

# Heritage Note

## Boundary Wall at 22 Frognal Way / 20 Perrin's Walk, Camden

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<b>On behalf of:</b>	Ironside & Malone Design & Build	<b>Ref:</b>	0170

### Introduction

- 1.1 This Heritage Note has been produced by Ignus Froneman, on behalf of Ironside & Malone Design & Build, in consultation with BTP Group and DP9 Ltd. It provides information on the heritage issues associated with the proposed rebuilding of part of the boundary wall to the east of No. 22 Frognal Way, which is the subject of a live planning application presently under determination (ref. 2020/1906/P).
- 1.2 There have been responses to the application, stating that the wall is listed, and the works are not justified, amongst other comments. This Note addresses the heritage issues relating to the rebuilding of the wall.
- 1.3 The author of this Note has had a long involvement in this site. This started with initial advice on the redevelopment of the house at 22 Frognal Way, including supporting the pre-application submissions, the application submission (ref. 2015/3530/P), the subsequent appeal, and the judicial review, as well as advice in relation to the recent consent for the renovation of the outbuilding (granted on 14th August 2019 under ref. 2019/3210/P) and the new gate opening within the boundary wall (ref. 2019/5044/P).
- 1.4 Over the years, extensive documentary research was undertaken for No. 22 Frognal Way, as well as No. 20 Perrin's Walk, some of which has been used to inform this Note. The author of this Note inspected the wall in March 2018 and again in May of the same year.
- 1.5 This Heritage Note takes into account the following:
  - i. Price and Myers Structural Inspection Report, June 2018 (submitted in support of the previously approved applications).
  - ii. Structural Report by Cranston, March 2020 (submitted in support of the application).

- iii. Price and Myers Addendum letter, April 2020 (submitted in support of the application).
  - iv. Method Statement (submitted in support of the application).
  - v. Design and Access Statement by MY Construction (submitted in support of the application).
  - vi. Proposed drawings (submitted in support of the application).
  - vii. An objection to the application, entitled *An Independent Appraisal of Heritage Issues for Proposed Works to Boundary Walls At 22 Frognal Way*, produced by Alec Forshaw, June 2020.
  - viii. An objection to the application by David Milne on behalf of the Church Row Association, May 2020.
- 1.6 The Heritage Note does not address in detail representations made in objection to the application, and it does not offer a detailed rebuttal. Instead it considers the pertinent issues and provides information that addresses the concerns that are set out in the objections.
- 1.7 The remainder of the Heritage Statement is structured into the following sections, each under a separate heading but with continuous paragraph numbering throughout:
- i. Commentary on the allegation that the wall is listed.
  - ii. A section that considers the structural issues in relation to the wall.
  - iii. A section that considers the Method Statement prepared by MY Construction.
  - iv. A section that considers the Design and Access Statement and proposed drawings.
  - v. A section that considers the effect of the proposal, and how the outstanding concerns could be addressed.
  - vi. Conclusions.

### **The allegation that the wall is (curtilage) listed**

- 1.8 At paragraph 7 of his objection, Mr Forshaw states:
- "It is for the Local Planning Authority to determine what it considers the curtilage of a listed building to be, but the evidence here is strong that the walls should be regarded as part of the listed Church Row properties, notwithstanding present-day ownership and maintenance responsibilities."*
- 1.9 Mr Milne, on behalf of the Church Row Association, also states that the wall is listed.

