

Heritage Statement

Flat 2, 16 Lyndhurst Gardens, NW3 5NR

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Client: Mr & Mrs Goldberg

Ref: 0454

1.0 INTRODUCTION

- 2.1 This Heritage Statement has been prepared by Ignus Froneman, Director at Cogent Heritage, in consultation with SM Planning and KSR Architects. The report considers the potential effects of proposed changes to the ground and lower ground floor (flat 2) of the grade II listed 16 Lyndhurst Gardens in Camden.
- 2.2 There is an extant consent for similar changes to the building, under Camden Council references 2021/2824/P & 2021/3468/L (the 'Extant Consent'). The author of this report provided a Heritage Statement in support of that application.
- 2.3 The present application is for a slightly revised proposal, which is the same in terms of the internal alterations to the building as per the Extant Consent. There are two main changes to the replacements extension as per the Extant Consent:
- i. The lower ground floor part of the extension, as now proposed, would be deeper (i.e. extend further into the rear garden) than the Extant Consent by 400 mm.
 - ii. The slope-roofed ground floor part of the extension, which would sit on top of the lower ground floor element above, would also be deeper than the Extant Consent by 1600 mm, though it would stop well short of the bay window.
- 2.4 There are some very minor design refinements to the extension as now proposed, though these would be hardly perceptible and would not materially change the effect of the extension and this is not considered further.
- 2.5 This Heritage Statement provides the same assessment of the significance of the listed building and the effects of the proposed changes on its significance, as was provided in relation to the Extant Consent. The assessment then also considers

whether the present proposal would result in any harm, when considered against the Extant Consent.

- 2.6 As before, it is noted that the building falls within the Fitzjohns/Netherhall Conservation Area, although the assessment is undertaken on the basis that any external alterations that preserves the significance of the listed would equally preserve the significance of the conservation area, which is not assessed separately in its own right.

Legislation and policy summary

- 2.7 The Heritage Statement summarises below the key provisions of s.66 & s.72 of the Planning Listed Buildings and Conservation Areas Act 1990, the National Planning Policy Framework and the Development Plan policies.

- 2.8 **Legislation:** Legislation relating to listed buildings and conservation areas is contained in the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). Section 66(1) of the Act sets out the statutory duty in relation to development affecting the setting of listed buildings: and section 72(1) sets out the statutory duty in relation to any buildings or other land in a conservation area.

- 2.9 It is a well-established concept in case law that 'preserving' means doing no harm for the purposes of the 1990 Act. The Court of Appeal's decision in *Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council* [2014] (EWCA Civ 137) established that, having 'special regard' to the desirability of preserving the setting of a listed building under s.66, involves more than merely giving weight to those matters in the planning balance. There is a strong statutory presumption against granting planning permission for any development which would fail to preserve a listed building or its setting. In cases where a proposed development would harm a listed building or its setting, the Barnwell decision has established that the duty in s.66 of the Act requires these must be given "*considerable importance and weight*".

- 2.10 The key legal principles established in caselaw are:
- i. 'Preserving' for the purposes of the s.66 and s.72 duties means 'to do no harm'.
 - ii. The desirability of preserving the setting of a listed building, or the character or appearance of a conservation area must be given 'considerable importance and weight'.
 - iii. The effect of NPPF paragraphs 199-202 is to impose, by policy, a duty regarding the setting of a conservation area that is materially identical to

the statutory duty pursuant to s.66(1) regarding the setting of a listed building (and s.72 in relation to the character and appearance of a conservation area).

- iv. NPPF paragraph 202 appears as part of a 'fasciculus' of paragraphs, which lay down an approach corresponding with the s.66(1) duty (and similarly the s.72 duty).
- v. If harm would be caused, then the case must be made for permitting the development in question, and the sequential test in paragraphs 200-202 of the NPPF sets out how that is to be done. If that is done with clarity, then approval following paragraph 202 is justified. No further step or process of justification is necessary.
- vi. In cases where there may be both harm and benefits, in heritage terms, great weight has to be given to the conservation and enhancement of a listed building, and its setting, and the preservation and enhancement of a conservation area. It is possible to find that the benefits to each may be far more significant than the harm.

