

# Chester Terrace Balustrade



## Heritage and Design Statement

# **CHESTER TERRACE BALUSTRADE**

## **REGENT'S PARK**

**Philip Davies (Heritage and Planning) Ltd**

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## Preamble

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Philip Davies MA (Cantab), DipTP, MRTPI, IHBC, FRHistS, FRAS, FSA is the principal in Philip Davies (Heritage & Planning) Ltd, an international heritage consultancy specialising in conservation, urban design and planning issues in the UK and overseas. From 2004-2011 he was the Planning and Development Director for London and South-East England at English Heritage responsible for two multi-disciplinary regional offices plus the Government Historic Estates Unit, which provided advice and guidance nationally across the entire government estate, including the occupied royal palaces, Whitehall, Defence Estates, and the Palace of Westminster. He has prepared national guidance on a whole range of heritage issues from tall buildings and heritage at risk to the public realm and the management of conservation areas.

He has over 40 years' experience of managing change to some of Britain's most sensitive historic buildings and places. He is a Trustee of numerous heritage charities in the UK and overseas and the founder and Chairman of the Commonwealth Heritage Forum. An expert in colonial architecture, he is currently advising various overseas and Commonwealth governments on conservation and regeneration strategies, and also on a wide range of sensitive historic buildings of all types and grades both overseas and in the UK. He is the retained heritage adviser to the Crown Estate Planning Commission and the author of detailed guidance on the management of the public realm of Regent's Park - *Regent's Park: Streetscape: A Special Precinct* published in February 2017.

The best-selling author of thirteen major books on architecture and architectural history in Britain and overseas, he has written many articles for both professional and popular journals. His book *Lost London 1870-1945*, short-listed for the prestigious Spears book prize, is the best-selling book on London ever published. *London: Historic Interiors* and *Lost England* have both been published more recently to widespread acclaim. His latest book *London: The Great Transformation 1860-1920* was published on 27 October 2022.

## Executive Summary

1. The balustraded retaining wall to the garden at Chester Terrace is a grade II listed building adjoining Chester Terrace which is listed grade I. The existing structure, built in unpainted, aggregate-faced concrete, is a post war replacement of the original following bomb damage and a period of neglect. The balustrade and retaining wall, which are braced temporarily with scaffold posts and screened by temporary fencing, have suffered from differential movement and tree root damage to such an extent that they are now dangerous and a health and safety risk. Expert structural engineering advice has been obtained which recommends that the entire linear structure requires complete reconstruction. It is proposed to do this on a like-for-like basis, but executed to a higher visual, aesthetic and structural standard than the existing poor-quality, post war work to more closely resemble the original design and appearance. This represents a major financial investment in the long-term conservation and enhancement of the building, which constitutes a significant public benefit.
2. The proposed reconstruction is essential. It involves the temporary removal, restoration and reinstatement of the adjacent grade II listed lamp columns, the removal of sixteen trees, the restoration of the gardens and the replanting of appropriate species. The opportunity will be taken to restore the gardens more closely to their original design and appearance in accordance with the *Chester Terrace Management Vision* and the wider landscape strategy for the whole of Regent's Park.
3. The proposals confer no harm and are entirely beneficial. They accord with all relevant national, regional and local heritage policies and guidance, including the National Planning Policy Framework and Historic England's *Conservation Principles*. They also comply with the Council's policies set out in its Development Plan 2017-2031.
4. In accordance with national guidance set out in *Conservation Principles*, the heritage values of the elements that are being reinstated and restored decisively outweigh the values of the poor-quality, post war alterations that would be lost. There is no demonstrable harm to the character, appearance or significance of

the balustrade, the terrace or its wider setting. Indeed, the works represent a substantial enhancement, which will reinstate its structural integrity, visual appearance, architectural significance and contribution to the wider conservation area.

## **1.0 The Brief**

- 1.1 Philip Davies (Heritage and Planning) Ltd have been appointed by the Crown Estate Paving Commission (CEPC) to provide specialist historic buildings advice and guidance on proposals for the reconstruction of the balustrade separating the carriageway and footway at Chester Terrace from the communal front garden area, and to prepare a Heritage and Design Statement to accompany the necessary applications for planning permission and listed building consent.
- 1.2 The purpose of this statement is to assist the client, the project team and the Council to understand the significance of the terrace, the balustrade, its setting in the surrounding historic landscape and their respective heritage values, and to ensure that the proposals reinstate their original character and appearance thus preserving and enhancing the character and appearance of the Regent's Park Conservation Area. It is informed and supported by two documents published by the CEPC in February 2017 - *A Total Work of Architectural and Landscape Art: A Vision for Regent's Park*, prepared by Todd Longstaffe-Gowan and David Lambert, and *Regent's Park: Streetscape: A Special Precinct* by Philip Davies (Heritage and Planning) Ltd, plus a third document - *Chester Terrace Management Vision* published in August 2019.

## **2.0 The Proposals**

- 2.1 The existing balustrade and retaining wall have suffered significant structural damage since their post-war reconstruction following bomb damage, to such an extent that the structure is now dangerous and a significant health and safety risk. Its structural integrity has been progressively undermined by differential movement and tree root damage over the last 70 years. It is currently protected by temporary fencing and scaffold bracing to minimise the risk both to pedestrians and residents. The proposals involve its complete reconstruction on a like-for-like basis, but to a higher visual, aesthetic and structural standard than the post-war works. The adjacent historic lamp columns will be carefully removed and securely stored in the CEPC yard, prior to their restoration and reinstatement in their existing positions on completion of the works. Sixteen trees will need to be removed from the communal gardens to enable the works

to proceed and to minimise the risk of further damage to the rebuilt structure in the future. The adjacent garden landscape will be replanted with appropriate species. Full details of the proposals are set out in the application drawings and supporting documents, including the Design and Access report, the Arboricultural report and the Engineering Method statement. More detailed consideration of the proposed works is set out in section 8.0 below.

