

Heritage Statement

13 Netherhall Gardens, London

October 2022

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1. Summary and Introduction

This Heritage Statement has been prepared on behalf of Re-Creo Netherhall Gardens Ltd in support of a planning application for the construction of a four storey residential building comprising of six flats on land adjacent to 13 Netherhall Gardens and associated works including the rebuilding of the front boundary wall, landscaping and the construction of two screened service enclosures.

The main purpose of this report is to assess the architectural and historic significance of 13 Netherhall Gardens and the conservation area, assess the impact of the proposals on that significance and determine whether the proposals comply with national policies and guidance relating to heritage assets.

It will be shown that the proposed development will substantially enhance the significance of the conservation area and includes public benefit. For these reasons the proposal will be seen to comply with national and local policy and guidance.

This report should be read in conjunction with the drawings.

Following training as an architectural historian I acquired a broad range of experience while working in the Heritage Protection Department of English Heritage. Following this I worked as the Senior Conservation and Urban Design Officer for the London Borough of Lambeth, the Conservation Advisor for the Victorian Society and as Deputy Team Leader of the Design and Conservation Team for the London Borough of Islington. As Conservation Advisor to the Victorian Society I was a recognized national expert on the assessment of the significance of Victorian buildings and the impact of proposals on that significance. I have acted as an expert witness at numerous appeal hearings and public inquiries. I am an elected Fellow of the Society of Antiquaries (FSA) and a full member of the Institute of Historic Building Conservation (IHBC). I am a trustee of Pitzhanger Manor and Gallery Trust, sit on the committee of SAVE Britain's Heritage and a former Built Environment Expert for the Design Council / Commission for Architecture and the Built Environment

Kristian Kaminski BA (Hons), MA, FSA, IHBC

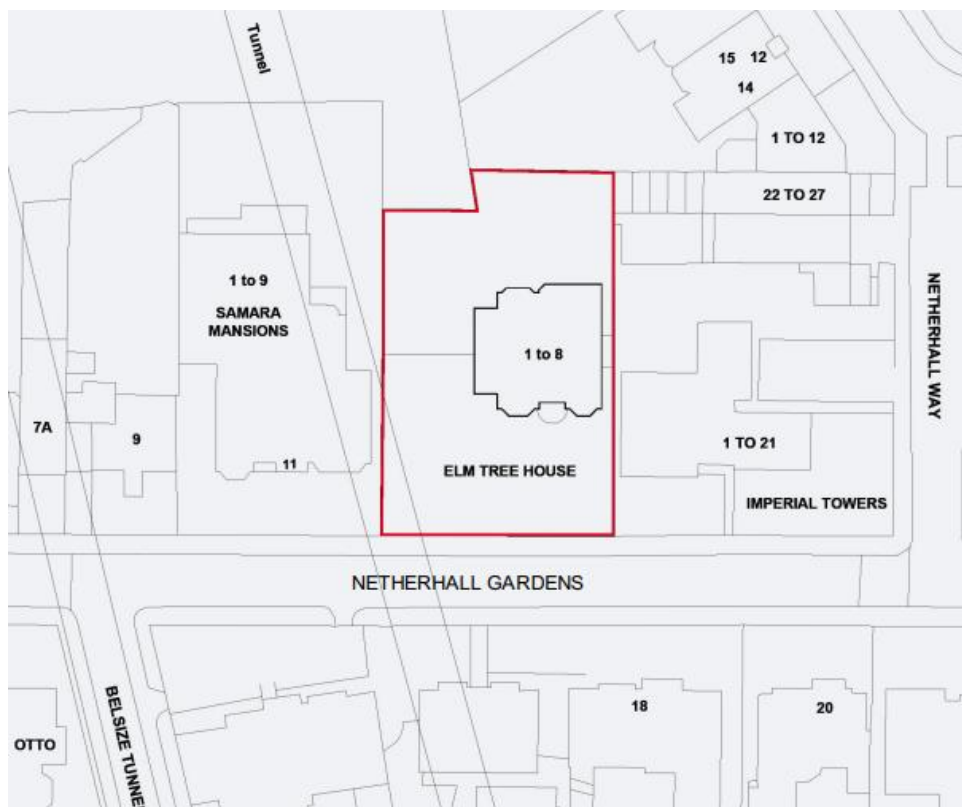
2. Site Description and the Heritage Assets

13 Netherhall Gardens is a late 19th century detached house in a Queen Anne Revival / aesthetic movement style. It comprises of three-storeys over a lower ground floor (above ground to the rear) with attic. It is double fronted consisting of five bays, balanced with two gables ends of two bays each either side a central bay, but with variation in the form of the gables, one being Dutch, as well as the fenestration providing asymmetry. To the ground floor is an entrance portico, with balustrade above, and two canted bay windows either side. It is constructed of red brick, with aesthetic movement style terracotta sunflower motifs, under a slate roof. The fenestration is for the most part the original white painted timber 6/1 sash windows with some modern replacements. To the south of the house is a modern single storey side extension that undermines its architectural integrity. The house is in very poor condition, has structural problems and an Improvement Notice has been served.