- 2.11 **The National Planning Policy Framework:** Section 16 of the revised (July 2021) National Planning Policy Framework (the NPPF) deals with conserving and enhancing the historic environment, in paragraphs 189 to 208. Paragraph 189 of the NPPF states that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance.
- 2.12 According to paragraph 194 applicants should 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.
- 2.13 According to paragraph 199, which applies specifically to designated heritage assets, great weight should be given to a heritage asset's conservation (the more important the asset, the greater the weight should be). This reflects the provisions of the 1990 Act in that it applies irrespective of whether it involves total loss, substantial harm, or less than substantial harm to significance.
- 2.14 Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. It then deals with substantial harm to, or total loss of significance of, different types of designated

heritage assets. Paragraph 201 continues on the subject of substantial harm (this level of harm is not relevant to the present proposals).

- 2.15 Paragraph 202, on the other hand, deals with less than substantial harm. Harm in this category should be weighed against the public benefits of the proposal. The National Planning Practice Guidance (NPPG) describes public benefits as “*anything that delivers economic, social or environmental progress*”.
- 2.16 The Development Plan is the London Plan (2021) and Camden’s Local Plan (2017).
- 2.17 **The London Plan:** The London Plan 2021 deals with Design at Chapter 3. Policy D4 deals with delivering good design and states that the design of development proposals should be thoroughly scrutinised by borough planning, urban design, and conservation officers, utilising appropriate analytical tools. The design quality of development should be retained through to completion by, amongst others, ensuring maximum detail appropriate for the design stage is provided
- 2.18 Policy HC1, entitled “*Heritage conservation and growth*” is the most relevant of the policies in Chapter 7. Parts A and B of the policy deals with strategic considerations/requirements and these are not relevant to determining planning applications.
- 2.19 Part C deals with development proposals affecting heritage assets, and their settings. This part of Policy HC1 requires development proposals to conserve the significance of heritage assets, by being sympathetic to the assets’ significance and appreciation within their surroundings. The policy also requires the cumulative impacts of incremental change from development on heritage assets and their settings to be actively managed. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early in the design process.
- 2.20 **Camden’s Local Plan (2017):** Policy D2 deals with heritage and requires development to preserve and, where appropriate, enhance Camden’s rich and diverse heritage assets and their settings, including conservation areas and listed buildings. According to the policy, the Council will not permit development that results in less than substantial harm to the significance of a designated heritage asset unless the public benefits of the proposal convincingly outweigh that harm. Specifically in relation to listed buildings, the Council will resist proposals for alterations and extensions to where this would harm the special architectural and historic interest of the building.

2.0 ASSESSMENT

Assessment of significance

- 2.1 The building was listed, along with its garden walls and gate piers, on the 1st of July 1998, with the following description (from Historic England's National Heritage List):

"Formerly known as: Highcrofts LYNDHURST GARDENS. Detached house. c1886. By Harry B Measures. For William Willett and Son, builder-developers. Red and buff bricks, rubbed brick and terracotta dressings; tiled roofs with tall stacks. 3 storeys with attic in roof, L-shaped asymmetrical plan with projecting bay under gable to right. Timber sash windows, the upper sash to windows above the ground floor with small panes, under moulded keystones linked by string courses and divided by pilaster strips. Entrance in narrow centre of three-bay composition, with panelled door set under pedimented porch with small-paned top light. Pedimented gable with terracotta ball finials. INTERIOR not inspected. SUBSIDIARY FEATURES: dwarf garden wall in front with plinth, buttresses and polygonal piers topped by terracotta finials. The Willett houses in Lyndhurst Gardens form a compact and powerful group."

- 2.2 This Statement does not consider the full history of the whole building, but highlights the most relevant changes to the ground and lower ground floors, which are well captured on a single drawing from 1998, and which is explained below. On 10 January 1997, planning permission was granted for a change of use of the lower and upper ground floor maisonette to form 2 self-contained maisonettes, together with the erection of a 2 storey extension and single storey conservatory at the rear, a part one/part two storey extension on the south flank wall, and changes to the fenestration on the north flank wall. This was before the building was listed, in July the following year. No drawings for this application could be found online.
- 2.3 However, on 24 August the following year, details of the foundation design, pursuant to Condition 3 of the 1997 planning permission, were granted (Ref. PW9802657). Of these drawings, a lower ground floor plan shows the then proposed layout of Flat 2. It is not clear whether this was implemented, but the layout as proposed corresponds well with the present layout.
- 2.4 On 3 December 1998, under Ref LW9802753R1, permission was again granted for internal and external alterations and the erection of side and rear extensions, in connection with the conversion of the 2 lower floors to form 2 self-contained maisonettes. No drawings for this survive, although some details survive of the

application to discharge conditions associated with the consent (Ref. LW9902177, granted 26 February 1999). This included new sash windows, both single and double glazed. From what can be seen of these drawings, they reflect the present layout, and the existing layout must have been created around this time.