- 2.2 This is an expensive exercise which involves major investment of around £2.5 million in the long-term reconstruction of the balustrade and improvements to its character, appearance and wider setting. The structural work, and the reinstatement of the balustrade as a key feature of the overall composition, is entirely beneficial and constitutes a major public benefit.

### **3.0 Planning Context**

- 3.1 Chester Terrace lies within the Regent's Park Conservation Area, which was designated in 1969 under the provisions of the Civic Amenities Act 1967. A concise Conservation Area audit was completed in 1993, but it contains no specific detailed design guidelines over and above the Council's generic policies for the protection of listed buildings, conservation areas and other heritage assets. Chester Terrace and its linking arches and pavilions were listed grade I on 14 May 1974. The railings, parapets and balustrades to the forecourt and gardens were listed grade II on the same date (subsequently amended on 11 January 1999), as were the fourteen George IV lamp columns at Chester Terrace, also listed grade II. The terrace forms one component of a much wider planned composition of international significance facing Regent's Park which is included in the English Heritage Register of Parks and Gardens of Special Interest at grade I. The parkland is Metropolitan Open Land and a site of Metropolitan Importance for Nature Conservation.
- 3.2 The communal gardens, carriageways and footways at Chester Terrace are private managed by statute by the Crown Estate Paving Commission (CEPC). On completion of the development of Regent's Park in 1824, the CEPC was established by



Act of Parliament to ensure a continuing high standard of maintenance and ‘*appointed for paving, lighting, watching, cleansing and regulating the Streets, Squares, Roads etc. in Regent’s Park and for enclosing the centres of the squares and Terraces and embellishing, planting, ornamenting, maintaining and supporting the same*’. The works to the balustrades, trees and gardens form part of its management responsibilities. The gardens are not open to the public, and only accessible to residents of Chester Terrace.

- 3.3 In line with best practice, the CEPC will consult with the Council’s tree officers and, in so far as is possible, seek their views and advise them of the above exemption. The CEPC has statutory powers under various Acts of Parliament to maintain the roads, pavements and planting at Regent’s Park:

(see <https://www.cepc.org.uk/about-us/constitution/>).

It is subject to the exemption in para. 14 of The Town and Country Planning (Tree Preservation) (England) Regulations 2012 as ‘a person authorised by any enactment to carry on any.....road transport...undertaking’; (see para 14. (3) a. of that instrument (<https://www.legislation.gov.uk/ukxi/2012/605/regulation/14/made>)). This gives the CEPC similar powers to a statutory undertaker in respect of trees and the ability to carry out works necessary for the safe operation of its undertaking, as is evident here where there is a significant risk to public safety from the failed structure of the balustrade requiring temporary protection and stabilisation measures. The CEPC wishes to carry out such works in a responsible manner and to maintain the existing tree cover in so far as this is practicable and compatible with the strategic landscape proposals for the estate set out in the *Chester Terrace Management Vision* and *A Total Work of Architectural and Landscape Art: A Vision for Regent’s Park*.

- 3.4 The works at Chester Terrace are based on the wider landscape strategy for the whole of Regent’s Park, which is informed by a thorough understanding of its architectural and historic significance in *A Total Work of Architectural and Landscape Art: A Vision for Regent’s Park*, referred to in 1.2 and 3.3 above, and the *Chester Terrace Management Vision*.

## 4.0 The Historical Development of Regent's Park

- 4.1 Regent's Park is a heritage asset of international significance and a major component of the most important town planning exercise ever carried out in central London. The entire composition including the buildings, the spaces between them, the streetscape, the historic street furniture, the landscape and the park itself is of outstanding architectural and historic significance. Their phased repair and restoration since the Second World War comprises the most extensive example of area-based conservation ever undertaken in Britain.
- 4.2 The immense metropolitan improvements carried out during the Regency period under the presiding genius of John Nash (1752-1835) transformed the face of London. The laying out of Regent's Park and its linear connections to St James's Park via a new spine cut through the heart of the West End - Regent Street – permanently altered the physical and social geography of the capital. The reversion of Marylebone Park to the Crown in 1811, coupled with the accession of the Prince of Wales to the Regency, coincided with a credit and building boom. This fortuitous combination of circumstances offered an unprecedented opportunity to drive forward a grand new design for London impelled by the Prince Regent's vision for a capital of such splendour as to eclipse Paris. The intention was to draw the nobility and professional classes north of the New Road (Oxford Street) by laying out a new residential district linking the Prince Regent's residence, Carlton House, with the Park.
- 4.3 The development opportunity was anticipated several years earlier by the Surveyor-General to Her Majesty's Land Revenue, who produced no fewer than four separate reports and a plan. Eventually two alternative designs were commissioned – one from Leverton and Chawner, and another, more dynamic vision from Nash. Nash's plan envisaged a huge double circus at the centre surrounded by crescents and squares – all iced with stucco – and 56 villas informally scattered each in its own exclusive garden compound. Having worked earlier with Humphry Repton and influenced strongly by the popular pursuit of the picturesque, at Regent's Park Nash demonstrated that urban architecture could be combined with rural landscape to delightful effect. In 1812, the

Treasury approved a modified plan retaining the double circus, but with the terraces confined to the perimeter of the park and the number of villas reduced to 26.

