



Heritage Impact Assessment

2 Lyndhurst
Gardens,
Hampstead, London

March 2022 | Project Ref 4480B

HCUK Group is a multi-disciplinary environmental practice offering expert advice in archaeology, heritage, landscape, arboriculture, and planning. It began life in 2010 as Heritage Collective LLP, before becoming Heritage Collective UK Limited in 2014. In the coming years diversification saw the addition of Archaeology Collective, Landscape Collective and Planning Collective, before all strands came together to be branded under a single umbrella: HCUK Group, based on the acronym for the original company. A home working company since the beginning, we are pleased to employ a talented workforce of consultants and support staff, who are on hand to advise our clients.



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Appendices

App. 1 Scale of Harm table (HCUK, 2019)

1. Introduction

1.1 This Heritage Impact Assessment has been prepared by HCUK Group on behalf of Daniel Burbridge. It relates to an application for listed building consent and planning permission for alterations and extensions to 12 Lynhurst Gardens and the provision of a garden room within the rear garden. London Borough of Camden (LBC hereafter) are the determining authority.

1.2 12 Lyndhurst Gardens is a detached, three-storey, late 19th century dwelling (with accommodation in the basement and roof space) built by Harry B Measures for William Willet and Son. The building forms part of a group of 7 detached houses located along the south side of Lyndhurst Gardens which were built by the same developer. The building was grade II listed (alongside its gardens walls and gate piers) in July 1998.



Figure 1: Front elevation of 12 Lyndhurst Gardens (February 2019)

1.3

While originally constructed as a single dwelling, No. 12 was converted into 5 self-contained flats in 1999. At the same time, planning permission and listed building consent was granted for new side and rear extensions at ground and first floor level, rear dormers windows and associated internal and external alterations (PW9802389 & LW9802516). Flat 2 is formed of two bedrooms occupying the ground and first floors of the eastern side of the building and benefits from sole use of and access to half of the original rear garden. The rear garden of No. 12 was truncated in the mid-20th century by new development to the south and is formed of two tiers.

1.4

The application site is also within the Fitzjohn's Netherhall Conservation Area (FNCA), which was designated a conservation area on 01.03.1984 and extended in 1988, 1991 and 2001. Lyndhurst Gardens is within the original boundary of the FNCA and is in 'Sub Area 2' as identified within the FNCA Statement, adopted in 2001.



Figure 2: Site location plan

- 1.5** In accordance with the requirements of Paragraph 194 of the National Planning Policy Framework (2021) this statement describes the significance of the identified designated heritage assets.

The Proposals and Relevant Background

- 1.6** In 2020, following pre-application discussions, consent was granted for the alteration and extension of 12 Lyndhurst Gardens as follows:

"Single storey rear extension to replace existing single storey rear extension; two storey side extension to replace existing two storey side extension (smaller footprint); creation of basement below new extensions and part of host building, with side lightwell; removal of upper ground floor bay window and replacement with 2x windows; internal alterations to lower ground floor level" (LPA refs: 2019/3290/L and 2019/3147/P)

- 1.7** Following on from this consent, proposals have now been revised and reduced. These works can be summarised as:

- Demolition of the existing rear bay and replacement with a lower ground floor extension and ground floor rear windows (as consented);
- Omission of the previously consented basement;
- Omission of the previously consented side extension and retention of the existing modern side extension;
- Various internal alterations, wholly similar to those previously consented; and
- Introduction of a modestly scaled garden studio.

- 1.8** These works have been informed by the significance of the heritage assets alongside the asset's planning history and seek to enhance the residential function of the grade II listed building while being sensitive to its unique heritage values.

Purpose of this Statement

- 1.9** The purpose of this Heritage Statement is to assist with the determination of the applications by informing the decision takers on the effects of the proposed development on the historic built environment. Value judgements on the significance of the identified heritage assets is presented and the effects of the proposals upon that significance are appraised. Particular regard is given to the provisions of the Planning (Listed Building and Conservation Areas) Act, 1990. The report also sets out how the proposal complies with the guidance and policy of the National Planning Policy Framework (NPPF) 2021 and local planning policy. The site and heritage assets affected have been observed and assessed following site visits.

2. Relevant Planning Policy Framework

- 2.1** The decision maker is required by sections 16(2) and 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 to have special regard to the desirability of preserving a listed building and its setting when exercising planning functions. The decision maker must give considerable importance and weight to the desirability of preserving the significance of the listed building, and there is a strong presumption against the grant of permission for development that would harm its heritage significance.¹
- 2.2** There is a broadly similar duty arising from section 72(1) of the Act in respect of planning decisions relating to development within conservation areas.
- 2.3** For the purposes of this statement, preservation equates to an absence of harm.² Harm is defined in paragraph 84 of Historic England's Conservation Principles as change which erodes the significance of a heritage asset.³
- 2.4** The significance of a heritage asset is defined in the National Planning Policy Framework (NPPF) as being made up of four main constituents: architectural interest, historical interest, archaeological interest and artistic interest. The assessments of heritage significance and impact are normally made with primary reference to the four main elements of significance identified in the NPPF.
- 2.5** The setting of a heritage asset can contribute to its significance. Setting is defined in the NPPF as follows:
- 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.*
- 2.6** Historic England has produced guidance on development affecting the setting of heritage assets in The Setting of Heritage Assets (second edition, December 2017),

¹ Barnwell Manor Wind Energy Limited v East Northamptonshire District Council and others [2014] EWCA Civ 137. This principle has recently been confirmed, albeit in a lower court, in R (Wyeth-Price) v Guildford Borough Council.

² South Lakeland v SSE [1992] 2 AC 141.