- 2.5 Returning to the lower ground floor plan associated with the discharge of a condition in 1998 (application PW9802657), an annotated version of the lower ground floor plan is included at **Figure 1** below, which shows in red the former plan form (it should be noted that this is unlikely to have been the original plan form, as is explained below). The internal layout as shown corresponds well with the present layout, but for now that is not important. What is important, is that the red outlined walls give a very clear indication of the original plan form, which was very simple and essentially comprised a smaller front room with a bay window, and a larger rear room (then end with canted corners appears to have been added). The front room had retained the evidence of a central chimneybreast to the south wall, and a small corresponding external projection can also be seen. The chimneybreast to the rear room is not shown, although the slight projection at the (former) external south wall shows where it would have been – and this also corresponds with the location of the fireplace to the ground floor room above. The front/rear rooms would have been entered via doorways off the hallway, either side of the dividing cross wall between them. The ground floor would have had the same layout.

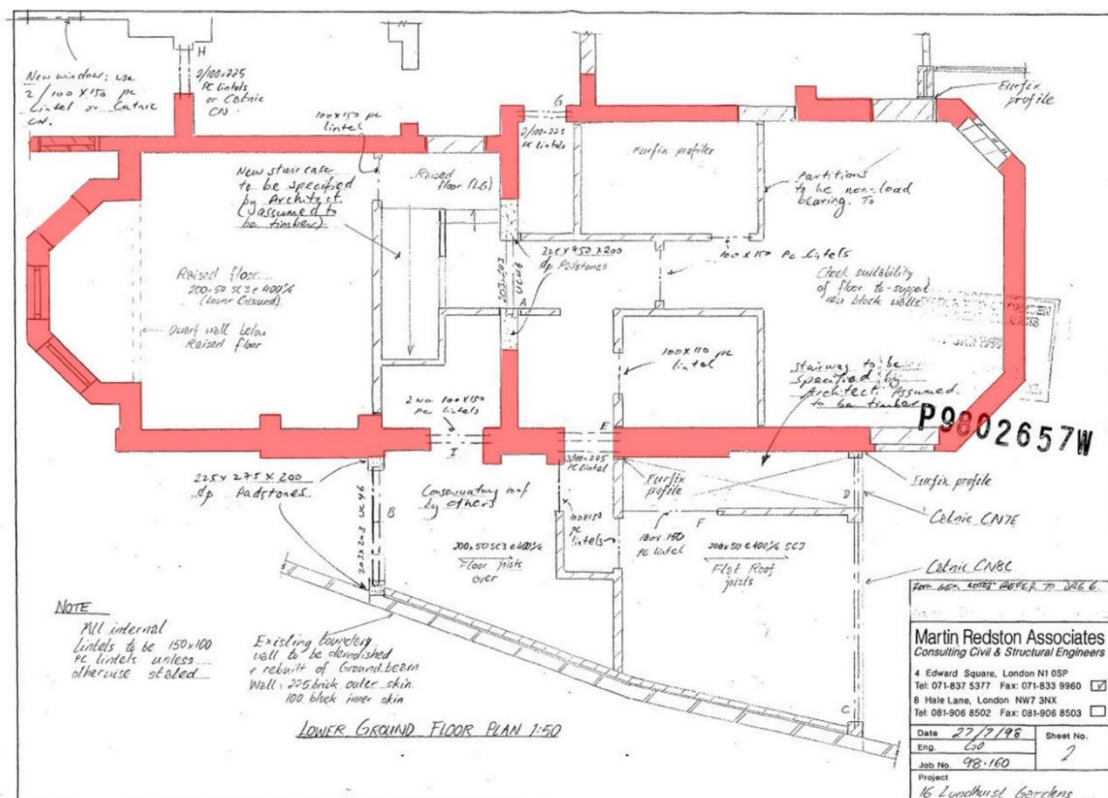


Fig 1: The lower ground floor plan, associated with the discharge of a condition in 1998, showing the pre-existing walls in red.

- 2.6 As noted above, the plan at **Figure 1** shows in red the former plan form, not the original plan form. This was not the original plan form, because it would appear that the canted bay at the rear was added later. That can be seen from the relatively crude red brick of this element, which features none of the fine detailing, such as moulded brick coursing, or polychromatic brick seen elsewhere on the rear elevation (**Photos 1 & 2**). Also, it is notable how the front chimneybreast sits in the centre of the room, whilst it is markedly off-centre to the (now enlarged) rear room. That may be expected of lower status rooms, but not a principal ground floor room, which therefore also indicates that the rear bay was added later. The rear bays of the other houses in the group designed by Harry B Measures tend to rise the full heights of the elevations, and carry through the detailing, unlike at Flat 2.