1.10 This matter can be dealt with in short order, as follows:

- i. The wall is not a listed building in its own right.
- ii. The wall can, as Mr Forshaw correctly notes, be listed by virtue of falling within the curtilage of a listed building (as a former conservation officer, he will be aware of this).
- iii. As Mr Forshaw correctly notes, it is a matter for the Local Planning Authority to determine whether that is the case.
- iv. In this case, there are two recent decisions by the Local Planning Authority in which the wall was categorically not treated as a curtilage listed structure. This already deals with the issue. During the course of the current application, the Council's Conservation Officer has again stated that the wall is not listed.
- v. However, it is also clear that wall does not fall within the curtilage of the Church Row properties, and has not done so for a great many years.
- vi. The wall defines, and falls within, the curtilage of 22 Frogmal Way. This separate curtilage was created in 1948, when the land was acquired by Eleanor Farjeon (who lived at No. 20 Perrin's Walk). The buildings on Church Row were listed in 1950.
- vii. In any event, the wall cannot be curtilage listed. In the case of *Skerritts of Nottingham Ltd v Secretary of State for the Environment, Transport and the Regions and another* (2000) Walker LJ found that "No piece of land can ever be within the curtilage of more than one building".
- viii. The wall is in the curtilage of No. 22 Frogmal Way and has been in a separate curtilage for many years. The wall cannot be within the curtilage of both 22 Frogmal Way and another property.

1.11 In conclusion on this matter, the Local Planning Authority has in the recent past treated the wall as unlisted. For the consistency in decision-making alone, the wall cannot now become listed. However, the evidence supports the fact that the wall is not within the curtilage of a listed building. This was correctly not treated as listed by the Local Planning Authority.

### **The structural issues and remediation**

1.12 The wall is in a poor state of repair. It has been said that it has survived for many years, and can continue to survive without rebuilding. However, that does not reflect the actual situation as set out in two structural surveys and an addendum letter.

- 1.13 The following are noted from the Price and Myers Structural Report (produced in June 2018 and submitted in support of the consented applications):
- i. The wall is in a poor state of repair, with missing brickwork in places and repairs, patchwork and added piers evident.
  - ii. There is an obvious bow to the northern section at approximately 2.3m above ground level. Although it has been suggested that this might have been mistaken for the thicker base at the bottom of the wall, that comment is plainly misplaced and ill-informed.
  - iii. There is a level change between the two sides of this northern section of the wall, with a retained height of approximately 860mm to the 20 Perrins Walk side. This exerts force on the base of the wall.
  - iv. This part of the wall is leaning. The lean was measured in 2018 at 3 different locations, with measurements recorded at 48mm, 131mm and 144mm.
  - v. There is also a bow to the southern section of the wall, at approximately 2.3m above ground level.
  - vi. The southern part of the wall is also leaning. The lean to this part of the wall was measured in 2018 at 2 different locations, with measurements recorded at 51mm and 110mm.
  - vii. There is also a level change of approximately 400mm between the two sides in this southern part of the wall. Unlike the northern section of wall, due to its thickness of 325mm at its base, the wall is not acting as a retaining wall, as the spread of load at 45 degrees will transfer directly into the soil on the lower side.
  - viii. Due to the leaning, the wall is potentially unstable in the long term in 3 of the measured locations.
  - ix. The northern section of the wall is not capable of satisfactorily supporting the required applied wind loads and retaining forces against current codes of practice.
  - x. The report recommends both a 'Rebuilding Option' and a 'Strengthening Option', which would require the addition of piers.
  - xi. However, the report then concludes by stating "*At the time of the survey there was no particular evidence of continuing movement, however the wall has not been monitored and there is no way to know if the wall is actually stable.*"
- 1.14 The Structural Report by Cranston, prepared in March 2020 and submitted in support of the application, found the following:
- i. There is evidence of diagonal cracking, which suggests some ground movement.

- ii. Future root damage from trees close to the wall is likely.
- iii. The sections of wall below ground level that form the retaining section of the wall will continue to deteriorate over time. It is expected that the wall will continue to move and crack, allowing the process of deterioration to restart in the remediated sections of the wall.
- iv. There is concern that extensive remedial works to the wall, given its current condition, would have a detrimental effect on its stability.
- v. The remedial interventions required include the installation of wind posts, bed-joint reinforcement, buttressing and partial demolition and rebuild.
- vi. The process of chasing in wind posts, constructing new concrete bases and tooth bonding buttresses will all cause additional damage to the existing structure, which will undermine and cause further cracking.
- vii. Every aspect of the remedial works necessary will be intrusive and cause a degree of damage to the existing structure.
- viii. The installation of temporary works to stabilise the wall will cause significant damage to the wall.
- ix. The remedial works to the wall will distract from the original character of the wall.
- x. The expected lifespan of the wall would not be significantly increased by the remediation.
- xi. Vibration and disturbance to an already unstable structure is an avoidable health and safety risk, which we must be mitigated.