- 4.4 In 1811 the main framework of the Inner and Outer Circles was commenced. The Tyburn was channelled into a three-armed lake as an ornamental feature of the park, which was planted with Turkey oaks, Spanish chestnuts and tulip trees and laid out as a picturesque vision of *rus in urbe*. The first houses were commenced in 1812 forming the southern arc of a circus at the junction with Portland Place, widely regarded at the time as '*the most magnificent street in London.*' The circus and surrounding buildings were intended to be the grand culmination of the Prince Regent's mile-long route from Carlton House. However, after the original builder, Charles Mayor, went bankrupt, the northern arc of Nash's original circus was omitted, and a modified scheme was adopted instead with the creation of Park Square, which was lined with terraces of houses; those on the west side by the builder W.M. Nurse erected between 1823-25, and those on the east, including the Diorama, by Jacob Smith.

## **5.0 The Historical Development of the Chester Terrace**

- 5.1 Chester Terrace was designed by John Nash and completed by James Burton c.1825, his last undertaking in the park. The subcontracted builder was James Lansdown. It comprises a grand palace-style terrace of thirty-seven houses and five semi-detached houses with an alternating rhythm of bays. At either end are projecting pavilions connected to the principal façade by lateral triumphal arches. The entire composition is faced in stucco, now painted in the specified estate colour of Regent's Park cream. At 280m., it is the longest unbroken façade in Regent's Park, but its construction caused more trouble than any other terrace.
- 5.2 On 30 March 1825 Nash wrote to the Commissioners of Woods, Forests and Land Revenues advising that Burton was prepared to take up the site enclosing a sketch showing the concept which was approved. During the course of its construction an acrimonious dispute broke out between Nash and Burton over the inclusion of proposed sculpture provided by George Bubb, and also the quality and detailing of the component parts including sills, balustrades, cornices and mouldings. Eventually the statues were omitted, but Nash's other criticisms were rejected. He was told by The Treasury that he

should have watched the work more closely, so he intervened belatedly to design the two triumphal arches linking the pavilions to the main terrace. (Full details of the dispute between Nash and Burton and varying contemporary opinions of the work can be found in *Regents Park: From 1086 to the Present*: by Ann Saunders, *Metropolitan Improvements* by James Elmes and the *Chester Terrace Management Vision*.)

- 5.3 Chester Terrace was the first of the great terraces to be occupied. The first resident was John Strange Winstanley who was in occupation of No. 14 by 1827. By 1829 seven houses were occupied, by 1830 fifteen but in 1831 only thirteen. By 1832 the number had risen to twenty-eight, but all the houses were not fully occupied till 1835.
- 5.4 The terrace was planned with a shared private carriageway approached at each end through the triumphal arches with a broad York stone paved footway on the east side providing pedestrian access to the houses. Opposite the houses was a balustraded, retaining wall running along the entire length of the terrace with landscaped communal gardens at a lower level offering a handsome setting to the palatial frontage. The narrow outer footway was embellished with cast-iron lamp columns crowned with lanterns, the columns embossed with royal ciphers reading either GIV or GIIII. They are some of the earliest surviving examples of street lighting in London. An engraving of the terrace in 1828 by Thomas Shepherd was published in *Metropolitan Improvements* (see Figure 3 in Appendix II).
- 5.5 At some stage between 7 October 1940 and 6 June 1941, the terrace was damaged by two high explosive bombs - one towards the northern end and another close to Chester Gate. Following the war, the terrace fell into neglect and extensive disrepair. Restoration started in the early 1950s and was complete by the 1960s.
- 5.6 The existing concrete wall with an aggregate-faced finish is a replacement of the original structure. The original retaining wall would have had brick foundations directly onto made-up ground, but the existing structure has shallow, thin unreinforced concrete footings. Bays C to G at the northern end of the terrace have concrete retaining walls, while bays I to Q at the southern end have brick retaining walls with concrete foundations. The width of the wall has a uniform thickness of 410-440mm irrespective of the retained height of the soil. The available historical, structural and

visual evidence indicates that the existing balustrade is a post war reconstruction of a quality which is far from ideal – a product of the limited resources and materials available at the time.

- 5.7 Mayhew's plan of 1834 clearly shows a single central bay breaking forward towards the gardens in front of the main building line to which the landscaping of the gardens responded with a panel of lawn in front of the central bay. (Fig.2 Appendix II). Gates with cast iron railings provided access to the gardens from the north and south ends. However, a plan of 1850 shows the current configuration with two additional bays (Fig 3 Appendix II)

## **6.0 Heritage Policies and Guidance**

- 6.1 Section 66 of the *Planning (Listed Buildings and Conservation Areas) Act 1990* requires local planning authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Under Section 72 special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 6.2 The proposed development needs to be assessed against all relevant national, regional and local policies and guidance to assess whether harm will be caused to the heritage asset and, if so, whether such harm is outweighed by any public benefits arising. In this case, the heritage assets are the grade I listed terrace, the grade II listed balustrade, parapets and railings, the grade II listed lamp columns, the overall grade I designated historic landscape and the wider setting of the terrace and the Regent's Park conservation area.
- 6.3. References to national, regional and local policies relating to trees, landscape and biodiversity are set out in the separate Arboricultural report prepared by Tim Moya Associates.