Photo 1: A photo of the rear elevation of Flat 2.



Photo 2: The same photo of the rear elevation of Flat 2, showing the added rear extension.

- 2.7 There are further observable differences in the detailing of the rear windows when compared with the original ones to the front (e.g. mouldings), which show these to be non-original.
- 2.8 Of course the layout of Flat 2 comprises only about half of the footprint of the original large house, which would originally have had a set of two other opposing rooms to the north. From what can be discerned from the hallway and fragmentary evidence of older plans, the staircase sat between the northern front and rear rooms, with both of the northern rooms consequently slightly smaller than the southern ones in Flat 2 (which again mark these as the originally the highest status rooms in the house).
- 2.9 Turning then to the interior, it is clear from the historic layout of the house that the staircase in Flat 2 is not in the original position; it sits within what would have been part of the original front room, removed from the original central stairs hall and main staircase. Moreover, it is very obviously entirely modern in its fabric and construction, as can be seen from **Photo 3**. **Photo 5** shows the non-original dentilled cornice to the stairwell, which follows the alignment of c. 1998 inserted partitions. **Photo 4** shows the non-original Georgian style box cornicing following

later inserted partitions and the crude, reeded mock Georgian style architraves. It may be observed that the Georgian detailing is not period appropriate for the late-Victorian Arts & Crafts/Queen Anne style house.



Photo 3: A photo of the rear elevation of Flat 2, showing the added rear extension.

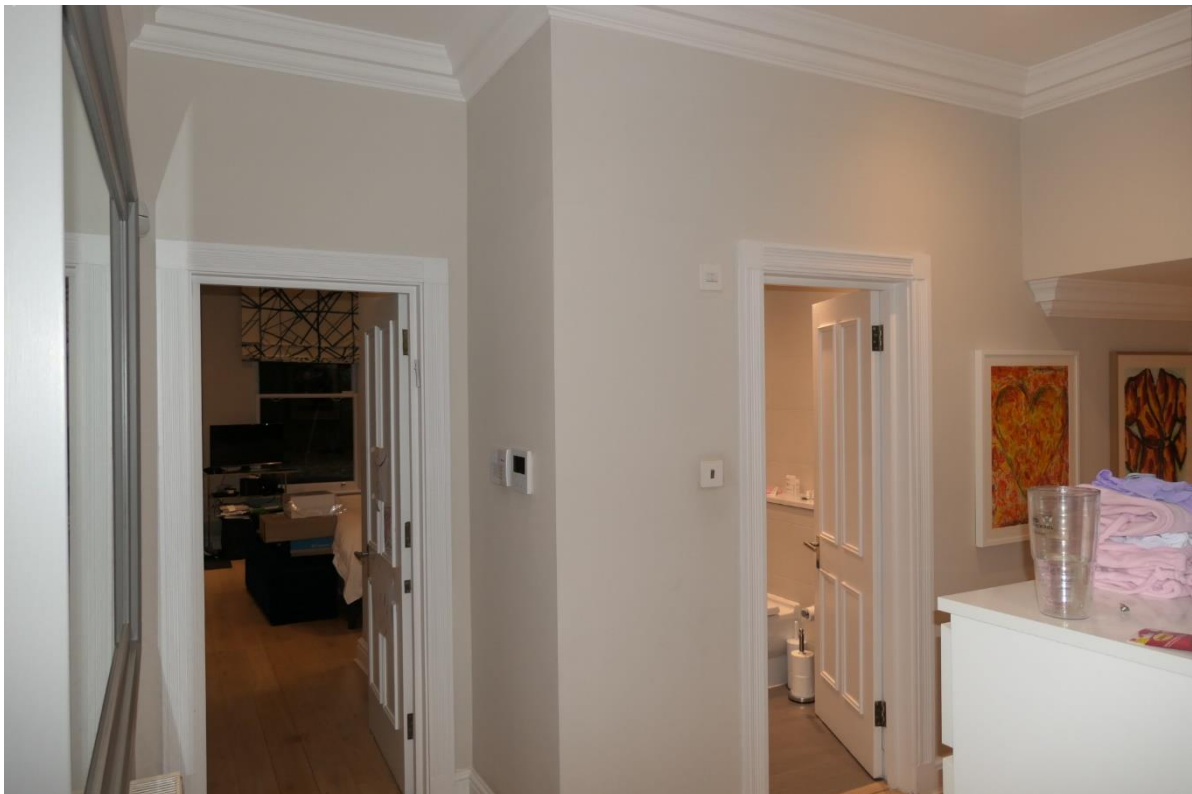


Photo 4: A photo of the rear lower ground floor with cornicing following the later insertions, with accompanying joinery.