To the south of the house is a large side garden and to the east a large front garden, both are hard surfaced and in poor condition. The side garden was once the site of a number of garages. The front garden is enclosed by an attractive wall with piers, red brick over blue Staffordshire engineering brick with over-burnt/rubble brick panels.

To the rear is a fairly sizeable garden which slopes away from the house and contains a substantial underground air raid shelter. The original brickwork of the house has been rendered to the rear at lower ground floor level and some original windows altered. The rear is in a particularly poor condition with sizeable buddleia's growing within the brickwork, and it is here that the structural problems are most evident.

13 Netherhall Gardens is within the Fitzjohns/Netherhall Conservation Area.



Above, site location plan

3. The Heritage Assets: Assessment of Architectural and Historic Significance

The Government's national planning policies on the conservation of the historic environment are provided in Section 12 (Conserving and enhancing the historic environment) of the NPPF. Paragraph 194 states:

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary...

13 Netherhall Gardens is within the Fitzjohns/Netherhall Conservation Area.

Fitzjohns/Netherhall Conservation Area Conservation Area

The Fitzjohns/Netherhall Conservation Area was designated in March 1984 and extended in 1988, 1991 and 2001.



Above, map of the conservation area



Above, Ordnance Survey Map, 1871

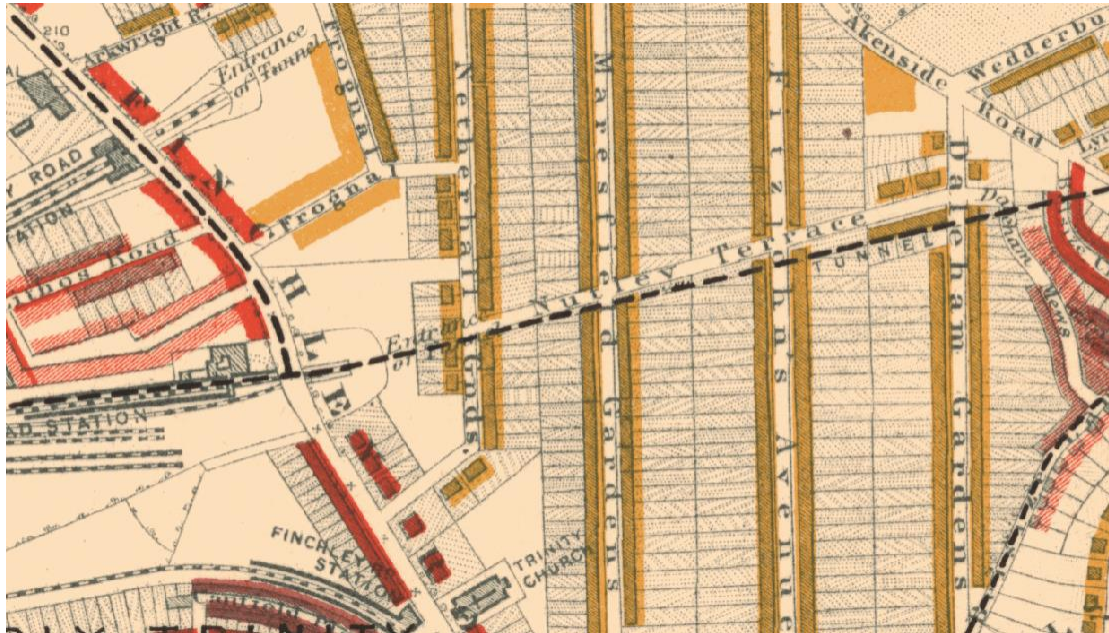
The Fitzjohns/Netherhall Conservation Area Statement describes the history of the area before its development in the late Victorian period. The appearance of the area today, however, is a result of the landowner Spencer Wilson who laid out Fitzjohn's Avenue in 1875 which led the development of the surrounding area. Fitzjohn's Avenue was designed to be 50ft wide with a 10ft pavement and was described as 'one of the noblest streets in the world' by Harpers magazine in 1883. It was planted with alternate red and white chestnuts and the houses were set back from the road with long front paths. The surrounding streets were built over the following 10 years, less spacious than Fitzjohn's Avenue but still featuring large plots with detached or semi-detached houses. A number of houses were designed by notable architects such as Norman Shaw and residents included a number of well known artists, writers and social reformers. Some of the houses were so large that letting them became difficult and by the end of the 1890s a number of girls schools opened.