## **The National Planning Policy Framework**

- 6.3 The National Planning Policy Framework was published in March 2012 by the Department of Communities and Local Government and subsequently updated on 24 July 2018, 19 February 2019 and 20 July 2021. It sets out the government’s planning policies for England and how they are expected to be applied. It reiterates the statutory test that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 6.4 Section 16 of the NPPF sets out the government’s policies for *Conserving and Enhancing the historic environment*. Paragraph 195 states: *‘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 assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal.’* The purpose of this Heritage Statement is to assist the client, the local authority and other interested parties to assess the relative significance of the proposals in relation to all the relevant heritage assets.
- 6.5 Paragraph 197 sets out that: *‘in determining planning applications, local planning authorities should take account of:*
- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation*
  - *the positive contribution that conservation of heritage assets can make to sustainable communities, including their economic vitality; and*
  - *the desirability of new development making a positive contribution to local character and distinctiveness.’*
- 6.6 Paragraph 199 continues: *“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). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 states that 'any harm or loss should require clear and convincing justification...'. In this case there is no demonstrable harm to the significance of the listed building, its inherent heritage values, its wider setting or to the wider conservation area. On the contrary, it represents a major enhancement.*

6.7 Paragraph 202 explains that: *'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 securing its optimum viable use'*. This is the appropriate test to be used in this case.

6.8 Weighing up proposals affecting the significance of a heritage asset requires sound decision-making based on a proper understanding of the relative heritage impacts arising from a scheme, and how they should be weighed against each other, and other material planning considerations. Historic England's *Good Practice Advice in Planning 2 (GPA2)* advises applicants to *'look for opportunities to better reveal or enhance significance. Paragraphs 52 and 53 highlight that 'sustainable development can involve seeking positive improvements in the quality of the historic built environment. These include opportunities to enhance assets and their settings and local distinctiveness.'* That is the case here where a past reinstatement of indifferent quality is being replaced by an authentic reinstatement more closely detailed to the original design.

6.9 An earlier version of Planning Practice Guidance listed potential heritage benefits that could weigh in favour of a proposed scheme. The criteria are still just as valid. They provide a useful benchmark for decision-making.

1. *It sustains or enhances the significance of a heritage asset and the contribution of its setting.*
2. *It reduces or removes risks to a heritage asset.*
3. *It secures the optimum viable use of a heritage asset in support of its long-term conservation.*
4. *It makes a positive contribution to economic vitality and sustainable communities.*

5. *It is an appropriate design for its context and makes a positive contribution to the appearance, character, quality and local distinctiveness of the historic environment.*
6. *It better reveals the significance of a heritage asset and therefore enhances our enjoyment of it and the sense of place.*

The current proposal addresses criteria 1,2, 3, 5 & 6 above.

### **Conservation Principles**

- 6.10 Significance is a catch-all term to embrace all the qualities that coalesce to make a heritage asset. It is the value of the heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from an asset's physical presence, but also from its setting. English Heritage's *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment* offers a more comprehensive approach to analysing significance by identifying four broad types of heritage value that an asset might hold – historical, aesthetic, communal and evidential value. It sets out a recommended approach for assessing significance, and how to apply the principles and policies in practice. The *Principles* offer a nationally-recognised methodology for analysing significance with some degree of objectivity, and its philosophy and reasoning subsequently informed the government's approach in the NPPF. An assessment of the proposals against each broad category of heritage value is set out in section 7.0 below.
- 6.11 Decisions about change to significant places must balance the heritage values of what exists now against the potential benefits and disbenefits of any proposed intervention. In considering the effects of proposals on authenticity and integrity, clear guidance is given in para 91, which states that '*Design values, particularly those associated with landscapes or buildings, may be harmed by losses resulting from disaster or physical decay or through ill-considered alteration or accretion.*', (as is exactly the case here), but '*may be recoverable through repair or restoration*'.



6.12 Paragraph 84 of *Conservation Principles* stresses that *'change to a significant place is inevitable ... it is only harmful if (and to the extent that) significance is eroded'*. This is a key test which needs to be applied in every instance. In this case there is no demonstrable harm to any aspect of the significance of the listed building, its inherent heritage values, or any of the wider heritage assets.

6.13 Paragraph 143 emphasises: *'there are no rules for achieving quality of design in new work, although a clear and coherent relationship of all the parts to the whole, as well as to the setting into which the new work is introduced is essential'*. The document concludes (paragraph 163) *'every reasonable effort should be made to eliminate or minimise adverse impacts on significant places ... the historic environment is constantly changing, but each significant part of it represents a finite resource. If it is not sustained, not only are its heritage values eroded or lost, but also so is its potential to give distinctiveness, meaning and quality to the places in which people live ...'*

6.14 Paragraph 126 sets out detailed criteria for restoration. This states that:

*'Restoration to a significant place should normally be acceptable if:*

- a. the heritage values of the elements that would be restored decisively outweigh the values of those that would be lost.*
- b. the work proposed is justified by compelling evidence of the evaluation of the place and is executed in accordance with that evidence.*
- c. the form in which the place currently exists is not the result of an historically significant event.*
- d. the work respects the previous forms of the place.*
- e. the maintenance implications of the proposed restoration are considered to be sustainable.'*

The replacement of the reconstructed, post-war balustrade with a more authentic design and detail complies fully with all the above criteria.