³ Conservation Principles, 2008, paragraph 84.

better known as GPA3. The guidance encourages the use of a stepped approach to the assessment of effects on setting and significance, namely (1) the identification of the relevant assets, (2) a statement explaining the significance of those assets, and the contribution made by setting, (3) an assessment of the impact of the proposed development on the setting and significance of the assets, and (4) consideration of mitigation in those cases where there will be harm to significance.

2.7 The NPPF requires the impact on the significance of a designated heritage asset⁴ to be considered in terms of either “substantial harm” or “less than substantial harm” as described within paragraphs 201 and 202 of that document. National Planning Practice Guidance (NPPG) makes it clear that substantial harm is a high test, and case law describes substantial harm in terms of an effect that would vitiate or drain away much of the significance of a heritage asset.⁵ The Scale of Harm is tabulated at **Appendix 1**.

2.8 Paragraphs 201 and 202 of the NPPF refer to two different balancing exercises in which harm to significance, if any, is to be balanced with public benefit.⁶ Paragraph 18a-020-20190723 of National Planning Practice Guidance (NPPG) online makes it clear that some heritage-specific benefits can be public benefits. Paragraph 18a-018-20190723 of the same NPPG makes it clear that it is important to be explicit about the category of harm (that is, whether paragraph 201 or 202 of the NPPF applies, if at all), and the extent of harm, when dealing with decisions affecting designated heritage assets, as follows:

Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated.

2.9 Paragraphs 199 and 200 of the NPPF state that great weight should be given to the conservation of a designated heritage asset when considering applications that affect its significance, irrespective of how substantial or otherwise that harm might be.

⁴ The seven categories of designated heritage assets are World Heritage Sites, Scheduled Monuments, Listed Buildings, Protected Wreck Sites, Registered Park and Gardens, Registered Battlefield and Conservation Areas, designated under the relevant legislation.

⁵ Bedford Borough Council v SSCLG and Nuon UK Limited [2013] EWHC 4344 (Admin).

⁶ The balancing exercise was the subject of discussion in City and Country Bramshill v CCSLG and others [2021] EWCA, Civ 320.

2.10 Local planning policy for Camden is contained within the Camden Local Plan which was adopted in 2017. Relevant policies to this application are discussed below.

2.11 **Policy D1 Design:** This policy seeks to secure high quality design in development and notes that the council will require development to respect local context and character and preserve or enhance the historic environment and heritage assets in accordance with policy D2. It goes on to note that development should comprise details and materials that are of high quality and complement the local character.

2.12 **Policy D2 Heritage:** This policy states that the council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings. With regards to designated heritage assets, the policy notes that the council will assess development in line with paragraphs 201 and 202 of the NPPF. Specifically of conservation areas the policy notes that:

"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."

2.13 Of listed buildings the policy notes that the Council will resist the loss of listed buildings, changes of use or alterations which would cause harm and development that would cause harm to significance through a change within setting.

2.14 The London Plan 2021 is the spatial development strategy for greater London and as such a piece of relevant planning policy. Of specific relevance is policy HC1 Heritage Conservation and Growth which notes that *"Development proposals affecting heritage assets, and their settings, should conserve their significance, by*

being sympathetic to the assets' significance and appreciation within their surroundings."

- 2.15** The Fitzjohn's Netherhall Conservation Area Statement (2001) has been taken into account in the preparation of this report. F/N20 states that 'Extensions should be in harmony with the original form and character of the house and the historic pattern of extensions within the terrace or group of buildings. The acceptability of larger extensions depends on the particular site and circumstances.'
- 2.16** F/N21 states that 'Rear extensions will not be acceptable where they would spoil a uniform rear elevation of an unspoilt terrace or group of buildings.' With regards to side extensions, F/N24 states that 'The Conservation Area is characterised by significant and well-preserved gaps between buildings providing views through to rear mature gardens. Normally the infilling of gaps will be refused 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'. F/N24 deals with basements and sets out that 'Extending into basement areas will only be acceptable where it would not involve harm to the character of the building or its setting'.

3. Background and Development

Fitzjohn's Netherhall Conservation Area (FNCA)

- 3.1** Historically, the FNCA was divided between three principal estates, those of Hampstead Manor, the Belsize Estate and Greenhill. It was the development of these three manors alongside the wider urban growth of 19th century London which catalysed the residential growth of the Fitzjohn's Netherhall area.
- 3.2** Figures 3 to 6 illustrate how the locality was developed in the latter part of the 19th century. Lyndhurst Gardens was laid out in the 1880s and is located inside 'Sub Area 2' of the FNCA. 'Sub Area 1' is centred around Fitzjohn's Avenue, the major route through the conservation area. 'Sub Area 2', to the east, is made up of mainly residentially buildings laid out on substantial plots, mostly dating to the later Victorian period.

The Application Site, 12 Lyndhurst Gardens

- 3.3** 12 Lyndhurst Gardens was built in the latter part of the 1880s for William Willett and Son, a builder and developer who became known in the British public domain as an ardent supporter of British Summer Time⁷. Willett was also the great-great-grandfather of Coldplay singer Chris Martin⁸.
- 3.4** The application site is shown as undeveloped in the 1860s (Figure 3). The following topographical evidence depicted in Figures 4-6 highlights how the Willett houses were laid out on the south side of Lyndhurst Gardens, forming a compact grouping. Figure 6, the 1953 Ordnance Survey is the first map to show the rear lead-covered bay window extension on the south-east corner of the building (forming the living room of Flat 2). Originally this elevation was straight, giving way to the larger bay

⁷ <<http://www.bbc.com/future/story/20160310-the-builder-who-changed-how-the-world-keeps-time>>

⁸ Jonathan Dekel. Martin honoured his ancestor with "Clocks" in 2002 "Daylight Saving Time's Coldplay connection", Canada.com; <<https://o.canada.com/entertainment/music/daylight-saving-times-coldplay-connection>>

window which now forms part of a separate flat on the south-west side of the building.