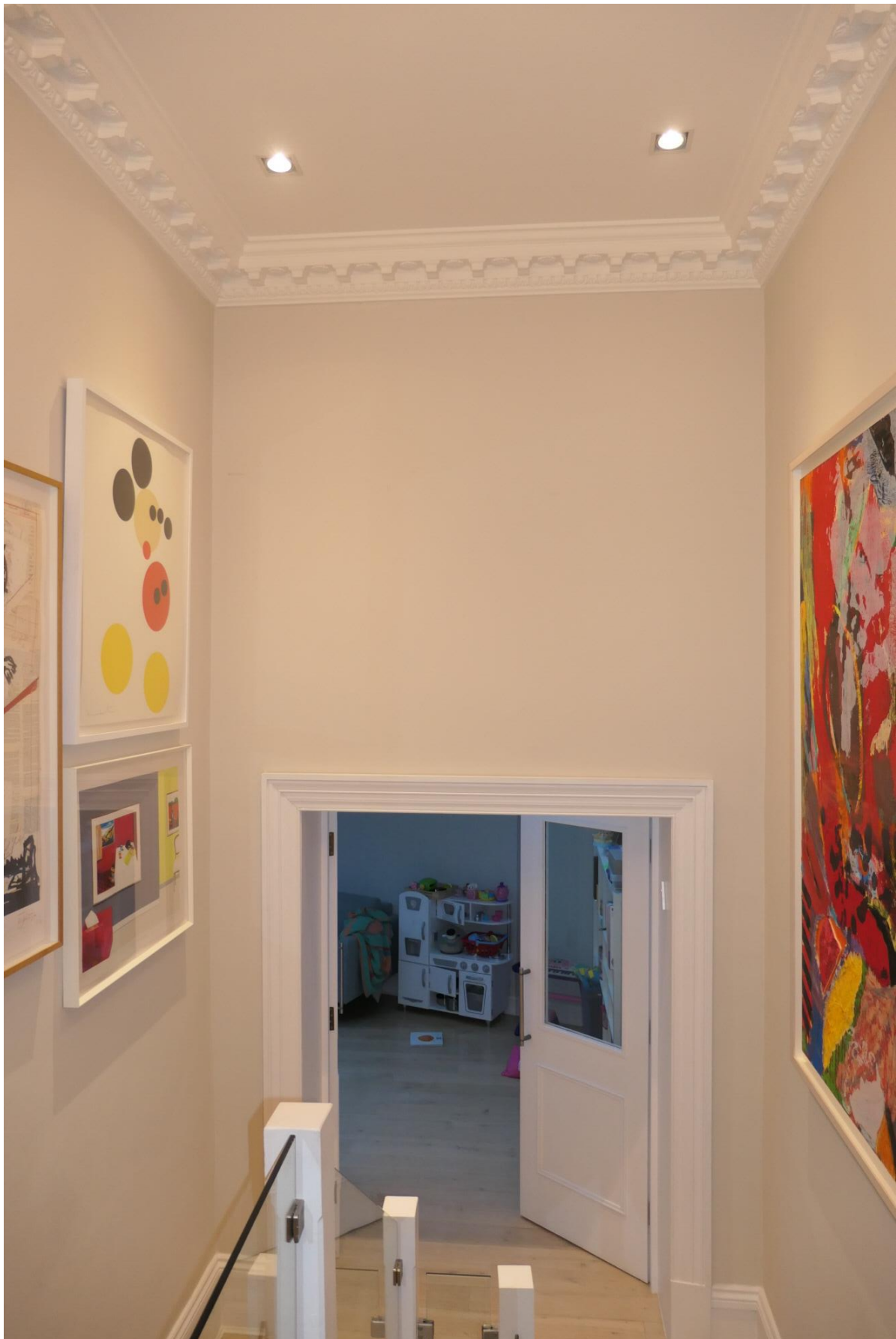


Photo 5: A photo of the staircase at ground floor level, showing the non-original dentilled cornice to the stairwell, following the inserted partitions.