Above, Ordnance Survey Map, 1915

Charles Booth's notebook of 1898 describes Netherhall Gardens as 'picturesque and pleasant... quite modern with no hints of decay... gardens, trees, houses all modern types of

architecture... evident signs of difficulty in letting, and a few houses coming down to make way for flats'. His poverty map of 1898 describes Netherhall Gardens as 'Upper-middle and upper classes. Wealthy'.



Above, Charles Booth's poverty map of 1898

The Fitzjohns/Netherhall Conservation Area Statement summarises the character of the area:

Long views along the avenues combine with substantially scaled properties and generous grounds to create an imposing district.

Within a framework of broadly similar building types there is a mixture of architectural styles that includes neo-Gothic, classical Italianate, Queen Anne, Jacobean, Domestic Revival, Arts and Crafts/Norman Shaw. A feature of the area is the number of properties built for individual owners, (some of whom were artists) by respected architects. The range of detail includes; fine rubber brickwork, terracotta enrichments, stained glass, fine wrought iron work, Tudor-style chimney stacks, extensive tiling and tile hangings, oriel windows, stone mullions to windows, bay windows, large studio windows for artists, well-detailed front walls, gate piers, decorative tiled front paths, doorways and large porches, elevated ground floors. Roofs are an important and conspicuous element, a development of mid-late Victorian architecture that dominates the profile of the skyline. The most common types of roof are gables (various designs), pitched with dormers, shallow pitched with overhanging eaves. The majority of properties are detached or semi-detached with few terraces. The gaps between the buildings therefore provide views to the rear gardens and a rhythm to the frontage.

Throughout the conservation area the contribution of the streetscape is significant; the trees (public and private), the vegetation, the boundaries between private gardens and the street, the rear gardens. Large mature trees have a presence in nearly every view. Some roads were planted with street trees... while others rely on the profuse planting of trees and shrubs in private front gardens. Trees are an inherent and characteristic part of the conservation area. As well as appearing as

formal street tree planting they appear in front gardens, the gaps between properties and in rear gardens... The private landscape often contains significant trees, whether groups or individual specimens, contributing to the character of the area, visible from public places or perhaps from surrounding properties.

Original boundary walls are distinctive, using particular materials and details to echo the architecture behind. Although the walls and their special details and underlying design conventions give a remarkable consistency. One original element missing almost entirely from these walls is the ironwork of railings and gates, of which only traces and the odd example remains. Although not always visible from the street the rear gardens for large blocks of open land making a significant contribution to the character of the area...

The Fitzjohns/Netherhall Conservation Area Statement places 13 Netherhall Gardens within a 'sub area' known as 'Fitzjohns' which is described as:

Built predominantly over a ten year period, from the late 1870s to the late 1880s, it marks the style and pre-occupations of the 1880s. Generally the architectural influences are the Queen Anne and Domestic Revival with purple and red brick, decorative ironworks, rubbed and carved brick, bargeboards and roof details.

The road layout is almost a grid, with Fitzjohn's Avenue on the north/south axis, the prime street in terms of grandeur, scale and length. The north/south streets have some steep gradients and are crossed east/west by lesser streets...

Netherhall Gardens is described as:

The road rises from Finchley Road to nearly the top of Fitzjohn's Avenue. A very steep incline from Finchley Road gives the buildings a dramatic impact from either direction with the roof lines standing out... Most properties date from the initial building in the 1880s and are detached... The failure to maintain soft landscaping... is regrettable for an area with such a quality of detail... On the west side are wide detached properties some with Dutch gables and a detracting amount of forecourt parking... No.11 has a more usual approach for the area with rubbed brick dressings, and sash windows with small lights at the top... No.13, front boundary wall repeats the pattern seen elsewhere in the area, i.e. orange brick with (battered) panels of over-burnt brick, Staffordshire blue courses below, stone pier caps and coping. No.15 & 17 were replaced in the early 1970s by Imperial Towers, a 1970s five storey block that has little to recommend it, in red brick and is situated too close to the frontage. The east side has larger detached properties without basements of two storeys and roof that are set back from the road. Nos. 16 and 18 were replaced in the 1990s by three red brick properties in the style of the 1880s. Careful detailing has been used but there is inevitable a different quality to the brickwork that highlights its lack of age.