6.15 The above is amplified in paragraph 138 to determine whether change to a significant place should normally be acceptable:

*‘a. there is sufficient information comprehensively to understand the impacts of the proposal on the significance of the place.*

*b. the proposal would not materially harm the values of the place, which, where appropriate, would be reinforced or further revealed.*

*c. the proposals aspire to a quality of design and execution which may be valued now, and in the future.*

*d. the long-term consequences of the proposals can, from experience, be demonstrated to be benign, or the proposals are designed not to prejudice alternative solutions in the future.’*

The current proposals therefore comply fully with *Conservation Principles*.

### **London Plan 2021**

6.16 The London Plan 2021 is the Spatial Development Strategy for Greater London. It sets out a framework for how London will develop over the next 20-25 years.

The policies in the Plan should inform decisions on planning applications across the capital. Section HC1 sets out policies for Heritage Conservation and Growth. Section C states:

*‘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.’*

6.17 Paragraph 7.1.7 of the London Plan states that *‘Heritage significance is defined as the archaeological, architectural, artistic or historic interest of a heritage asset. This may be represented in many ways, in an asset’s visual attributes, such as form, materials, architectural detail, design and setting, as well as through historic*

*associations between people and a place, and where relevant, the historic relationships between heritage assets. Development that affects heritage assets and their settings should respond positively to the assets' significance, local context and character to protect the contribution that settings make to the assets' significance.*

The proposals comply fully with regional policies set out in the London Plan.

### **Camden Council Policies and Guidance**

- 6.17. The Council's Local Plan was adopted in 2017 and covers the period to 2031. Policy D1(7.2) sets out a checklist of requirements. It states that the Council will *'require all developments, including alterations and extensions to existing buildings to be of the highest standard of design and will expect developments to consider inter alia*
- \* the character, setting, context and the form and scale of neighbouring buildings;*
  - \* the character and proportions of the existing building, where alterations and extensions are proposed;*
  - \* the composition of elevations.*
- 6.18 Policy D2 relates to listed buildings. Paragraph D2 (d) advises that *'harm or loss is outweighed by the benefit of bringing the site back into use.'* Paragraph D2 (e) indicates that the Council will *'require that development within conservation areas preserves, or where possible, enhances the character or appearance of the area;'*
- 6.19 Paragraph 7.54 emphasises that *'The character and appearance of a conservation area can be eroded through the loss of traditional architectural details such as historic windows and doors, characteristic rooftops, garden settings and boundary treatments. Where alterations are proposed they should be undertaken in a material of a similar appearance to the original. Traditional features should be retained or reinstated where they have been lost, using examples on neighbouring houses and streets to inform the restoration.'*
- 6.20 Additional generic guidance is contained in the *Regent's Park Conservation Area Appraisal and Management Strategy* adopted on 11 July 2011. The following sections

are relevant to this case. Paragraph 4.5 states that the Council will *'continue to promote reinstatement of missing features and rectifying alterations, taking care of the rears as well as the fronts of the terraces.'* Paragraph 6.2 refers to Maintaining Special Character and stresses that: *'Details and features tend to have a distinctive character on buildings originally developed in groups or terraces. The individual group details should be retained and enhanced on a project-by-project basis ...'*

The proposals comply fully with the national, regional and local policies and guidance set out above.

- 6.21 In the section on Trees and Open Spaces in 7.6, the Management Strategy states that *'The Council will generally resist the removal of trees within the conservation area unless they were dead/dying/dangerous, causing damage to buildings or not considered to be of visual or wildlife importance.'* This is an instance where tree root damage has caused such a level of damage to the foundations of the boundary wall that the removal of some trees is essential to safeguard the long-term integrity of the reconstructed boundary wall and balustrade. The visual impact of their removal will be mitigated by new planting at agreed locations recessed some distance from the reconstructed wall to minimise the risk of any future recurrence, as set out in the Arboricultural report.

## **7.0 Assessment of Works: Principles**

- 7.1 Before considering intervention in an historic place, it is important to consider the inter-related heritage values, which may be attached to it. *Evidential Value* derives from the potential of a place to yield evidence about past human activity. In this case, there is very limited evidential value. The balustrade forms a relatively minor element of the overall composition. Evidentially, it demonstrates how a common element of classical architectural vocabulary was deployed to create a functional separation between the terrace, carriageway, footway and lower-level garden. Having been reconstructed in its entirety following war damage, and a subsequent period of protracted neglect, it provides some evidence of the poor quality of materials and finishes in the period of post war austerity. However, the architectural and visual benefits of reconstructing it to

a much higher standard, quality and finish far outweigh its vestigial evidential value as a post-war rebuild.

- 7.2 *Historical Value* derives from the ways in which past people, events and aspects of life can be connected through a place to the present. Its historical value is confined solely to that of being a poor quality, post-war rebuild reflecting its original form and detail.
- 7.3 The primary importance of the balustrade is its *architectural value* in that, albeit a post war rebuild of indifferent quality and finish, it forms an important part of the foreground setting of the main terrace and an effective boundary treatment between the terrace, the carriageway and the lower-level gardens.
- 7.4 The *communal value* is largely confined to the fact that it provides access to the private garden space for residents of the terrace and makes a contribution to the wider setting of Regent's Park and the conservation area.
- 7.5 In weighing up the heritage values of a place, and discussing the impact of proposals upon these values, an objective assessment is needed of the degree of harm, if any, that such proposals will confer. In this case, there is not only no demonstrable harm to the heritage values of the place, but substantial conservation benefits arising from the reconstruction of the balustrade more closely to its original form, finishes and design. Similar works were carried out at Cumberland Terrace in 2011-12. Paragraph 102 of Conservation Principles concludes: '*Ideally, proposed changes will cause no harm to any of the values of the place, and the right decision will be obvious.*'. This is just such an instance.