- 2.10 Internally there are no features within Flat 2 that appear to be original, aside from the marble chimneypiece to the ground floor rear room, which seems to have been reassembled/refurbished and with the top shelf replaced (the hearth and grate etc. are all modern). The dentilled cornice, with egg and dart and floral bosses as seen on the ground floor (e.g. **Photo 5**) is better reflective of the original cornice seen in the hallway (**Photo 6**), but like the cornicing and other features throughout, it is modern and non-original (the ceiling in Flat 2 has been lowered).



Photo 6: A photo of the original cornicing to the ground floor stairs hall.



Photo 7: A photo 16 Lyndhurst Gardens in context with two of the original houses on the right.



Photo 8: Frontal view of 16 Lyndhurst Gardens.

2.11 As the photos above illustrate, the building has a good street presence; the “*compact and powerful group*” noted in the list description is easy to appreciate (**Photo 7**). The idiosyncratic design of the house itself has clear architectural interest in the Queen Anne design and, like the other buildings in the group is a good example of Harry B Measures’ domestic work (he was also notable in particular for barrack/military architecture and Underground stations for (what is now) the Central Line). It is a deftly-handled and well-detailed house (e.g. **Photo 9** below) that is an excellent example of the style/period, at least externally.



Photo 9: The original front door.

2.12 Like the other houses in the group, the flank elevations are rather utilitarian and with little by way of architectural distinction, and the north flank elevation of the building has had windows inserted. There is an oddly shaped two storey c. 1990s extension on the southern part of the subject property, though all that is visible from the front is a 'lean-to' wall (**Photo 10**).



Photo 10: The front elevation, with the red arrow showing the side extension to Flat 2.

2.13 This extension has an odd form and otherwise ordinary detailing that adds nothing to the interest of the building (**Photo 11**).



Photo 11: The side extension, seen from the rear.

- 2.14 The canted rear projection, which appears to have been added later, is a relatively crudely detailed structure of little intrinsic interest; the elevation above it, however, features fine detailing and a clear design intent, which makes a valuable contribution to the significance of the house, a similar theme that can be observed at the other houses in the group.
- 2.15 As has been noted, whilst the hallway has retained some very good original features (e.g. joinery, cornicing, skirting, stained glass and the original staircase), there does not appear to be anything original to Flat 2, aside from the refurbished chimneypiece, and also the front door with carved doorcase off the hallway, which also reflects the original entrance to the front room. However, the 1990s refurbishment seems to have resulted in the near-wholesale loss of features and a good deal of the plan form of the house too, with only the rear ground floor room retaining its proportions/plan form in Flat 2. Whilst it is not suggested that the interest of listed building is limited to their exterior or frontages, it is clear that in this case there is very little of any interest to the interior of Flat 2, and the rear and side elevations in their present state have also lost a good deal of significance due to alterations.

Impact assessment

- 2.16 The changes associated with the listed building consent application are summarised below and then considered in turn:
- i. Reconfiguration of the staircase (ground/lower ground floor).
 - ii. Minor changes to the lower ground floor layout.
 - iii. Remodelling of a window to a door at lower ground floor at the side of the house, and insertion of an aligned new window above.
 - iv. A new window to the street frontage of the extension at ground floor level.
 - v. Remodelled rear extension, slightly deeper at the rear with a new external staircase to the garden.
- 2.17 **Reconfiguration of the staircase (ground/lower ground floor).** The staircase is a modern (c. late 1990s) insertion of no value or significance and the reconfiguration of it would have no effect on the building's heritage significance. **Note:** this aspect of the proposal was granted consent under 2021/3468/L.
- 2.18 **Minor changes to the lower ground floor layout.** The areas where the changes are proposed are all modern (c. late 1990s), and so is the now very much

compartmentalised plan form. The proposed changes would not affect any significant fabric/features, and neither would the changes have any effect on the legibility of the plan form. This would leave the significance of the building unaffected. **Note:** this aspect of the proposal was granted consent under 2021/3468/L.

2.19 **A new window to the street frontage of the extension at ground floor level.** Although located within a new addition to the house, on the Conservation Officer's advice the window has been designed to reflect the traditional Queen Anne proportions of the house and it is considered an acceptable addition that would leave the significance of the building unaffected. **Note:** this aspect of the proposal was granted permission/consent under 2021/3468/L & 2021/2824/P.