3.5

The historic floor plans dating from 1909 and 1912 reproduced in Figures 7-8 show how:

- There was only one rear bay, highlighting how the lead-covered bay extension at the rear of Flat 2 is not original to the composition of the building and is a mid-20th century addition; and
- Much of the original plan of the building has been lost.

3.6

Today, 12 Lyndhurst Gardens, like that of No. 14, has a relatively short garden in comparison with Nos. 4 – 10 and 16 Lyndhurst Gardens. The rear gardens of Nos. 12 and 14 were truncated in the mid-20th century with the construction of Village Close on Belsize Lane. The rear elevations of the buildings overlook the twin-tiered garden of No.12.

"Formerly known as: Woodmancote LYNDHURST GARDENS. Detached house. c1886. By Harry B Measures. For William Willett and Son, builder-developers. Red and buff bricks with rubbed brick dressings, string courses and hoods. Timber windows, tiled roof. 3 full storeys with dormers in roof. Front an asymmetrical composition in Queen Anne style, with central entrance incorporating recessed porch. To left, projecting square-sided bay window rising through 2 storeys and terminating in pierced and balustraded parapet beneath a high stepped Queen Anne gable with ball finial. Tall chimneys on flanks. Steeply hipped roof with central dormer having canted sides. Windows partly sashes, partly casements, with smaller panes in upper portions (some changed). Large late C20 iron escape stair at right-hand side not of special interest. INTERIOR not inspected. SUBSIDIARY FEATURES: dwarf garden wall in front with plinth, buttresses and polygonal piers topped by terracotta finials. The Willett houses on Lyndhurst gardens form a compact and powerful group."