## **8.0 Assessment of Works: Details**

- 8.1 The reconstructed balustrade will follow the line of the current structure, including the later inset parking bays. Built in smooth, rather than aggregate-finished, concrete, its precise form will follow that approved and carried out at Cumberland Terrace to the north with matching cast concrete bottle balusters, but with a more crisply defined, moulded base to the plinth symmetrical on both the road and garden sides. Unlike

Cumberland Terrace, the expansion joints will be reduced to a minimum and aligned with the dies in each bay. These would be filled with mastic to allow for differential movement but finished with a sacrificial filler to create a seamless unbroken painted finish throughout the entire length using the Crown Estate's paint specification of Dulux Weathershield Regents Park Cream. Full details of the foundations, the reconstruction work and finishes, the location of expansion joints and moulding profiles are set out on the annotated drawings.

- 8.2 The inner footway will be re-laid in York stone and all disturbed areas of the carriageway reinstated in red tarmac in line with the estate strategy. The original cast iron lamp columns will be cleaned and restored with re-gilded royal ciphers and new lanterns prior to their reinstatement in their original positions on completion of the works.
- 8.3 The removal of twenty trees will form part of the initial phase of works prior to the reconstruction of the retaining wall and balustrade. None have TPOs. The CEPC and its consultants have looked extensively at alternative engineering options that would be less damaging to the trees such as ground anchors, but these have been ruled out owing to the collision with services in the Chester Terrace carriageway. Another option using different types of foundations has been rejected as any that would be deep enough to isolate the movement would be as damaging in terms of excavation of the garden. The adopted solution appears to be the only method of eliminating the continuing ground movement.
- 8.4 A plan and schedule of the existing tree cover and those intended for removal forms part of the Arboricultural report, together with full details of the proposed re-planting of eleven trees. The piling rig will operate from the garden side using a 21 tonne excavator with a temporary access ramp created at the north end of the gardens. The precise location and route of the rig is set out in the Design and Access Statement and Engineering Method Statement to minimise any impacts on the retained trees and planting. The excavated areas will be back filled with soil taken from the site eliminating any need to bring in large quantities of soil thereby minimising traffic movements. Later random paved sections of the paths within the gardens will be removed and the entire circuit re-surfaced with gravel. Although the loss of trees will affect the setting of the terrace, this would be beneficial providing

an opportunity to enhance the entire setting through the implementation of the Management Vision which forms a part of the long-term strategy for the estate as a whole.

## 9.0 Consideration

- 9.1 The proposed development is entirely in accordance with the objectives of national, regional and local planning policy and guidance. The National Planning Policy Framework (NPPF) emphasises that when assessing the alteration of a listed building local authorities are required to consider fully the relative heritage impacts arising from a scheme and to weigh them carefully against each other and other material planning considerations. All are met by the current proposals, in particular, the objectives that a proposed scheme should *'sustain or enhance the significance of heritage assets.'* *The Regent's Park Conservation Area Appraisal and Management Strategy* emphasises that the Council will *'continue to promote reinstatement of missing features and rectifying alterations.'* This is an instance where the replacement of a poor-quality, post war alteration which has structural failure will be replaced by a much more authentic, high-quality reinstatement thereby enhancing the significance of all the heritage assets affected. The works will eliminate the risk of future damage to the structural integrity and visual appearance of the reinstated retaining wall and balustrade. The associated restoration of the adjacent listed lamp columns and garden landscape will substantially enhance the character, appearance and significance of the heritage assets, their inherent values and their wider historic setting.
- 9.2 The NPPF also makes it clear that when assessing change to significant buildings and places local authorities must balance their current heritage values against the benefits and disbenefits of any proposed intervention. Where design values have been harmed by past losses, they may be recoverable through repair or restoration, as is the case here. Paragraph 126 of *Conservation Principles* (quoted at 7.14 above) sets out five clear criteria where restoration should normally be acceptable. The current scheme fully meets all these requirements. *Conservation Principles* stresses that change is only harmful where significance is eroded. In this case, the significance of the listed building not only will be secured for the future, but also substantially enhanced rather than

eroded by the planned works. Not only is there no harm to the heritage asset substantial public benefit is conferred by securing a sustainable long-term future for the heritage asset.

9.3 The proposals comply with national, regional and local heritage policy and guidance, in particular the London Plan and the Council's Local Plan 2017-2031, as well as national conservation policy and principles published by Historic England.

9.4 Should the Council consider that any aspect of the proposals causes less than substantial harm, then that is more than outweighed by the very substantial public benefits accruing from the scheme as a whole, in particular, improvements to the character, significance and special interest of the wider architectural composition, which constitute a major public benefit.

## 10.0 Conclusion

10.1 This is a case where the heritage values of what is being repaired, restored and reinstated decisively outweigh the poor quality, post-war alterations that would be lost. The proposed development causes no demonstrable harm to the significance of the asset, or to its inherent heritage values. It generates major conservation benefits by authentically reinstating the integrity of the wall and balustrade and its wider landscape setting which forms an important component part of the wider a grade I listed composition. The development accords with all relevant national, regional and local planning policies and guidance, including English Heritage's *Conservation Principles*. By reversing harmful past changes, the project recovers the design and heritage values of the building directly in accordance with paragraph 91 of *Conservation Principles* which states that '*design values, particularly those associated with landscapes or buildings, may be harmed by losses resulting from disaster or physical decay*', but '*may be recoverable through repair and restoration*'.