A detailed assessment of the character of 13 Netherhall Gardens and the conservation area has been undertaken in the Design and Access Statement.

In conclusion, the Fitzjohns/Netherhall Conservation Area has architectural and historic significance due to its large collection of high quality buildings dating to the 1870s and 1880s, many in a Queen Anne Revival style, many detached and set within large gardens with trees.

4. The Site's Contribution to the Conservation Area

A detailed assessment of the character of 13 Netherhall Gardens and the conservation area has been undertaken in the Design and Access Statement.

13 Netherhall Gardens has architectural and historic significance as a late 19th century detached house in a Queen Anne Revival / aesthetic movement style comprising of three-storeys over basement (sunk to the front but above ground to the rear) with attic. It is set back from the road with a large front, side and rear garden which is heavily planted and with numerous sizeable trees.

This gap created by the side garden and the set-back position of 13 Netherhall Gardens is unusual within the conservation area and not a defining characteristic.

13 Netherhall Gardens makes a positive contribution to the significance of the Fitzjohns/Netherhall Conservation Area by virtue of its age, quality, materials and garden setting. However, this contribution is substantially undermined by:

- a modern single-storey side extension
- the poor condition of the house and structural problems
- alterations to the original fenestration
- hard surfaces / car parking to, and poor condition of, the front and side gardens
- poor condition of rear garden



Above, front elevation



Above, rear elevation



Above, site looking north west

5. Assessment of National and Local Policy and Guidance

Planning (Listed Buildings and Conservation Areas) Act (1990)

The Planning (Listed Buildings and Conservation Areas) Act (1990) provides the primary legislation that is used to assess the impact of development proposals on listed buildings and conservation areas.

National Planning Policy Framework (NPPF) (2012, revised 2021)

The Government's national planning policies on the conservation of the historic environment are provided in Section 12 (Conserving and enhancing the historic environment) of the NPPF.

The NPPF makes it clear that heritage assets need to be put to appropriate and viable uses to ensure their conservation, and that intelligently managed change is necessary if heritage assets are to be maintained for the long term.

The NPPF states the following:

12. Achieving well-designed places

126. The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process...

127. Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development, both through their own plans and by engaging in the production of design policy, guidance and codes by local planning authorities and developers.

128. To provide maximum clarity about design expectations at an early stage, all local planning authorities should prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code, and which reflect local character and design preferences. Design guides and codes provide a local framework for creating beautiful and distinctive places with a consistent and high quality standard of design. Their geographic coverage, level of detail and degree of prescription should be tailored to the circumstances and scale of change in each place, and should allow a suitable degree of variety.

129. Design guides and codes can be prepared at an area-wide, neighbourhood or site-specific scale, and to carry weight in decision-making should be produced either as part of a plan or as supplementary planning documents. Landowners and

developers may contribute to these exercises, but may also choose to prepare design codes in support of a planning application for sites they wish to develop. Whoever prepares them, all guides and codes should be based on effective community engagement and reflect local aspirations for the development of their area, taking into account the guidance contained in the National Design Guide and the National Model Design Code. These national documents should be used to guide decisions on applications in the absence of locally produced design guides or design codes.

130. Planning policies and decisions should ensure that developments:

(a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

(b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

(c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

(d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

(e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

(f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁹; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

131. Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.

132. Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.

133. Local planning authorities should ensure that they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development. These include workshops to engage the local community, design advice and review arrangements, and assessment frameworks such as Building for a Healthy Life 51 . These are of most benefit if used as early as possible in the evolution of schemes, and are particularly important for significant projects such as large scale housing and mixed use developments. In assessing applications, local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels.

134. Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes. Conversely, significant weight should be given to:

(a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes; and/or

(b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings...

16. Conserving and enhancing the historic environment

Proposals affecting heritage assets

194. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

195. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal...

197. In determining applications, local planning authorities should take account of:

(a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

(b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

(c) the desirability of new development making a positive contribution to local character and distinctiveness...

Considering potential impacts

199. When considering the impact of a proposed development on the significance of designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

200. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

(a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;

(b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional 68 .

201. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total 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; and

(b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and

(c) conservation by grant-funding or some form of not for profit, 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.

202. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use...

206. 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.