Figure 3: London XV OS map; surveyed 1866; published 1871

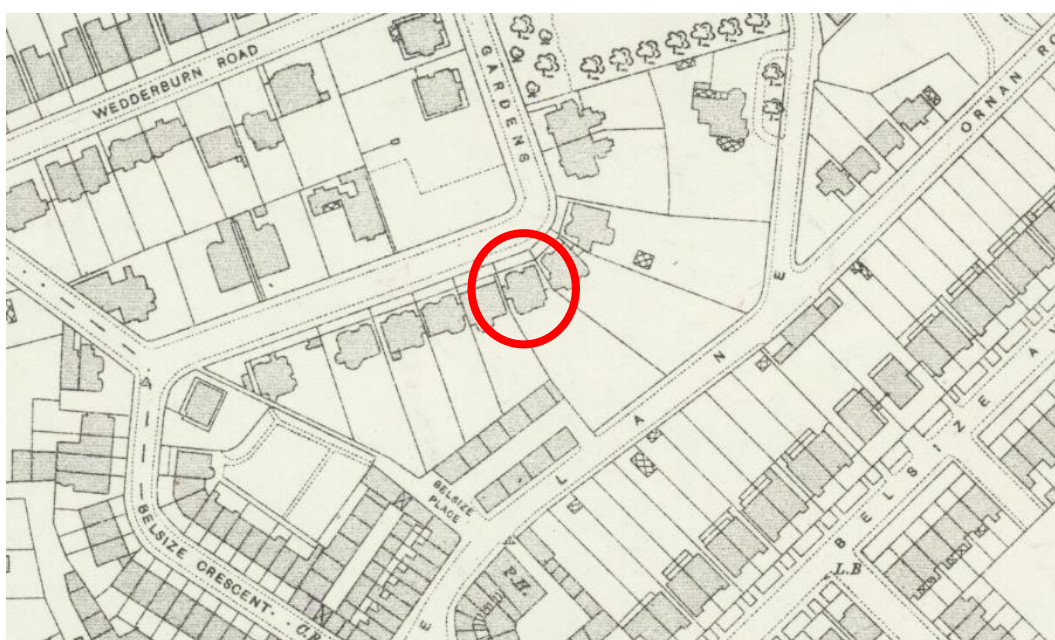


Figure 4: London IV.4 OS map; revised 1912 to 1913; published 1915



Figure 5: London IV.4 OS map; revised 1935 to 1937; published 1939

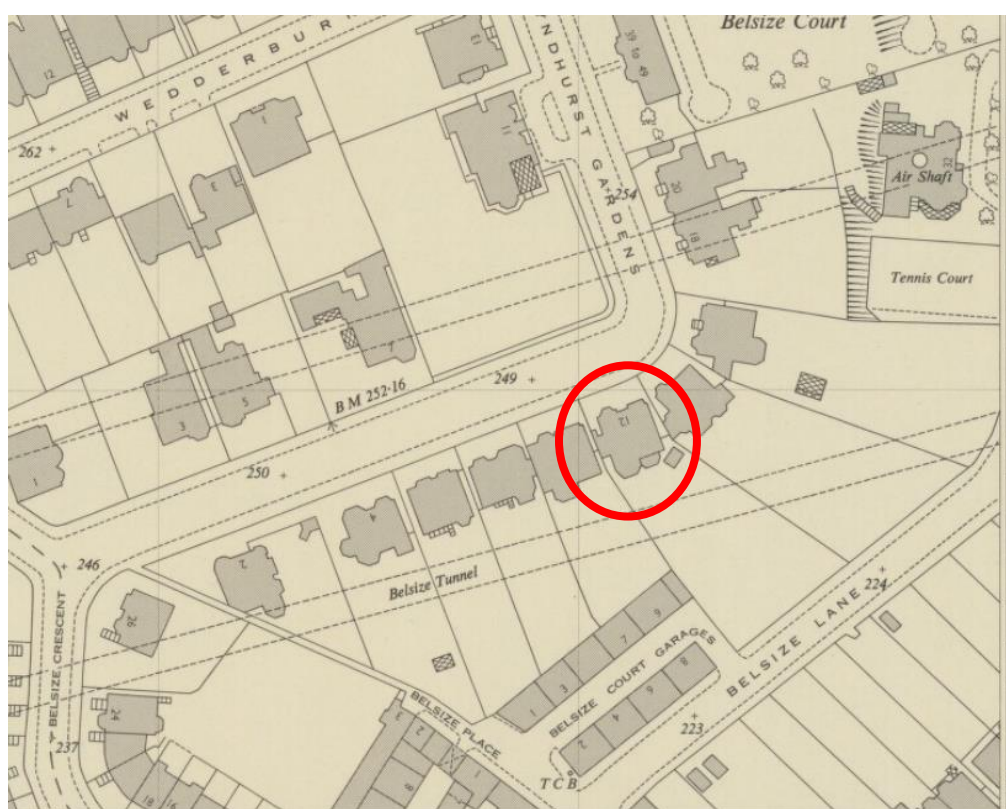


Figure 6: TQ2685SE - A; surveyed 1953; published 1954

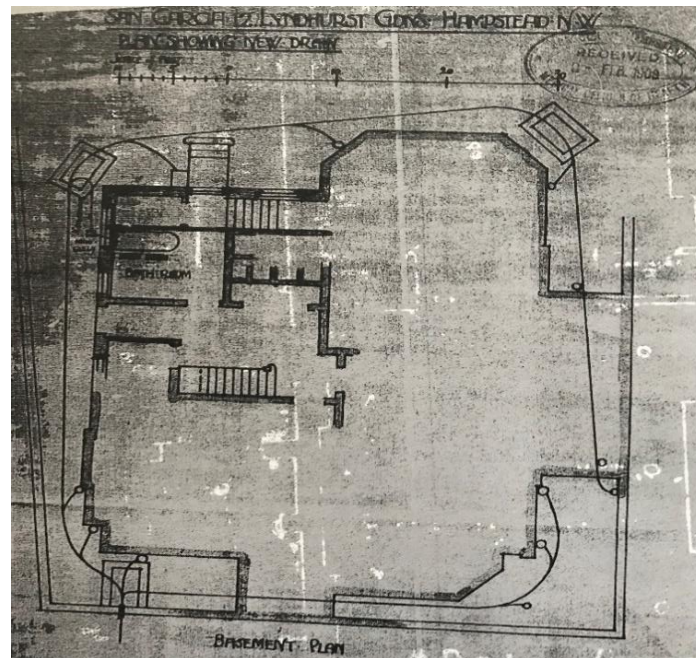


Figure 7: Basement Plan of 12 Lyndhurst Gardens (1909; Camden Council Archives)

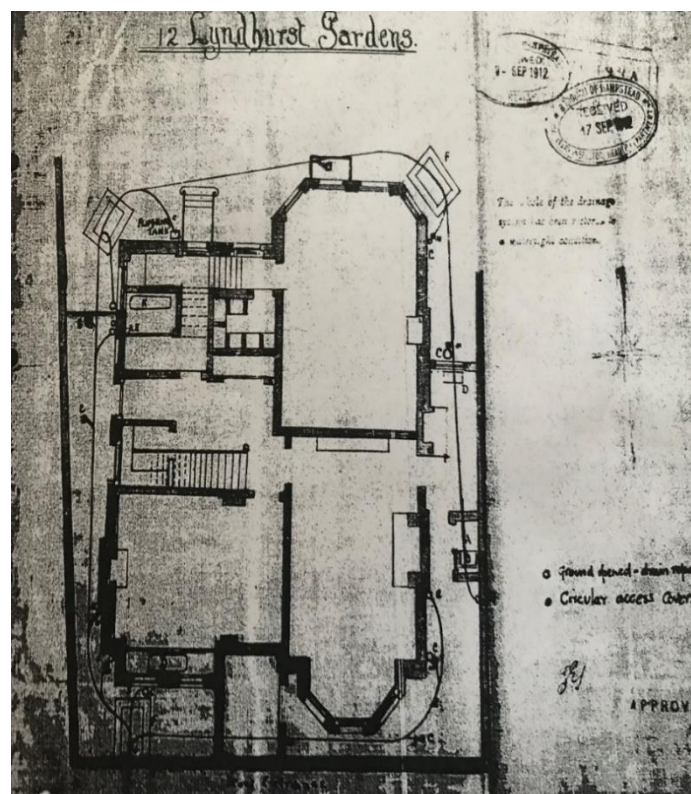


Figure 8: Basement plan of 12 Lyndhurst Gardens (1912; Camden Council Archives)

Planning History, 12 Lyndhurst Gardens

3.7

The relevant planning decisions for 12 Lyndhurst Gardens have been reproduced below:

- 04/04/1985- Permission **granted** the erection of a new external staircase to act as a secondary means of escape (Ref: 8500255)
- 09/08/1999- Listed Building Consent **granted** for the change of use from nursing home to 5 self-contained dwelling units, together with the erection of side and rear extensions on ground and first floors and new rear roof dormer, removal of fire escape staircase and lift motor room and associated internal and external alterations (Refs: PW9802389 & LW9802516)
- 09/11/1999- Planning and Listed building consent **refused** for the erection of a two storey rear extension, as a variation to the planning permission and listed building consent dated 9th August 1999 (Refs. PW9802389R2 & LW9802516R2) for conversion to five flats and erection of side and rear extensions (Refs: PW9902734& LW9902765)
- 09/11/1999- Planning and Listed Building Consent **refused** for the erection of a two storey rear extension, as a variation to the planning permission and listed building consent dated 9th August 1999 (Refs. PW9802389R2 & LW9802516R2) for conversion to five flats and erection of side and rear extensions (Ref: PW9902735 & LW9902766)
- 2014/4740/P – Flat 2 12 Lyndhurst Gardens London NW3 5NR – Erection of single storey timber clad garden room in the rear garden in connection with existing use as a flat (C3) – **Refused** 30.10.2014 – **Dismissed at Appeal** 03.07.2015
- 2019/3290/L and 2019/3147/P – Planning permission and listed building consent granted for a single storey rear extension to replace existing single storey rear extension, two storey side extension, creation of a basement with side lightwell and various alterations. **Granted** 05.11.2020

4. Statement of Significance

Assessment of Significance

- 4.1** This chapter of the report establishes the significance of the relevant heritage assets in the terms set out in the NPPF. This chapter should be read in conjunction with Chapter 5 (Heritage Impact Assessment) and the drawn submission of the application.

12 Lyndhurst Gardens (grade II)

- 4.2** The application site building is of heritage interest on account of its architectural composition and historical development, forming one component of the 'Willett' houses on the south side of Lyndhurst Gardens.



Figure 9: Front elevation of 12 Lyndhurst Gardens (February 2019)

4.3

Together these buildings form a powerful architectural grouping. The principal expression of 12 Lyndhurst Gardens' architectural significance is the front elevation and roof scape of the building, where the materiality, detailing, style and scale of the building is best appreciated. Key architectural elements of the building which contribute to its significance include the asymmetrical composition in the Queen Anne style, utilising red and buff bricks with rubbed brick dressings, string courses and hoods. The timber windows (partly sashes, partly casements), tiled steeply hipped roof and tall chimneys on flanks all contribute to the architectural significance of the asset. The building is more highly altered to the side and rear.

4.4

12 Lyndhurst Gardens is of historical significance as a physical reminder of the past. The site signals a period in the growth of Victorian London in which speculative builders and developers were being granted leases in order to develop large areas for residential housing, laying out prominent houses on prominent plots set along orderly streets. The association of the building with the speculative developers Willett and Son is also historically significant. William Willett (1856 - 1915) was best known as a British builder and tireless promoter of British Summer Time.



Figure 10: Rear elevation of 12 Lyndhurst Gardens (February 2019)

- 4.5** Later alterations to the listed building are of no particular heritage interest, including the lead-covered rear lower ground floor bay extension which was added to the building between 1935 and 1953. The division of the original building into 5 self-contained flats at the turn of the 21st century has to some extent eroded the significance of the asset, in that it has diminished the overarching function of the building: 12 Lyndhurst Gardens was designed as a single, spacious, family dwelling.
- 4.6** Internally, there is very little historic fabric visible inside Flat 2, 12 Lyndhurst Gardens. Very little original plan form is observable inside the flat and all the finishes are later. The windows are replacement 1950s at their oldest, if not 1999 when the conversion took place. The staircase is typical of a late 19th century stair down to the lower ground floor level in a building of this size, although later panelling and potentially treads have been inserted.
- 4.7** No known archaeological significance is associated with the building. Similarly, there is no known artistic interest related to the property.
- 4.8** With regards to the setting of the listed building, the front garden wall which has a plinth, buttresses and polygonal piers with terracotta finials is certainly a positive feature in the setting of the asset. The other buildings which make up the south side of Lyndhurst Gardens also positively contribute to the setting of No. 12, forming a powerful and compact group in which clear similarities in materiality, scale, design and architectural ethos are evident. This is of course as a result of the fact that each of the buildings were designed and constructed for the same developer. To the rear the garden has been significantly altered through its subdivision and the introduction of buildings in the mid-20th century. The terracing effect means views toward the rear elevation of the building are limited by the intervening wall and vegetation and an appreciation of the whole from the original large garden is no longer possible. Views toward the rear of the listed building are thus less sensitive to change than those toward the front.



Figure 11: View towards the Village Close properties, from the lower tier of the rear gardens of 12 Lyndhurst Gardens (February 2019)

Fitzjohn's Netherhall Conservation Area

4.9 The Fitzjohn's Netherhall Conservation Area was designated on the 1st of March 1984, and extended in 1988, 1991, and 2001 to form the current boundary. Most of the conservation area falls within the original designation, including the application site. The Conservation Area Appraisal and Management Strategy was completed in January 2001. A draft conservation area appraisal (dated December 2021) was issued for consultation in early 2022 but has yet to be formally adopted.

4.10 The conservation area sits on the southern slopes of Hampstead between Rosslyn Hill and Finchley Road, slightly below the hills of Hampstead village and heath. The street layout is dominated by Fitzjohn's Avenue—which runs through the centre of the conservation area—with other major roads running parallel to both its east and west. The boundary of the conservation area is defined by Hampstead High Street on the western side, and Rosslyn Hill on the east.



