

Briefing Note

Our ref 60656/01/NG/LAy

Date November 2022

Subject **The Hoo, 17 Lyndhurst Gardens, Hampstead – Heritage Impact Assessment for the works to the southern boundary wall**

1.0 Introduction

- 1.1 This Heritage Impact Assessment (HIA) has been prepared by Lichfields on behalf Jaga Developments (London) Ltd. It assesses the heritage effect of the proposal to rebuild the southern boundary wall at 17 Lyndhurst Gardens.¹
- 1.2 17 Lyndhurst Gardens comprises a grade II listed 1889-90 Domestic Revival style building, with an attached c.1980s annexe (which does not contribute to the special interest of the listed building). The building is situated within the London Borough of Camden, in Sub-Area 2: Rosslyn of the Fitzjohns/Netherhall Conservation Area.
- 1.3 17 Lyndhurst Gardens is situated on the west side of Lyndhurst Gardens, with its principal ‘garden front’ facing south and a secondary elevation facing east, set back from the street behind a boundary wall and hedges.
- 1.1 The application relates to the rebuilding of the southern boundary wall. As the wall falls within the Fitzjohns and Netherhall Conservation Area, planning permission would be required to demolish and rebuild the wall as it is 2m high or more. Listed building consent is required if the wall falls within the curtilage of a listed building and is pre-1948.
- 1.4 In accordance with paragraph 189 of the National Planning Policy Framework (NPPF), this HIA establishes the significance of the heritage assets which would be affected by the proposal, including an understanding of their setting and how it contributes to significance. The HIA then considers the effects of the proposed development on the significance. This HIA only considers above-ground heritage assets.

Heritage assessment methodology

- 1.5 The NPPF defines significance as the ‘value’ of an asset based on its ‘heritage interest’, which can be archaeological, architectural, artistic and/or historic. This broadly aligns with the heritage values outlined in Historic England’s Conservation Principles (2008), which are evidential value, aesthetic value, historical value and communal value.
- 1.6 The approach to considering the effect of changes to setting upon significance has been carried out in accordance with Historic England’s The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3 (Second Edition), 2017.
- 1.2 The courts have established three key factors to be taken into account in assessing whether a structure or object is in the curtilage of a listed building, which are considered below in relation to The Hoo:

¹ A full HIA (date August 2020) was prepared for other applications (Ref. No. (Ref:2019/6151/P and Ref:2019/6305/L) and should be read in conjunction with this briefing note.

- 1 The physical layout of the listed building and the structure;
- 2 Their ownership, both historically and at the date of listing (which was 11 January 1998 for The Hoo); and
- 3 The use or function of the relevant buildings, again both historically and at the date of listing

1.3 Ultimately it is for the courts to decide as there is no statutory definition of curtilage.

1.4 The following heritage assets were considered to be potentially affected by the proposed development:

- 1 The southern boundary wall (possibly curtilage listed)
- 2 The Hoo, 17 Lyndhurst Gardens (Grade II listed)
- 3 Fitzjohns/Netherhall Conservation Area

2.0 Heritage Statute and policy

1.7 The statutory development plan for the Site is the London Plan 2021 and the Camden Local Plan (adopted 3 July 2017). The heritage statutory tests for the proposal are s.16 (2), s.66 (1) and s.72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act').

1.8 Material considerations include the National Planning Policy Framework (NPPF, February 2019), National Planning Practice Guidance (Historic Environment, July 2019), the Fitzjohns/Netherhall Conservation Area Statement (2001) and relevant Historic England guidance.

1.9 The statutory requirements and the thrust of the policy at all levels of the planning framework is to seek to conserve the significance (including special interest/character and appearance) of the affected heritage assets.

3.0 Historical development of the southern boundary wall

3.1 The southern boundary wall is in a state of dilapidation and has been undermined by tree growth, requiring re-building. The wall is a 9-12 inch brick, retaining wall in a Flemish Garden wall bond.

3.2 Figure 1 shows the location of the southern boundary wall to be rebuilt, as identified on the 1990 Ordnance Survey map.