2.20 **Remodelling of a window to a door at lower ground floor at the side of the house, and insertion of an aligned new window above.** The lower ground floor window is located in a highly concealed area and the remodelling of the opening would cause no harm. The existing window is modern, and there is no loss of an historic feature. The proposed window above aligns with it, and also reflects traditional joinery and proportions. Although at ground floor level, this remains a highly concealed area and the window would not interfere with the appreciation of the architectural design or quality of the house. **Note:** this aspect of the proposal was granted permission/consent under 2021/3468/L & 2021/2824/P.

2.21 **Remodelling of the existing extension, slightly deeper at the rear, with a reconfigured roof and a new external staircase to the garden.** It is this part of the present proposal where there is a difference between the Extant Consent and the present proposal. Informative 1 on the Decision Notice for the extant listed building consent is entitled "*Reasons for granting listed building consent*" and states [all emphasis added]:

"The principal consideration material to the determination of this application is the impact of the proposal on the Grade II listed building, its features of special architectural or historic interest.

It is noted that the proposed external alterations mainly relate to a contemporary existing conservatory extension and terrace which have no historic merit and do not contribute to the significance of the main listed building.

Following initial Council concern, the proposals were revised so that the conservatory structure would be only marginally deeper at rear lower ground floor level, so allowing for a better appreciation of the rear bay window than originally

proposed. Works also include a reconfigured roof above and a new external rear staircase to access the garden with black metal railings and balustrade (rather than a glass balustrade). As a result, the alterations would not appear noticeably different in design terms than existing and the limited increase in size would ensure that the extension would remain subservient in appearance to the main building. As such, there would be no material change in the relationship between them both and the significance of the heritage asset would be preserved. It is also noted that the rear of the property is not widely visible except from within restricted private views. [further commentary is then made in relation to aspects not relevant to the present proposal]”

2.22 When looking at the reasoning for the Extant Consent, the following can be noted:

- i. appreciation of the rear bay window was a primary concern;
- ii. subservience to the main building was another primary concern; and
- iii. it was concluded that there would be no material change in the relationship between the listed building and the extension, and the significance of the heritage asset would be preserved.

2.23 **Figs 2 & 3** overleaf show comparative rendered side elevations of the Extant Consent and the proposed extension, in which the increases in the depths of the lower ground and ground floor components of the proposed extension can be seen. Photo 12 shows the bay window, when seen from the rear garden, which, as noted in the Decision Notice for the Extant Consent, is not widely visible except from within restricted private views.