Figure 12: Fitzjohn's Netherhall's Conservation Area boundary map © Camden

- 4.11** Overall, the built character of the conservation area is largely of grand urban dwellings laid out with generous gardens and surrounded by the more densely organised areas of Hampstead Village, Belsize Village, and Finchley Road. The road layout resembles an organised grid, with Fitzjohn's Avenue on the north/ south axis being the prime street in terms of grandeur, scale and length. The fact that Fitzjohn's Avenue runs through the heart of the conservation area means that views along the road will naturally command importance.
- 4.12** The FNCA is of architectural significance because of the built stock which is principally laid out on orderly streets dating in the main to the 19th century. The variety and architectural ethos of many of these Victorian buildings positively contributes to the character and appearance of the conservation area.
- 4.13** The draft conservation area appraisal defines the special architectural and historic interest of the conservation area as:

"Landscape: *The landscape infrastructure, influenced by garden suburbs, characterised by smaller front gardens and extensive rear gardens, many containing mature trees. The streets often have grass verges and rows of street trees.*

Townscape: *The associated townscape characteristics, based on residential buildings set-back behind small front gardens or front courts, with low front walls or hedges. There are also some larger-scale mansion blocks. The scale of buildings varies greatly, from 2 storeys to six storeys or more.*

Architecture: *Buildings tend to have common features, reflecting their time of construction in the late 19th and first half of the 20th century. These are stylistically diverse, but predominantly draw on Queen Anne Revival and Arts and Crafts influences. In addition, there are a small number of individual buildings of distinctive design quality, sometimes contrasting dramatically with surrounding buildings.*

Planned Development: *Larger scale, planned development in the form of roads (like Fitzjohn Avenue and the parallel roads), mansion blocks or groups of semi-detached and detached houses. This has created coherent groupings of buildings of a similar style in some parts of the conservation area.*

Incremental Development: *Incremental development has resulted in architectural diversity, from individually commissioned properties, built at different times. This includes Individual buildings by respected architects."*

Nearby Listed Buildings

4.14 Adjacent to the application site (12 Lyndhurst Gardens) are two further listed buildings, nos. 10 and 14 Lyndhurst Gardens.

4.15 In much the same way as no.12, these listed buildings are of architectural and historical significance as a result of the design and composition of the building in addition to the historical associations it has with Willett and Son, builder and developer. No. 12 is a positive component of the setting of both 10 and 14 Lyndhurst Gardens, standing as a 19th century physical reminder of the past and contributing to group value.

5. Heritage Impact Assessment

5.1 This chapter of the report assesses the impact of the proposed development on the significance of the heritage assets identified in the previous chapter. This chapter should be read in conjunction with the preceding chapter, and drawn submission of the application.

Impact Assessment

Demolition of existing two storey bay window and replacement with a lower ground floor rear extension and two windows at ground floor

5.2 As part of the 2020 consented application, LBC officers were content that the existing bay window proposed to be removed was a non-original feature of the building. They clarified (at paragraph 2.21 of the officers report) that the removal of this bay window and introduction of two windows to the ground floor rear elevation would not cause harm to the significance of the listed building or conservation area.

5.3 At lower ground floor a replacement extension in the form of a roughly square single storey flat green roofed extension was proposed. Officers concluded that this modest extension would preserve the significance of the heritage assets, noting:

"It is not considered that the proposed rear extension would cause harm to the significance of the host building as it would not detract from its appearance, or involve a loss of historic fabric."

"It is not considered that the proposed rear extension would cause harm to the significance of the Fitzjohns / Netherhall Conservation Area as it would not detract from the generously scaled host building or its detailing. Furthermore, this part of the proposal would not be visually prominent within the public realm and it is noted from planning history that other examples of similarly designed modern extensions have been approved at neighbouring properties along this street."



Figure 13: Proposed CGI showing the rear extension at 12 Lyndhurst Gardens

- 5.4** The currently proposals to the rear of the building (removal of the bay, lower ground floor extension and ground floor windows) entirely match those proposed as part of the earlier consented application. As such, these elements of the scheme (found to preserve heritage significance) have been previously consented and should be similarly viewed upon by LBC as part of this application.

Internal Alterations

- 5.5** Internal alterations at lower ground floor are largely the same as those previously consented as part of the 2020 application. The main changes are the retention of the modern side extension (and some of its associated internal partitions) and the retention of an existing dividing partition to the front large room which was previously proposed for removal. At ground floor level, the only change to the layout and plan form is a minor alteration within the modern side extension which affects non-historic fabric only.
- 5.6** Alongside the internal refurbishment of the listed building, these changes would entirely preserve the significance of the grade II listed building. As noted during the

earlier 2020 application (paragraph 2.24 of the officers report) suitably worded planning conditions could ensure that the works would be carried out to an appropriate high standard. The internal alterations to 12 Lyndhurst Gardens would have no bearing on the significance of the conservation area or significance of setting of nos. 10 and 14 Lyndhurst Gardens.

Introduction of a Garden Studio

5.7 As part of a previous application and appeal⁹ consent for the introduction of a garden studio in the rear garden of 12 Lyndhurst Gardens was refused (**Figure 14**). This can be summarised as being due to:

- The large scale of the garden studio proposed;
- The way the garden studio would occupy a large portion of the garden and erode the block of open land to the rear of 12 Lyndhurst Gardens; and
- The garden studio's prominence and intrusive presence in views up from the lower tier of the garden back to the house.