1.15 The Structural Report by Cranston was reviewed by Price and Myers, who then produced an Addendum Letter, that was also submitted in support of the application. The letter supported the findings of the Cranston report, and the following are highlighted:

- i. The Cranston report was the result of a more current and unobstructed survey of the wall.
- ii. The Cranston report highlights evidence of further cracking to the wall.
- iii. The Cranston report reinforces Price and Myers's view of the 2018 report in relation to the wall's overall lack of stability.
- iv. The Cranston report concluded that the strengthening works are likely to cause irreversible damage to the brickwork of the existing curtilage wall. Wind posts, bed joint reinforcement and new concrete footings are required. Additional damage is likely to be caused by the construction of the new buttresses and rebuilding of the existing buttresses, as the wall will need to be taken down locally

to ensure effective ties between the two can be achieved. The extent of the new buttresses is also expected to distract from the original character of the wall.

- v. Price and Myers support the Cranston report's recommendations to take down and carefully rebuild the wall.
- vi. It is then added that *"In our experience garden walls of this nature can be very precarious structures and maintaining its stability is a crucial concern. The recommendations within Section 4 of the 2020 Cranston report should be followed ..."*

1.16 In conclusion, the June 2018 Price and Myers Structural Report contained options for both the retention and strengthening of the wall, and rebuilding. However, this was qualified by a statement that there is no way to know if the wall is actually stable. The Cranston report was the result of a more current and unobstructed survey of the curtilage wall, and a more detailed consideration of the nature of the repairworks that would be necessary.

1.17 The Cranston report identified evidence of diagonal cracking, which suggests some ground movement, and the likelihood of root damage from trees and further future movement to the below ground part of the wall. The sections of wall below ground level that form the retaining section of the wall, will continue to deteriorate, causing movements and cracks in the remediated wall. The remedial works would include wind posts, constructing new concrete bases and tooth bonding buttresses, which will all cause additional damage to the existing structure, and undermine and cause further cracking. The installation of temporary works to stabilise the wall will cause significant damage to the wall. The disturbance to an already unstable structure is an avoidable health and safety risk. The expected the life span of the wall would not be significantly increased by remediating the wall.

1.18 Price and Myers supported the Cranston report's recommendations to take down and carefully rebuild the wall in their Addendum Letter. It stated expressly that maintaining the stability of the wall is a crucial concern and the recommendations within Section 4 of the 2020 Cranston report should be followed.

### **Method Statement**

1.19 The Method Statement, prepared by MY Construction and submitted in support of the application, states that the rebuilding works would be done according to the structural engineer sketches. The sequence is set out as:

- i. Excavation for the new retaining wall foundation.
- ii. Retaining wall reinforcement
- iii. Concrete pouring in two stages.

- iv. Drainage works at the back of the wall.
- v. Building the piers at the same distance as the existing ones
- vi. Creating the masonry buttresses below the piers.
- vii. Brick wall erection using existing bricks as much as possible.
- viii. Clear the area and handover.

1.20 The Method Statement is not as detailed as would be expected, for example, for the reconstruction of a listed wall.

### **Design and Access Statement and proposed drawings**

1.21 The Design and Access Statement states the following:

- i. It is proposed to carefully rebuild the boundary wall to match the existing arrangement and character.
- ii. The existing bricks would be salvaged and reused where possible with any new brickwork to match.
- iii. The new brickwork buttresses will be formed as previously consented.
- iv. The drawing notes highlight that the existing brick wall is to be carefully rebuilt to match existing. Existing bricks to be salvaged and reused where possible with lime mortar. Discreet brick buttresses to be built to match the location of the existing ones and matching ones introduced where required to ensure the boundary wall meets current standards.