207. 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 201 or less than substantial harm under paragraph 202, 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.

208. 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.

Planning Practice Guidance to the NPPF, Historic Environment (2019)

The Historic Environment section to the Planning Practice Guidance to the NPPF states:

18. How can the possibility of harm to a heritage asset be assessed?

What matters in assessing whether a proposal might cause harm is the impact on the significance of the heritage asset. As the National Planning Policy Framework makes clear, significance derives not only from a heritage asset's physical presence, but also from its setting.

Proposed development affecting a heritage asset may have no impact on its significance or may enhance its significance and therefore cause no harm to the heritage asset. Where potential harm to designated heritage assets is identified, it needs to be categorised as either less than substantial harm or substantial harm (which includes total loss) in order to identify which policies in the National Planning Policy Framework (paragraphs 194-196) apply.

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

Whether a proposal causes substantial harm will be a judgment for the decision-maker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.

While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later additions to historic buildings where those additions are inappropriate and harm the buildings' significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm, depending on the nature of their impact on the asset and its setting.

The National Planning Policy Framework confirms that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). It also makes clear that any harm to a designated heritage asset requires clear and convincing justification and sets out

certain assets in respect of which harm should be exceptional/wholly exceptional (see National Planning Policy Framework, paragraph 194).

20. What is meant by the term public benefits?

The National Planning Policy Framework requires any harm to designated heritage assets to be weighed against the public benefits of the proposal.

Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.

Examples of heritage benefits may include:

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting
- reducing or removing risks to a heritage asset
- securing the optimum viable use of a heritage asset in support of its long term conservation

25. Local planning authorities must review their conservation areas from time to time (section 69(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990). A conservation area appraisal can be used to help local planning authorities develop a management plan and plan-making bodies to develop appropriate policies for local and neighbourhood plans. A good appraisal will consider what features make a positive or negative contribution to the significance of the conservation area, thereby identifying opportunities for beneficial change or the need for planning protection...

Historic England Advice Note 2, Making Changes to Heritage Assets (2016)

The purpose of this Historic England Advice note is to provide information on repair, restoration, addition and alteration works to heritage assets to assist local authorities, planning and other consultants, owners, applicants and other interested parties in implementing historic environment legislation, the policy in the National Planning Policy Framework (NPPF) and the related guidance given in the Planning Practice Guidance (PPG). It states:

41 The main issues to consider in proposals for additions to heritage assets, including new development in conservation areas, aside from NPPF requirements such as social and economic activity and sustainability, are proportion, height, massing, bulk, use of materials, durability and adaptability, use, enclosure, relationship with adjacent assets and definition of spaces and streets, alignment, active frontages, permeability and treatment of setting. Replicating a particular style may be less important, though there are circumstances when it may be appropriate. It would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting. Assessment of an asset's significance and its relationship to its setting will usually suggest the forms of extension that might be appropriate.

42 The historic fabric will always be an important part of the asset's significance, though in circumstances where it has clearly failed it will need to be repaired or replaced; for instance, seaside piers, constructed in timber and iron in a very hostile environment, will only survive through replication of corroded elements and mass-produced components in some C20 buildings, such as steel-framed windows, may not be simple to repair and repair would therefore be disproportionate. In normal circumstances, however, retention of as much historic fabric as possible, together with the use of appropriate materials and methods of repair, is likely to fulfil the NPPF policy to conserve heritage assets in a manner appropriate to their significance, as a fundamental part of any good alteration or conversion. It is not appropriate to sacrifice old work simply to accommodate the new.

London Plan (March 2021)

The following policies of the London Plan (2021) are considered relevant to this application:

- Policy HC1, Heritage Conservation and Growth

The policy states:

C. 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 Local Plan, London Borough of Camden (2017)

The Local Plan was adopted by Council on 3 July 2017 and replaced the Core Strategy and Camden Development Policies documents as the basis for planning decisions and future development in the borough.

Policy D1 Design states that:

7.1 The Council will seek to secure high quality design in development. The Council will require that development:

- a. respects local context and character;
- b. preserves or enhances the historic environment and heritage assets in accordance with "Policy D2 Heritage";
- c. is sustainable in design and construction, incorporating best practice in resource management and climate change mitigation and adaptation;
- d. is of sustainable and durable construction and adaptable to different activities and land uses;
- e. comprises details and materials that are of high quality and complement the local character;
- f. integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage;
- g. is inclusive and accessible for all;
- h. promotes health;
- i. is secure and designed to minimise crime and antisocial behaviour;

- j. responds to natural features and preserves gardens and other open space;
- k. incorporates high quality landscape design (including public art, where appropriate) and maximises opportunities for greening for example through planting of trees and other soft landscaping,
- l. incorporates outdoor amenity space;
- m. preserves strategic and local views;
- n. for housing, provides a high standard of accommodation; and
- o. carefully integrates building services equipment.