Figure 1 1990 OS map showing The Hoo and its surroundings; the south wall is indicated in blue.



Source: Groundsure Insights

Physical layout and function (historically and at the date of listing)

- 3.3 The 1896 OS map (see Figure 3) shows the boundary between The Hoo and the villa at No. 15 Lyndhurst Gardens was established in its current location by the late 19th century, when both of these buildings were constructed. There likely would have been a boundary wall between the two buildings constructed at this time for privacy though it is unclear whether the existing wall is original (see Figure 2).
- 3.4 Subsequently, in the early-mid 20th century, a block of flats, the Elim Mansions, was built north of No. 15 (see Figure 3). At or around this time, a small part of the south-west corner of The Hoo's gardens, along with a large portion of No. 15's gardens, appears to have been sold off to create a tennis court (see Figure 3).

Figure 2 South boundary wall as seen from the grounds of Elim Mansions



Figure 3 1896 OS map (left) and 1952-53 OS map (right)



Source: Groundsure Insights

- 3.5 Inspection of the south boundary wall from inside the grounds of The Hoo shows that the wall aligns with the northernmost brick pier to the street frontage of No. 15 Lyndhurst Gardens/Elim Mansions. The brick pier of No. 15 is historic and assumed to be original to the house (it matches those piers continuing south along the street frontage of the original extent of the grounds). It would seem that, being aligned with the pier of No. 15 Lyndhurst Gardens/Elim Mansions, it forms part of their land rather than the land of The Hoo. However, the south boundary wall does not appear to be tied into the pier of No. 15 (n.b. a close inspection was not possible due to foliage) (see Figure 4).

Figure 4 The south boundary wall to The Hoo is indicated in red; the historic brick pier of No. 15/Elim Mansions is indicated in yellow; and the modern brick pier of The Hoo is indicated in blue; and the division between the pier of The Hoo and the pier/ wall of No. 15/Elim Mansions is shown by a dashed orange line



- 3.6 The south boundary wall is constructed of what appear to be handmade red bricks, of imperial size (approximately 9" x 4 1/4" x 2 5/8"); the lowest c. 10 courses (as seen from the grounds of Elim Mansions) are of English bond, while the upper courses are set in a different bond, indicating the upper portion may have been rebuilt/extended. The bricks appear similar to those in the piers of No. 15, and also the bricks on the elevation of No. 17, The Hoo.
- 3.7 The copings of the south boundary wall appear to match the boundary wall of the at the far west edge of the tennis court, which would originally have been the edge of the grounds of No. 15. The bricks on the west wall to the tennis court also appear similar to those on the south boundary wall to The Hoo, though close inspection of the tennis court wall was not possible (see 5).
- 3.8 The spatial relationship of the wall to No. 15's northernmost pier, together with the similarity in design to the west wall of the tennis court/former grounds of No. 15, seems to indicate that the wall forms part of the landownership of No. 15 rather than The Hoo. Landownership details, details of the original date of construction of the wall and confirmation of whether this constitutes a party wall would be necessary to clarify.
- 3.9 If the south boundary wall was historically owned by No. 15, continued to be owned by No. 15/Elim Mansions at the date when The Hoo was listed and currently is on land wholly owned by No. 15/Elim Mansions so would not be considered a party wall, then we would argue that the spatial relationship, function and ownership all point to the wall being part of the curtilage of No. 15/Elim Mansions, not The Hoo, and therefore not requiring listed building consent for works to the wall.

- 3.10 If the wall is a party wall and falls partly within the landownership of The Hoo, then the wall would have a shared function, spatial relationship and ownership link to The Hoo, so would be considered to be part of The Hoo's curtilage (assuming the wall pre-dates 1948), requiring listed building consent.
- 3.11 The wall appears to span at least two metres high at its highest point, in which case planning permission is required to demolish and rebuild the south wall as it is within a conservation area. A combined planning and listed building consent application is being submitted, albeit there is no definitive position on the curtilage status of the wall.