1.22 The proposed drawings show the extent of demolition and the rebuilt wall in elevation. The proposed elevations do not include the curved sweeps of the wall, which have been subsequently heightened, and items such as render patches and iron straps are omitted. The previously consented rearrangement of openings and the changes to the outbuilding are shown. There are no detailed sections of the wall or other details, such as what may be expected for a listed building.

1.23 The Applicant's Agent (DP9 Ltd) prepared a cover letter that states the new wall will match the existing as best it can. Where possible existing bricks will be re-used to and that new bricks will be sourced to as best they can match the existing.

### **The effects of the proposed development and recommendations**

1.24 The wall is not listed, and neither is it locally listed. It has not been identified as a non-heritage asset by the Local Planning Authority in its recent decisions, and it has not been identified as such to date. As before, in the interest of consistency in decision-making, it would be problematic for the Local Planning Authority to now treat the wall as a non-designated heritage asset. Nevertheless, the wall is within the conservation area and

the effect of the proposed rebuilding on the significance of the conservation area needs to be considered.

- 1.25 There are clearly articulated and well-founded reasons, supported by two separate structural engineers, for proposing the rebuilding of the wall instead of repairing it, as was previously proposed and consented. Although objectors have questioned this, the objections were not supported by structural surveys. The objectors are not qualified surveyors, or structural engineers. They do not have professional indemnity insurance that would cover the assertions made about the wall, and the assertions made are not in accordance with professional standards for structural engineers/surveyors. The objectors would have no liability for structural recommendations that could unnecessarily put contractors at risk, or fail to ultimately solve the issues relating to the long-term stability of the wall. There is no evidence that the structural engineers' recommendations as submitted should be disregarded, or that they are flawed.
- 1.26 On that basis, and in the absence of authoritative evidence to the contrary, the structural engineers' recommendations must be accepted. It cannot reasonably be expected that a replacement wall would be constructed as an exact facsimile of the existing wall, or that it can (or should) match the patchwork and defects of the existing wall. Whilst it would be reasonable to expect a new wall to be carefully constructed to replicate the broad character and appearance of the existing wall, it would be unreasonable expect precise facsimile (which would, in any event, be impractical).
- 1.27 The proposed elevation drawings do not record a precise replication of the detailing of the existing wall, e.g. details of where the upper part has been heightened. There are no details of the reinforced concrete retaining section of the wall. There are no sectional drawings of the wall. Samples of the proposed new brickwork have not been provided. There are no details of the incorporation of wind posts. The composition and pointing of the lime mortar has not been specified, and neither has the bonding of the brickwork. A sample panel of the brickwork proposed has not been provided.
- 1.28 All of these could, to a greater or lesser degree, affect the appearance of the wall. On the other hand, these are all detailed matters that may not be expected in all cases where it is proposed to replace a boundary wall in a conservation area. Moreover, these are matters that are typically dealt with by way of appropriately worded conditions, should the Local Planning Authority consider that to be necessary. There is, however, nothing in the above that could not reasonably be resolved by way of conditions; sample panels/brick samples, detailed drawings/specifications etc. are all commonly required by condition. There are no compelling reasons why the submission of such details and agreement with the Local Planning Authority could not be secured by condition in this case.



1.29 Provided that the wall is carefully constructed to replicate the broad character and appearance of the existing wall, as it would appear is the intention in the proposed submission, it would cause no harm to the character or appearance of the conservation area. The wall would of course be new, and although it would be made up of salvaged and matching new bricks, it would take some time for it to acquire the patina of age that can be seen on other, older walls. However, that is to be expected, and it is a natural part of the periodic renewal of boundary and/or garden walls. It is worth bearing in mind the structural report's conclusion that the expected lifespan of the wall would not be significantly increased by the remedial works, meaning that the wall would in any event have to be replaced at some point in the future. Even statutory listed walls of the same age, or less, sometimes require rebuilding where there are structural failings.

## **Conclusions**

1.30 In conclusion, no harm to the conservation area is anticipated, subject to securing appropriate detailing for the new wall. This could be required by way of appropriately worded conditions.