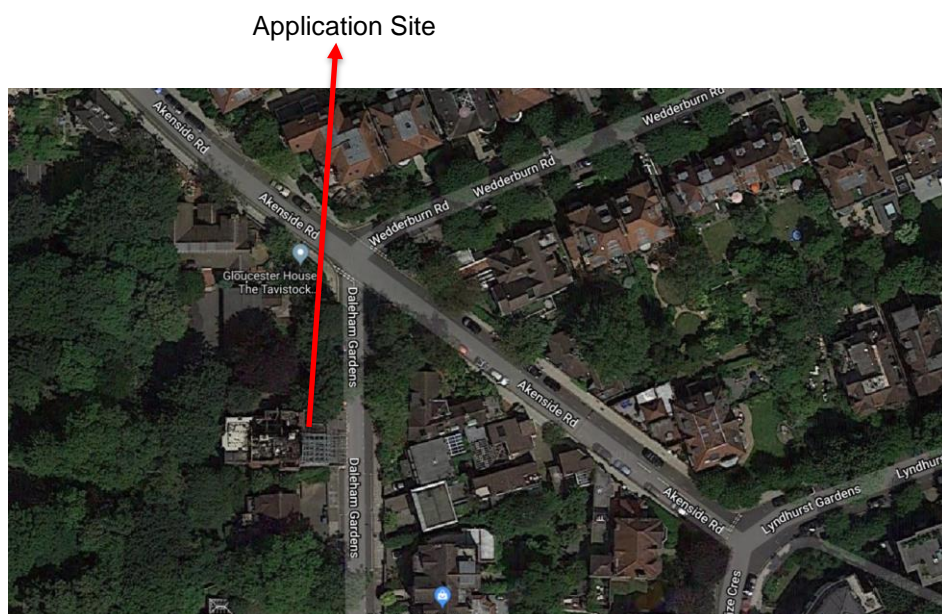


Figure 2 : Aerial Image of the Application Site

## Planning Designations

- 3.3. As shown on the adopted policy proposal map extract below, the application site is located within the Fitzjohns Netherhall Conservation Area.

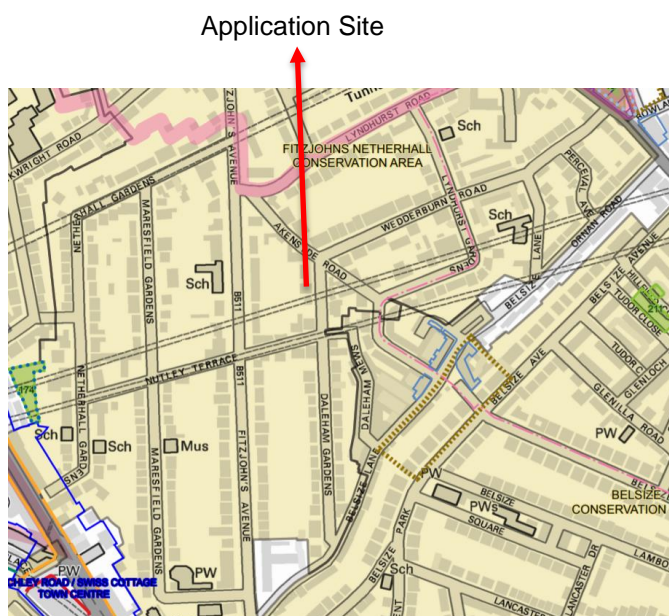


Figure 3: Extract of Adopted Planning Policy Proposal Map

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## 4.0 Site History

4.1. The site has the following planning history:

- CTP/F7/8/8/6653; Erection of two storey rear extension to form bathrooms and alterations to 31 Daleham Gardens, Camden; 06-02-1969; Conditional
- 10904; The formation of a new entrance porch at No. 31 Daleham Gardens, N.W.3; 07-04-1971; Refusal
- 18478; Alterations to existing front porch at 31 Daleham Gardens, N.W.3; 13-03-1974; Permission
- 8793030; Prune tree; 06-03-1987; Agree
- 2012/1213/P; Flats 1-10, 31 Daleham Gardens and Flats 1-6, 31A Daleham Gardens London NW3 5BU; Installation of communal digital TV reception equipment including 2 satellite dishes, an aerial and associated equipment, an external cabinet and new external cable runs to each residential flat (Class C3); 08-03-2012; Granted