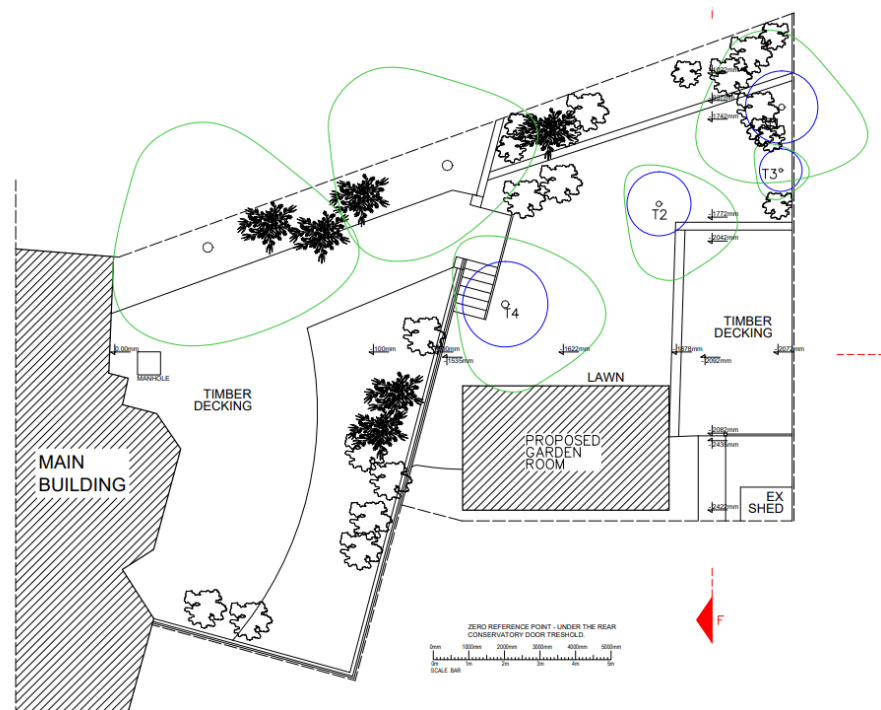


Figure 14: Proposed site plan showing the location of the earlier proposed garden studio

⁹ LPA ref: 2014/4740/P and PINS ref: APP/X5210/W/15/3002900

5.8

Subsequent to the dismissed appeal, significant changes have been made to the proposed garden studio currently proposed. These changes can be summarised as:

- A significant reduction in scale from a footprint of roughly 20m² to 7.5m²; and
- The relocation of the garden studio from the south side of the lower garden tier to the north side of the lower garden tier.

5.9

A series of plans and CGIs (**Figure 15-17**) have been produced to demonstrate the current proposals for the garden studio.

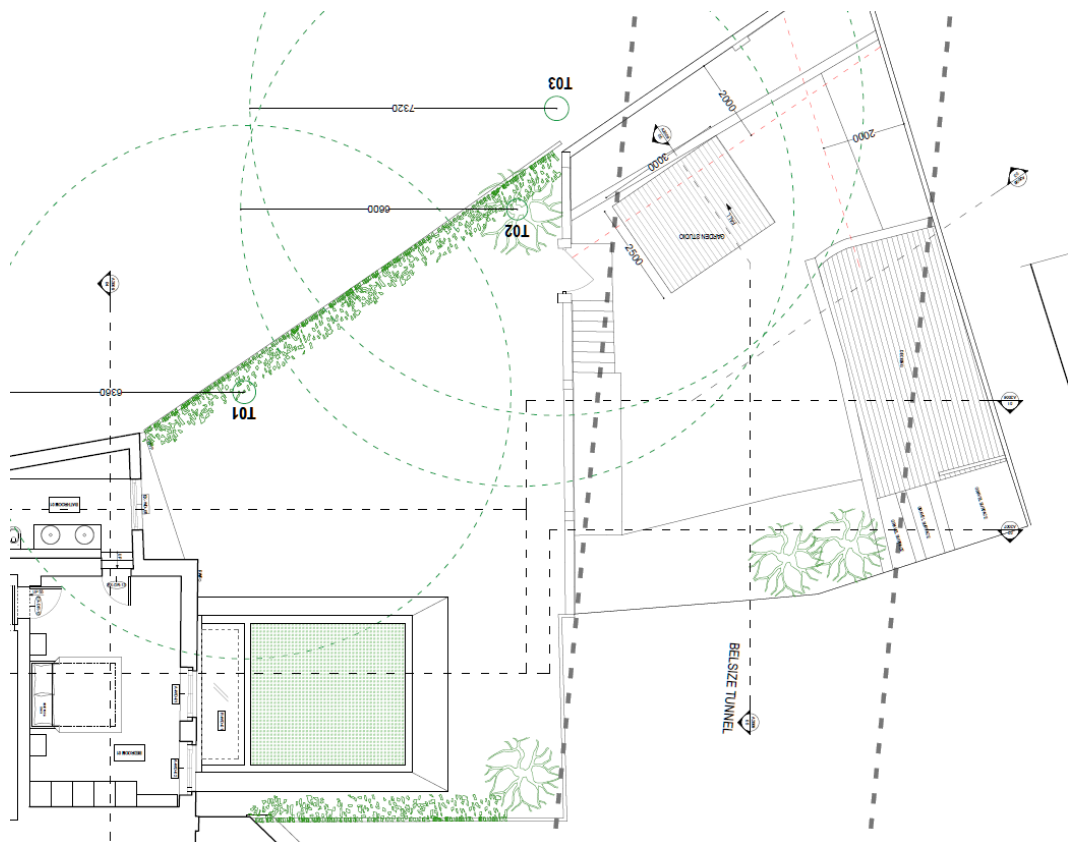


Figure 15: Proposed garden studio in its currently location (plan rotated to match that above for easy comparison)



Figure 16: CGI view showing the proposed garden room in context of 12 Lyndhurst Gardens



Figure 17: CGI view showing the proposed garden room in context 12 Lyndhurst Gardens

5.10 The reduction in scale of the proposed garden studio in conjunction with its relocation, clearly addresses the previously raised concerns regarding the setting of the grade II listed 12 Lyndhurst Gardens and the conservation area. Specifically:

- The reduced scale of the garden studio ensures that it sits comfortably within the gardens without occupying or eroding a large area of the green space;
- The location of the garden studio adjacent to the existing staircase (providing access between the two levels of the gardens) helps ensure that the building does not appear as a standalone or intrusive element of views back towards the listed building;
- As demonstrated by the prepared CGIs, the garden studio would not be a prominent or intrusive element in views up from the lower tier of the garden back to the house, it would sit comfortably within the wider gardens.