10.2 *Conservation Principles* concludes (para.102) that '*ideally, proposed changes will cause no harm to any of the values of the place, and the right decision will be obvious*'.



- 10.3 The proposals result in a major enhancement of the special interest of the building and its contribution to the wider historic landscape and conservation area. They should be welcomed. Both planning permission and conditional listed building consent should be granted for the proposed works.

**Philip Davies (Heritage and Planning) Ltd**

**December 2022**

## **APPENDIX I: DOCUMENTS**

The following core documents are all accessible on the CEPC website under Heritage Reports:  
*A Total Work of Architectural and Landscape Art: A Vision for Regent's Park*, February 2019  
*Regent's Park: Streetscape: A Special Precinct*, February 2019

### **Listing Descriptions**

#### **CAMDEN**

**TQ2882NE CHESTER TERRACE 798-1/87/212 (East side) 14/05/74 Nos.1-42 (Consecutive) and attached railings and linking arches**

#### **GV I**

Grand palace-style terrace of 37 houses & 5 semi-detached houses. c1825. By John Nash. For the Commissioners of Woods, Forests and Land Revenues. Built by J Burton. Stucco. Slate mansard roofs with attic dormers. EXTERIOR: the longest unbroken facade in Regent's Park (approx 280m) with an alternating system of bays (ABCBABCBA). At either end projecting pavilion blocks connected to main facade by thin triumphal arches. Main Block (Nos 6-38): symmetrical composition of 3 and 4 storeys. 3 windows to each house. "A" bays, screen of 8 free-standing, fluted Corinthian columns supporting an entablature with modillion cornice above which a recessed attic storey with round-arched windows. Round-arched ground floor openings; architraved heads linked by impost bands. Recessed doorways with panelled doors and fanlights. Windows with margin glazing. 1st floors with architraved sashes and continuous cast-iron balconies. "B" bays, round-arched ground floor openings; architraved heads linked by impost bands. Recessed doorways with panelled doors and fanlights. Windows with margin glazing. Architraved 1st and 2nd floor sashes; 1st floor with continuous cast-iron balcony. Main projecting modillion cornice at 3rd floor level. Cornice and blocking course above 2nd floor. "C" bays, slightly projecting with screen of 6 attached, fluted Corinthian columns supporting an entablature with modillion cornice above which 2 recessed attic storeys with cornice at 3rd floor level and pediment above. Round-arched ground floor openings; architraved heads linked by impost bands. Recessed doorways with panelled doors and fanlights. Windows with margin glazing. 1st & 2nd floors with

architraved sashes; 1st floor with continuous cast-iron balcony. INTERIORS: not inspected. SUBSIDIARY FEATURES: attached cast-iron railings to areas. Linking triumphal arches with round-arched vehicle entrance flanked by pedestrian entrances. Inner elevations with 4 attached Corinthian columns supporting a modillion entablature above which a scrolled frieze, cornice and blocking course. Outer elevations with 4 Corinthian pilasters supporting a modillion entablature with panel inscribed "Chester Terrace", cornice and blocking course. Nos 4 & 5 and Nos 39 & 40: to south and north of arches respectively. Channelled stucco ground floors. Square-headed doorways with panelled doors and fanlights. Recessed sashes, upper floors with architraves; 1st floors with continuous cast-iron balconies. Main cornice at 3rd floor level. Cornice and blocking course above 3rd floor. Right hand return of No.4 pedimented with blind windows. No.3: fronting on to Chester Gate. 2 storeys and basement. 4 windows. Forms the terminal return to main block. 3 central bays slightly projecting. Greek Doric prostyle portico; panelled door and fanlight. Recessed sashes, those flanking the portico with shouldered architraves (left hand blind). Right hand bay with projecting bay window surmounted by parapet with central balustraded panel. Cornice and blocking course with central feature of segmental-headed cut out block flanked by panelled dies. Left hand angle with enriched pilaster strip and surmounted by anthemion acroterion; right hand angle with anthemion acroterion only. Symmetrical west frontage to garden; 2 windows, 1st floor with balconies. Bust of Nash on bracket between 1st floor windows. Parapet with central urn. INTERIOR not inspected. SUBSIDIARY FEATURES: attached cast-iron railings to garden and flanking steps. Nos 1, 2 & 41, 42: projecting pavilion blocks fronting Regent's Park and linked to main block by triumphal arches. Similar to "C" bays. 4 storeys. 5 windows and 3-window returns. Attached Corinthian columns (paired at angles) rise through 1st and 2nd floors to support entablature with projecting cornice; Corinthian pilasters to other fronts. Round-arched ground floor openings; windows architraved with margin glazing. Upper floors with recessed sashes; 1st floor with cast-iron balconies except central window. 2nd and 3rd floor form attic storeys (2nd floor windows architraved) with cornice at 3rd floor sill level and cornice and blocking course above 3rd floor. INTERIORS: not inspected. HISTORICAL NOTE: No.13 was the residence of CR Cockerell, architect and antiquary (English Heritage plaque). (Survey of London: Vol. XIX, Old St Pancras and Kentish Town (St Pancras II): London: -1938: 120).