4.2. There is no previous planning history which has any impact on the current development proposal.

## **5.0 Heritage**

- 5.1. The application site is located within the Fitzjohns Netherhall Conservation Area. According to the Fitzjohns/Netherhall Conservation Area Statement, the application site has replaced its original windows. The impressive side boundary wall remains with its combination of red/orange and blue brick typical of the street, though its inset panels, flowing courses and large scale are also a sign of its difference.
- 5.2. Although the application site was previously assessed as making a positive contribution to the special character and appearance of the Conservation Area, since the building has been severely damaged by fire it is argued that it now makes a negative contribution to the special character and appearance of the Conservation Area.
- 5.3. The Council will seek the retention of those buildings which are considered to make a positive contribution to the character and 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. As indicated in Appendix 1, the burnt remnants of the building clearly indicate the site no longer makes a positive contribution to the Conservation Area within which it is located.



## 6.0 Planning Policy Context

- 6.1. In accordance with the provision of the Planning and Compulsory Purchase Act 2004, regard has been given to relevant planning policy in the preparation of this application. A summary of the most relevant national and local planning policies to the assessment of this application are outlined in this section.

### National Planning Policy Framework (NPPF) (2019)

- 6.2. A revised National Planning Policy Framework (NPPF) was adopted in February 2019, setting out the Government's planning policies for England and how they are expected to be applied. The NPPF requires the planning system to perform economic, social and environmental roles. (NPPF; Paragraph 8) These three overarching objectives are interdependent and need to be pursued in mutually supportive ways.
- 6.3. At the center of the adopted NPPF, which sets out Central Government's overarching national strategic planning objectives is a presumption in favour of sustainable development:

*"So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development...For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay..."*  
(NPPF, para. 10 and 11)

- 6.4. Paragraph 200 states:

*"Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably."*

- 6.5. Paragraph 201 states:

*"Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance*

*of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.”*

6.6. Paragraph 202 states:

*“Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies, but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.”*

### **The London Plan (2016)**

6.7. Policy 3.14 Existing Housing states:

*“Loss of housing, including affordable housing, should be resisted unless the housing is replaced at existing or higher densities with at least equivalent floorspace.”*

6.8. Policy 7.8 Heritage Assets and Archaeology states:

*“Development should identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate.”*

### **The draft London Plan (Intend to Publish) (December 2019)**

6.9. Policy H8 Loss of existing housing and estate redevelopment states:

*“A Loss of existing housing should be replaced by new housing at existing or higher densities with at least the equivalent level of overall floorspace.”*

6.10. Policy HC1 Heritage conservation and growth states:

*“Development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets’ significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process.”*

## **The Development Plan**

### **LB of Camden Local Plan (adopted: 2017)**

#### **6.11. Policy H3 Protecting existing homes states:**

*“The Council will aim to ensure that existing housing continues to meet the needs of existing and future households by:*

- a. resisting development that would involve a net loss of residential floorspace, including any residential floorspace provided;*
  - within hostels or other housing with shared facilities; or*
  - as an ancillary element of another use, wherever the development involves changing the main use or separating the housing floorspace from the main use;*
- b. protecting housing from permanent conversion to short-stay accommodation intended for occupation for periods of less than 90 days; and*
- c. resisting development that would involve the net loss of two or more homes (from individual or cumulative proposals), unless they:*
  - create large homes in a part of the borough with a relatively low proportion of large dwellings; • enable existing affordable homes to be adapted to provide the affordable dwelling-sizes that are most needed; or*
  - enable sub-standard units to be enlarged to meet residential space standards.”*