The Council will resist development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions...

Policy D2 Heritage states that:

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.

Designated heritage assets

Designed heritage assets include conservation areas and listed buildings. 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

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.

The Fitzjohns/Netherhall Conservation Area Statement, London Borough of Camden (2001)

The Fitzjohns/Netherhall Conservation Area Statement provides the following guidelines relevant to this application:

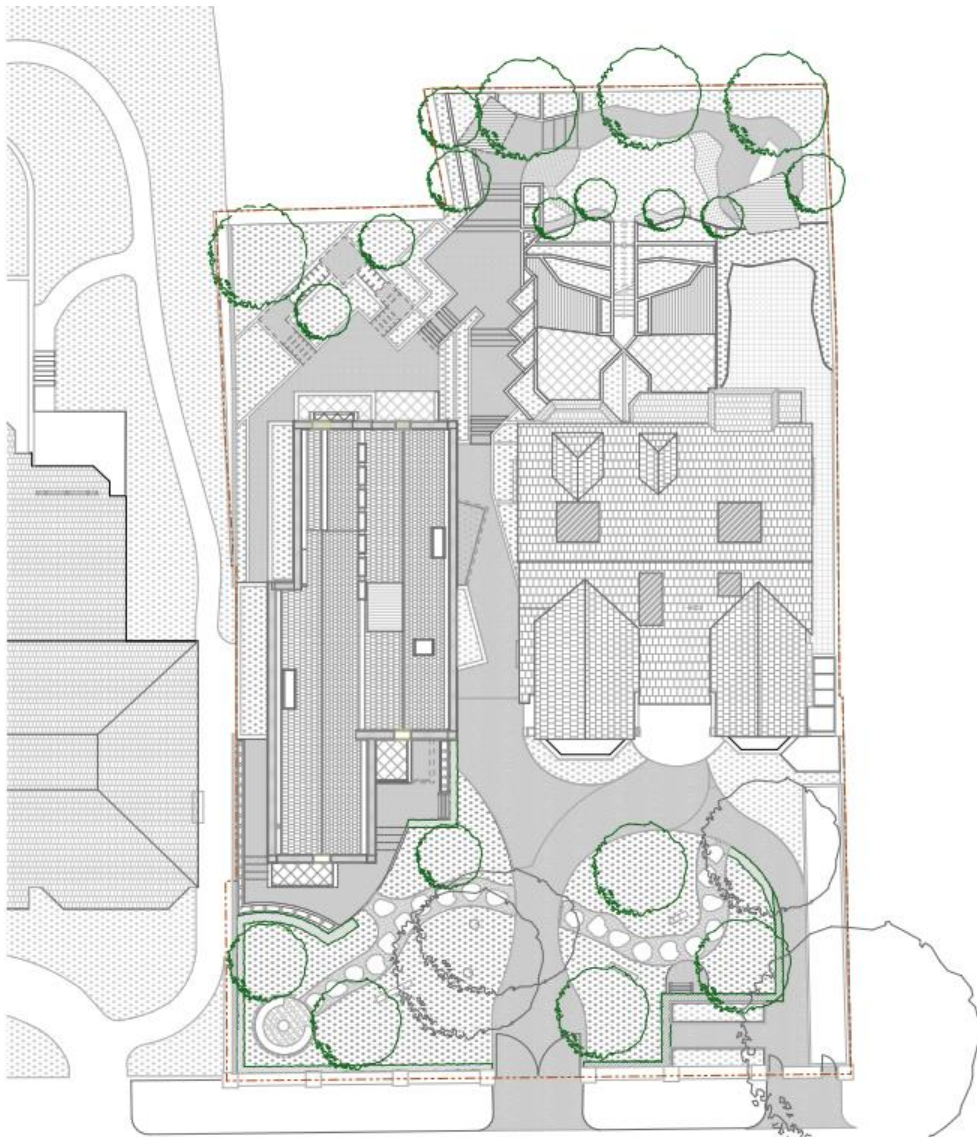
New Development

F/N1 New development should be seen as an opportunity to enhance the Conservation Area. All development should respect existing features such as building lines, roof lines, elevational design, and where appropriate, architectural characteristics, detailing, profile, and materials of adjoining buildings...