Figure 5 Brick boundary wall at the west edge of the tennis court built in the rear garden of No. 15 (left) and south boundary wall of The Hoo (right)



4.0 Significance of heritage assets

The southern boundary wall (possibly curtilage listed)

- 4.1 The curtilage listed status of the wall is unclear, if it belongs to the curtilage of No. 15 Lyndhurst Gardens, an unlisted building, then the wall would not be curtilage listed. If it belongs to the The Hoo it would be curtilage listed. Whilst rebuilt in places, it appears to date to pre-1948 and is likely to be Victorian in origin. The wall is a standard, historic garden wall and contributes only very minimally to the significance of The Hoo. The significance of the principal buildings lies in its architectural and historic interest.

The Hoo, 17 Lyndhurst Gardens (Grade II listed)

- 4.2 As set out in the main Heritage Impact Assessment which accompanied previous applications at this site, the significance of the The Hoo is historical (part of the wider development of Hampstead; its architect Horace Field who designed many other homes in Hampstead and was renowned for his historical revival style; and former owners including Sir Thomas Lipton). It is also of architectural interest and aesthetic significance as a late 19th century Domestic Revival structure in an eclectic styles.

Fitzjohns/Netherhall Conservation Area

- 1.10 The Fitzjohns/Netherhall Conservation Area derives its significance from its character and appearance as a quiet, leafy residential suburb of London developed in the mid- to late-19th century with high-quality speculative development. It is of architectural and historic significance.

5.0 Assessment of effect on significance

Proposal

- 5.1 Full details of the proposal are described in the Design and Access Statement and are shown on the application drawings. In summary, the proposal includes:
- 1 Carefully dismantle the existing brick wall and replace it with a new wall which will visually match the existing wall, albeit stabilised and realigned in an upright position.
 - 2 200 diameter mini piles will be carefully inserted between the roots of trees, linked by a concrete pile cap. A reinforced concrete retaining wall will be built off this cap.
 - 3 The concrete reinforced retaining wall will be clad to the south in a single leaf of skin of facing brickwork to match the existing, up to The Hoo garden level. The rebuilt boundary wall in 9 inch brick would sit about this. This will be laid in a Flemish Garden wall bond and topped by a saddleback coping, as existing.

Assessment of Effects

The southern boundary wall (possibly curtilage listed)

- 5.2 The significance of the possible curtilage listed wall is minimal and is a result of its association with either the Grade II listed The Hoo. Its interest is historic only as a Victorian, albeit altered boundary wall. The proposal involves carefully rebuilding the wall to match its current visual appearance in terms of height, design and brickwork but the inclusion of a concrete retaining wall and concrete pile located beneath ground level. The concrete reinforcements would have no visual effect on the wall.
- 5.3 The rebuilding of the wall would preserve the minimal heritage significance of the wall; no heritage harm would be caused.

The Hoo, 17 Lyndhurst Gardens (Grade II)

- 5.4 The visual appearance of the rebuilt garden wall will match the visual appearance of the existing wall. The concrete reinforced elements would be buried beneath ground level. There would be no material change to the setting of The Hoo (apart from the realignment of the wall in an upright position). The setting, significance and special interest of The Hoo would be preserved; no heritage harm would be caused.

Fitzjohns/Netherhall Conservation Area

- 1.11 The wall is located between the gardens of buildings within the conservation area. The boundary walls and vegetation to No. 15 Lyndhurst Gardens and The Hoo are a more prominent feature of the street, with the rebuilt southern boundary wall to running perpendicular to this within private gardens. The rebuilt wall would not have a material visual impact on the street or the conservation area. The visual appearance of the wall would match its existing appearance. The

character and appearance and significance of the conservation area would be preserved; no heritage harm would be caused.

6.0 Conclusion

- 1.12 This assessment has established the significance of the relevant heritage assets and assessed the potential effects of the proposed development. It has shown that the rebuilding of the southern boundary wall, as set out in the Design and Access Statement and application drawings, would not harm the significance (or special interest or character and appearance) of the affected listed structures or the Fitzjohns/Netherhall Conservation Area.
- 1.13 The heritage policies to conserve the significance of heritage assets have been met. The statutory requirements to pay special regard to the conservation of listed buildings and conservation areas can be carried out.