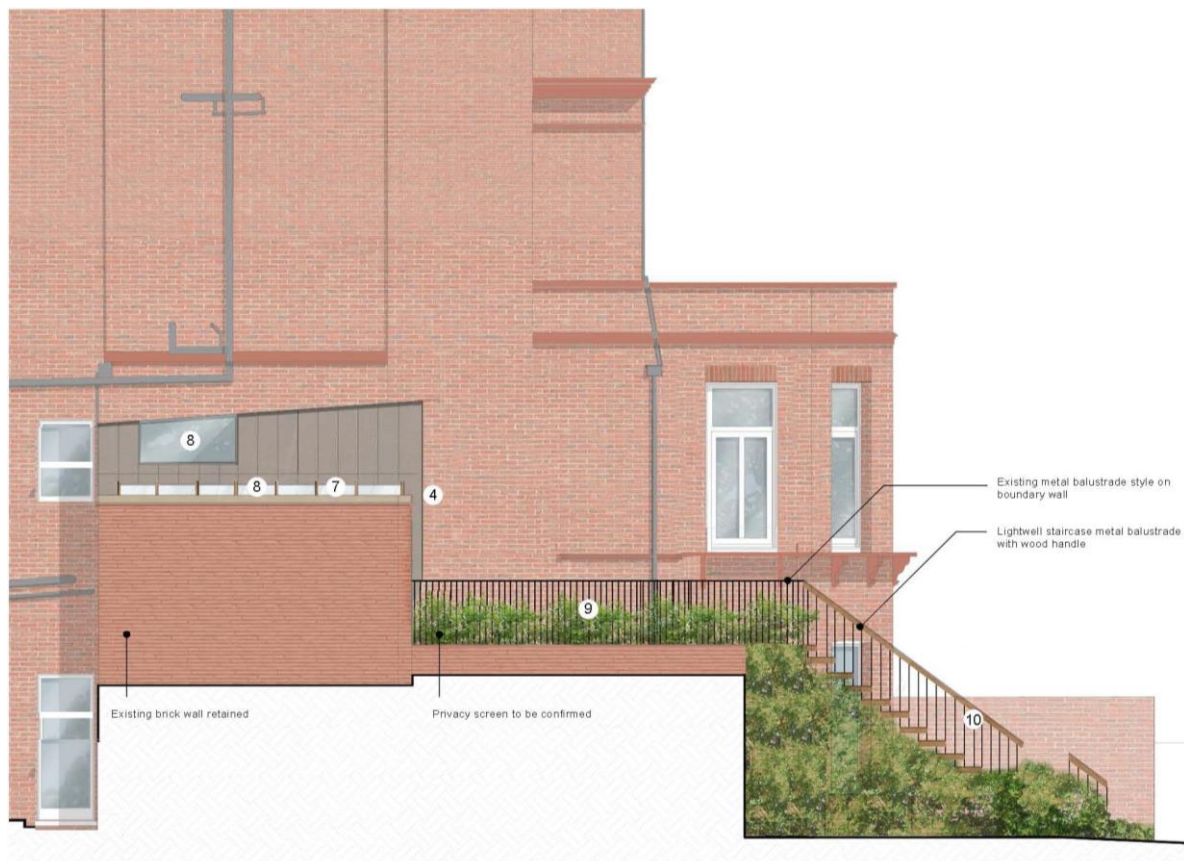


Fig 2: The consented extension.



Fig 3: The proposed extension.



Photo 12: The rear elevation, showing the existing extension and the bay window.

- 2.24 The extension as per the Extant Consent would be slightly deeper and partially overlap a blocked window in what appears to be the non-original rear bay window extension. This was found not to affect the significance or legibility of the original house. Proportionally the increase in footprint was small. The rear bay window would have extended deeper than the extension. As can be seen from **Photo 12**, bay window is very wide and stands a full two storeys tall, with the remainder of the house towering above. The Decision Notice explained that the increase in size would not materially change the relationship between the house and the extension, such that its subservience would be lost. The external rear staircase was found to be in keeping with the garden and a commonplace feature in many period properties.
- 2.25 It can be noted here that the presently proposed lower ground floor element would be aligned with the brick lower ground and ground floor structure on the opposite side of the bay window (this can be seen on the right hand side of **Photo 12**). The bay window is such a strong feature that even this element has not eroded

its presence, and does not compete with it. Of course, the this element of the present proposal would be at lower ground floor only. Moreover, even the adjacent conservatory, which projects some distance from the edge of the bay window (**Photo 13**) has not affected the legibility of the bay window.



Photo 13: The adjacent conservatory, seen from the ground floor of the bay window and which projects some distance from the edge of the bay window (seen on the left).

- 2.26 The presently proposed lower ground floor element would not extend any deeper than the rear bay window; the extension would stop short of the canted corner of the bay window and it would be deeply set back from this feature. The bay window is very wide and stands a full two storeys tall, so that it would remain the primary

and visually dominant feature when seen in the restricted private views from the rear garden. There would consequently be no harm to the appreciation of the rear bay window due to the small increase at the lower ground of the extension, when compared with the Extant Consent.

- 2.27 As can be seen from **Photo 12**, the remainder of the house towers above the bay window. It is, by any measure, a large house with a substantial presence. The proposed increased depth of the ground floor component of the present proposal would only be seen at certain angles in the restricted private views from the rear garden (the bay window itself would obscure it in most views). When seen in such limited and restricted views, there would be no material change in the relationship between the listed building and the extension; the house would retain its full stature and dominance and it would continue to tower above this minor element seen peripherally on the side. There would be no sense of competition with the house, the primacy of which would remain unchallenged. The subservience of the extension in relation to the house would remain unchanged. Consequently, there would be no effect on the significance of the listed building. Its significance would be preserved

3.0 CONCLUSION

- 3.1 This Heritage Statement presents an understanding of the significance of the listed house, and specifically Flat 2 as a component of the listed building. The flat was created in the c. late 1990s and has been extensively reconfigured and with no historic features, only modern features that reflect the tastes of the time (a somewhat inappropriate Georgian style was chosen for the internal décor scheme). The side extension with its somewhat odd shape and unremarkable detailing was created at the same time
- 3.2 The proposed changes and remodelled side extension would not affect any historically significant fabric, features or plan form of the building. Specifically, the small increases in the lower ground and ground floor components of the extension, when compared with the Extant Consent, would cause no harm and preserve the significance of the listed building.
- 3.3 For this reason, the proposed changes to the building and remodelled side extension would preserve the significance of the listed building. As there are no policy conflicts, or conflicts with the provisions of s.66 and s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It is therefore respectfully submitted that consent should be granted.