6. Assessment of the Impact of the Proposals on the Heritage Assets and Compliance with National and Local Policy and Guidance

The Proposals

It is proposed to construct a four storey residential building comprising of six flats on land adjacent to 13 Netherhall Gardens and associated works including the rebuilding of the front boundary wall, landscaping and the construction of two screened service enclosures.



Above, the proposed site plan



Above, the proposed front elevation



Above, the proposed rear elevation



Above, CGI of the proposed development to the front (with trees)



Above, CGI of the proposed development to the front (without trees)



Above, CGI of the proposed development from the rear (with trees)

Pre-application Advice

The proposals have been subject to extensive pre-application consultation with the London Borough of Camden and review by the Camden Design Review Panel.

The summary of the Design Review Panel advice dated 17 June 2020 stated:

The panel appreciates the applicant's ambition to develop this challenging site, but considers that the current designs are overly ambitious and complex, resulting in a proposal that is not of sufficient architectural quality for the conservation area. Restoring the existing building is a significant benefit to the conservation area, but the panel points out that the new, partially adjoined, building proposed as Phase 3 cannot be fully assessed without detailed information on the preceding phases. It considers the Phase 3 building to have an overly complex plan, which should be simplified. Basement parking for preceding phases should not be included in Phase 3 and, in any case, internal parking provision should be reconsidered, not least to avoid the carbon impact of excavation. The large garage has the effect of extending the building footprint too close to the rear boundary, and the panel is concerned about the potential impact on both the SINC and the neighbouring property, as well as the quality of the ground and lower ground floor apartment, which will have limited aspect and potential issues with light and overlooking. The panel recommends a simpler, more refined architectural approach to layout, massing and materials. A more unified façade design would better reflect the character of the conservation area. Brick is a good material choice provided it is well detailed, but the panel is not convinced that the proposed combination and detailing of zinc roofing, terracotta-effect metal or the large, glazed stairwell are appropriate. The green wall is likely to create long-term maintenance problems, and should be reconsidered. Aspirations to improve biodiversity are welcome, but more of the 'secret' character of the overgrown gardens could be retained, particularly at the front where the existing trees enhance the street

character. Air source heat pump enclosures close to the pavement should be avoided. A sustainability strategy would need to demonstrate how the volume of concrete required can be justified from the perspective of embodied carbon, and should also propose an integrated operational energy strategy.

The development of the proposals in response to this advice is covered in the Design and Access Statement.

Impact of the Proposals on the Heritage Assets

The Government's national planning policies on the conservation of the historic environment are provided in Section 12 (Conserving and enhancing the historic environment) of the NPPF. Paragraph 194 states:

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary...

The significance of the Fitzjohns/Netherhall Conservation Area has been assessed above. In summary, the conservation area has architectural and historic significance due to its large collection of high quality buildings dating to the 1870s and 1880s, many in a Queen Anne Revival style, many detached and set within large gardens with trees.

13 Netherhall Gardens has architectural and historic significance a late 19th century detached house in a Queen Anne Revival / aesthetic movement style comprising of three-storeys over basement (sunk to the front but above ground to the rear) with attic. It is set back from the road with a large front, side and rear garden which is heavily planted and with numerous sizeable trees.

Consequently, 13 Netherhall Gardens makes a positive contribution to the significance of the Fitzjohns/Netherhall Conservation Area by virtue of its age, quality, materials and garden setting. However, this contribution is substantially undermined by:

- a modern single-storey side extension
- the poor condition of the house and structural problems
- alterations to the original fenestration
- hard-surfacing / car parking to, and poor condition of, the front and side gardens
- poor condition of rear garden

A planning application (Ref: 2020/0971/P) was approved 7 May 2020. The following works are proposed and will substantially enhance the significance of 13 Netherhall Gardens and the conservation area:

- demolition of the low-quality ground floor extension on the southern side of the existing building
- restoration of the original exterior elevations, including the repair of brickwork in accordance with the recommendations of a structural engineer
- repair to the roof and rainwater downpipes

- removal of external rendering on lower ground floor on the western elevation (rear of the building) to restore the original brickwork
- removal of non-original windows and re-instatement of original windows
- replacement of window frames and sashes with new to match the existing.

These works will substantially enhance the significance of 13 Netherhall Gardens and the conservation area.

It is now proposed to construct a four storey residential building comprising of six flats on land adjacent to 13 Netherhall Gardens and associated works including the rebuilding of the front boundary wall, landscaping and the construction of two screened service enclosures.