5.11 Overall, while resulting in a change within the setting of the listed building, the proposed garden building by virtue of its scale, location and design, would sit comfortably within the rear garden and not cause any harm to the significance of either the listed building conservation area. Similarly, the garden building would not result in any effect on the setting or significance of the nearby grade II listed buildings, 10 and 14 Lyndhurst Gardens.

Policy Compliance

5.12 In summary, for the reasons identified above, the proposed development is found to entirely preserve the significance and setting of 12 Lyndhurst Gardens and nearby listed buildings (10 and 14 Lyndhurst Gardens) and the conservation area.

5.13 The proposals would therefore fall outside the remit of paragraphs 201 and 202 of the NPPF and there would be preservation for the purposes of the decision maker's duty under Sections 16, 66 and 72 of the Planning (Listed Building and Conservation Area) Act 1990. The scheme is also found to accord with the relevant local planning policies outlined in Section 2 of this report. A summary of the effect on the separate heritage assets is outlined below:

- **12 Lyndhurst Gardens:** When taken together, the proposed works will entirely preserve heritage values and significance of the grade II listed Lyndhurst Gardens. The internal works will not result in any harm to heritage significance and the works to the rear elevation have been previously consented. In comparison to the earlier refused application, the currently proposed garden building is of a modest scale and appropriate location to ensure that while an alteration within the garden area, no harm to the significance or setting of the listed building would be caused.
- **Conservation Area:** The scheme will preserve the character and appearance of the FNCA through the appropriate design of the rear elevation and extension (already consented) and the appropriate scale, location and appearance of the wholly modest garden building. Overall, the scheme would preserve the character, appearance and significance of the conservation area.
- **10 and 14 Lyndhurst Gardens:** The scheme has been carefully designed in order to be sensitive to the setting and significance of both the adjacent listed buildings, having a no impact on these heritage assets. The internal works to no.12 have no bearing on the significance of these assets and the alterations to the rear elevation have been previously consented. The garden building represents a wholly minor change within the setting of these buildings that would not, by virtue of its scale, form and location, eroded the green character to the rear of the listed buildings to a degree which could affect their significance or special interest.

6. Conclusions

6.1 This Heritage Impact Statement has been prepared in accordance with paragraph 194 of the NPPF and relates to an application for planning permission and listed building consent for alterations and extensions to 12 Lyndhurst Gardens, a grade II listed building located in the Fitzjohn's Netherhall Conservation Area and in the setting of the grade II listed 10 and 14 Lyndhurst Gardens.

6.2 This report provides a proportionate assessment of the significance of the conservation area and an assessment of the effect of the proposals on that significance.

1.10 In 2020, following pre-application discussions, consent was granted for the alteration and extension of 12 Lyndhurst Gardens (LPA refs: 2019/3290/L and 2019/3147/P). These works include the replacement of the rear bay window with a lower ground floor extension and ground floor windows, the introduction of a new basement, replacement of the modern side extension and internal alterations.

1.11 Following on from this consent, current proposals have been revised and reduced and the current scheme can be summarised as:

- Demolition of the existing rear bay and replacement with a lower ground floor extension and ground floor rear windows (as consented);
- Various internal alterations, wholly similar to those previously consented; and
- Introduction of a modestly scaled garden studio.

6.3 As detailed within Section 5 of this report, the proposals are found to result in a sensitive scheme of alterations and extensions to the existing building which seek to enhance the quality of built form on the site while being sensitive to the heritage values of the building and conservation area. The proposals would preserve the significance of the identified heritage assets.

6.4 In summary, the proposals would fall outside the remit of paragraphs 201 and 202 of the NPPF and there would be preservation for the purposes of the decision maker's duty under Sections 16, 66 and 72 of the Planning (Listed Building and

Conservation Area) Act 1990. The scheme is also found to accord with the relevant local planning policies outlined in Section 2 of this report.

Appendix 1

Scale of Harm (HCUK, 2019)

The table below has been developed by HCUK Group (2019) based on current national policy and guidance. It is intended as simple and effect way to better define harm and the implications of that finding on heritage significance. It reflects the need to be clear about the categories of harm, and the extent of harm within those categories, to designated heritage assets (NPPF, paragraphs 201 and 202, and guidance on NPPG).¹⁰

Scale of Harm	
Total Loss	Total removal of the significance of the designated heritage asset.
Substantial Harm	Serious harm that would drain away or vitiate the significance of the designated heritage asset
Less than Substantial Harm	High level harm that could be serious, but not so serious as to vitiate or drain away the significance of the designated heritage asset.
	Medium level harm, not necessarily serious to the significance of the designated heritage asset, but enough to be described as significant, noticeable, or material.
	Low level harm that does not seriously affect the significance of the designated heritage asset.

HCUK, 2019

¹⁰ See NPPG 2019: "Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated." Paragraph 018 Reference ID: 18a-018-20190723.

Standard Sources

<https://maps.nls.uk>

<https://historicengland.org.uk/listing/the-list>

www.heritagegateway.org.uk

<http://magic.defra.gov.uk>

www.history.ac.uk/victoria-county-history

The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3 (Second Edition). Historic England (2017 edition)

Planning (Listed Buildings and Conservation Areas) Act, 1990

National Planning Policy Framework, 2021

National Planning Practice Guidance, 2019

Conservation Principles, Policies and Guidance, Historic England (2008)