#### **6.12. Policy D2 Heritage states:**

*“The Council will preserve and, where appropriate, enhance Camden’s rich and diverse heritage assets and their settings, including conservation areas, listed buildings, archaeological remains, scheduled ancient monuments and historic parks and gardens and locally listed heritage assets.*

*The Council will not permit the loss of or substantial harm to a designated heritage asset, including conservation areas and Listed Buildings, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

- a. the nature of the heritage asset prevents all reasonable uses of the site;*
- b. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;*

- c. conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
- d. the harm or loss is outweighed by the benefit of bringing the site back into use.*

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

*Conservation areas are designated heritage assets and this section should be read in conjunction with the section above headed 'designated heritage assets'. 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.*

## **7.0 Key Planning Considerations**

- 7.1. As evidenced in Section 5 above, a key element of relevant planning policy for sites located in Conservation Areas relates to proposals ensuring its preservation or enhancement. The LB of Camden Local Plan (2017) states that

*“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.”*

- 7.2. The application site was badly damaged by a fire in 2017 (see Appendix 1: Site Photos) and the remaining structure is deemed to be unsafe and to pose a health and safety risk. It is currently a burnt shell and is deemed to constitute a visual eye sore in the Conservation Area. Its presence does not preserve or enhance the character or appearance of the Conservation Area, and its demolition is argued to deliver, and result in, a vastly improved street scene and visual appearance to the Conservation Area than at present. Demolishing the building on site is argued to preserve and enhance the Fitzjohn/Netherhall Conservation Area.

- 7.3. As stated in the Fitzjohns/Netherhall Conservation Area Statement:

*“The Council will seek the retention of those buildings which are considered to make a positive contribution to the character and 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.”*

- 7.4. As existing, the remaining structure on site detracts from the character of the area and as such, by demolishing the existing building, this removes an eye sore and in turn will make a positive impact on Conservation Area. Post-demolition, a boundary and hoarding will remain in place for a temporary period whilst a re-development scheme for the site is prepared. It is envisaged that it will only be a short-term period in which the site remains undeveloped.
- 7.5. Whilst relevant Local Plan policy seeks to resist the net loss of residential floor space, the proposed demolition of the existing damaged building is merely a short-term/temporary situation for the site whilst a re-development plan for the site is put together. The site will seek to re-deliver the residential units that were lost as a result of the fire damage to the existing building.

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## 8.0 Conclusion

- 8.1. The existing fire-damaged building on site detracts from the character and appearance of the Fitzjohns/Netherhall Conservation Area, and its demolition will provide a positive contribution to the area whilst a re-development plan is prepared. Hoarding will be in place for a temporary period as the intention is to rebuild the site as soon as possible.
- 8.2. A re-development of the site ensures that there will not be a long-term loss of existing residential floor space.
- 8.3. The demolition of the existing building is considered to enhance the Conservation Area and will only result in a short-term situation where the site is undeveloped. Due to the fire damage the building incurred in 2017, health and safety dictates that its demolition is the preferred/ideal outcome.
- 8.4. It is therefore argued that the proposal provides a vastly improved outcome when compared to the existing situation on site. The proposal complies with various relevant policies, and the applicant contends that the case in support of this proposal is compelling. Consequently, the scheme should be supported by Officers / Members, and Conservation Area Consent subsequently granted.



## Appendix 1 – Site Photos

### APPENDIX 1: SITE PHOTOS



Figure 1: Front Elevation



Figure 2: Flank Elevation Facing 31a Daleham Gardens





Figure 3: Fire Damage





Figure 4: Street Scene of the Application Site



Figure 5: Internal Fire Damage





Figure 6: Internal Fire Damage





Figure 7: Fire Damage

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## Appendix 2 – List of Submitted Existing Floor Plans

- Existing Basement and Ground Floor Plans
- Existing First and Second Floor Plans