Planning Practice Guidance (PPG) states:

41 The main issues to consider in proposals for additions to heritage assets, including new development in conservation areas... are proportion, height, massing, bulk, use of materials, durability and adaptability, use, enclosure, relationship with adjacent assets and definition of spaces and streets, alignment, active frontages, permeability and treatment of setting. Replicating a particular style may be less important, though there are circumstances when it may be appropriate. It would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting.

The proposed building is an example of high quality contextual design which responds positively to the character and appearance of the conservation area. I agree with the 'Design Rational' as set out in the Design and Access Statement.

The proposed building has been designed to be well proportioned, of appropriate height, massing and bulk. High quality, robust and durable materials including red brick, gault brick, slate, clay tiles, aluminium windows and steel balustrades are proposed.

A defining feature of the proposed building is a simplified contemporary interpretation of the twin Dutch gables to 13 Netherhall Gardens. Façade proportions and fenestration pattern and the sizing of openings are complementary to that of 13 Netherhall Gardens and other Victorian buildings within the conservation area. The use of red brick, clay tile detailing and slated roofs clearly replicates the defining characteristics of the Victorian buildings of the conservation area. The elevations will be well articulated with windows set back within a brick reveal and the brickwork finely detailed.

The siting and footprint of the proposed building ensures an appropriate relationship with adjacent buildings. The proposed building fits within the existing wide gap between 11 and 13 Netherhall Gardens and helps transition between the two. As discussed above this gap and the set-back position of 13 Netherhall Gardens is unusual within the conservation area and not a defining characteristic. In carefully infilling the gap the proposed building will lead to greater cohesiveness of built form and help strengthen the character of the conservation area.

While the proposed building does not replicate a Victorian building and is clearly a contemporary building it has been influenced in its design by the character of 13 Netherhall Gardens and other Victorian buildings within the conservation area, and consequently makes a sensitive addition to the conservation area. The carefully considered scale, materials and siting of the proposed building ensures that it will remain subordinate to 13 Netherhall Gardens and does not dominate it.

High quality hard and soft landscaping is proposed. An arboriculturist has researched and advised on the proposed tree planting. When the site was first developed in C19th it was planted with Lime, Poplar and Elm trees, now mostly lost. The front garden currently has many self-seeded Sycamore trees and an Ash that are inappropriate for their setting. It is proposed to plant Lime, Elm and Silver Birch trees which will enhance the contribution that the landscape makes to the significance of the conservation area, as well as improving the bio-diversity of the site.

The original and attractive, but in very poor condition, front boundary wall will be rebuilt and an appropriate gate added. Two service enclosures will be well screened.

In summary, the proposed building is an example of high quality contextual design which responds positively to the character and appearance of the conservation area. In itself it will make a positive contribution to the character of the conservation area and taking other works into consideration (as outlined above) the proposed development will substantially enhance the significance of the conservation area.

Heritage / Public Benefits

Heritage benefits are an important public benefit and include the following works:

- Restoration of 13 Netherhall Gardens as approved (Ref: 2020/0971/P) and outlined above
- High quality hard and soft landscaping including tree planting which will improve the bio-diversity of the site
- Rebuilding the front boundary wall

These works will substantially enhance the significance of 13 Netherhall Gardens and the conservation area.

Another important public benefit is:

- The creation of six new residential flats

Compliance with National and Local Policy and Guidance

It has been shown that the proposals have clear and convincing justification and will substantially enhance the significance of the conservation area. The proposals have, therefore, been seen to comply with national and local policy and guidance.

It could be argued that even were it to be considered that some of the proposals caused 'less than substantial harm' to the significance of the conservation area the proposals would still comply with national and local policy and guidance because this harm would have clear and convincing justification and would also be outweighed by the public benefits.

7. Conclusion

This Heritage Statement has been prepared on behalf of Re-Creo Netherhall Gardens Ltd in support of a planning application for the construction of a four storey residential building comprising of six flats on land adjacent to 13 Netherhall Gardens and associated works including the rebuilding of the front boundary wall, landscaping and the construction of two screened service enclosures.

This report has assessed the architectural and historic significance of 13 Netherhall Gardens and the conservation area, assessed the impact of the proposals on that significance and determined whether the proposals comply with national policies and guidance relating to heritage assets.

It has been shown that the proposed development will substantially enhance the significance of the conservation area and includes public benefit. For this reason the proposal complies with national and local policy and guidance.