## **CAMDEN**

**TQ2882NE CHESTER TERRACE 798-1/87/213 Railings and parapets to forecourt**  
14/05/74 and gardens of Nos.1-42 (Formerly Listed as: CHESTER TERRACE Railings and parapets to forecourt and gardens of Chester Terrace)

### **GV II**

Railings and parapets. c1825. Stone balustraded parapet to forecourt, returned round Nos 1, 2 and 42 (qv). Cast-iron railings on a dwarf wall to Nos 1, 2, 42 and gardens.

## **CAMDEN**

**TQ2882NE CHESTER TERRACE 798-1/87/214 Fourteen lamp posts** 14/05/74

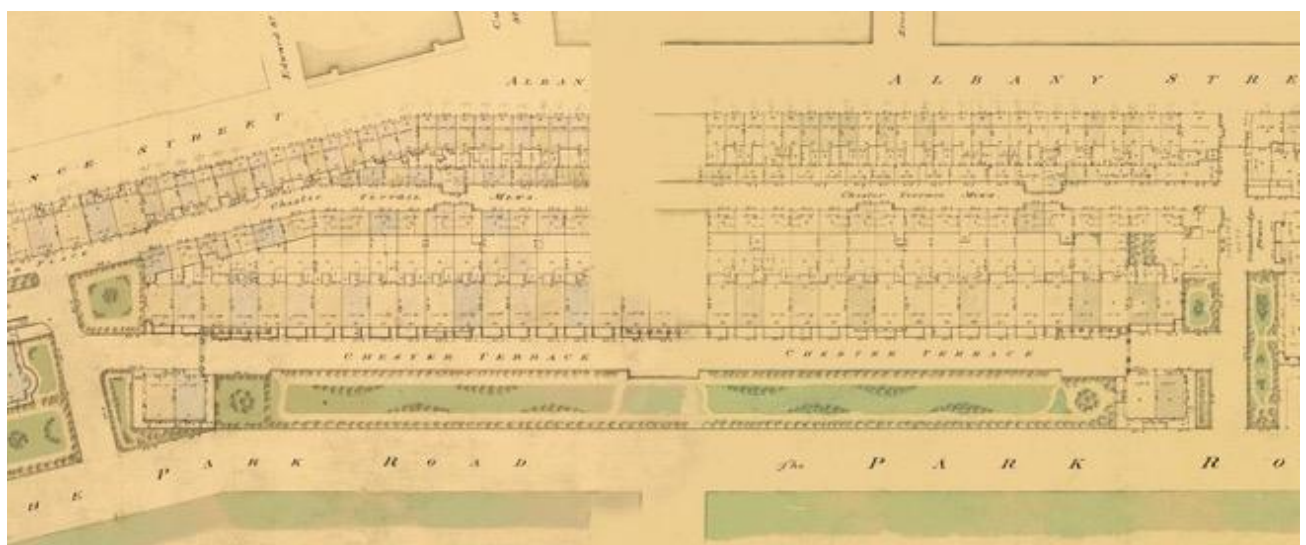
### **GV II**

14 lamp posts. c1830. Cast-iron column standards inscribed "GR IV". Nico lanterns.

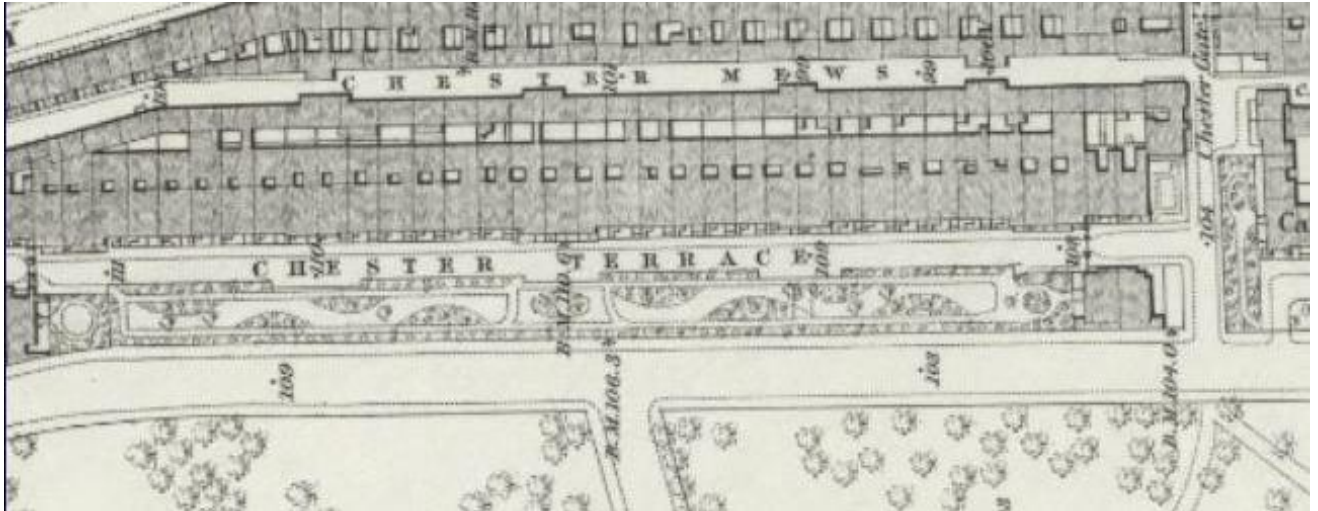
## APPENDIX II: PLANS, DRAWINGS AND PHOTOGRAPHS



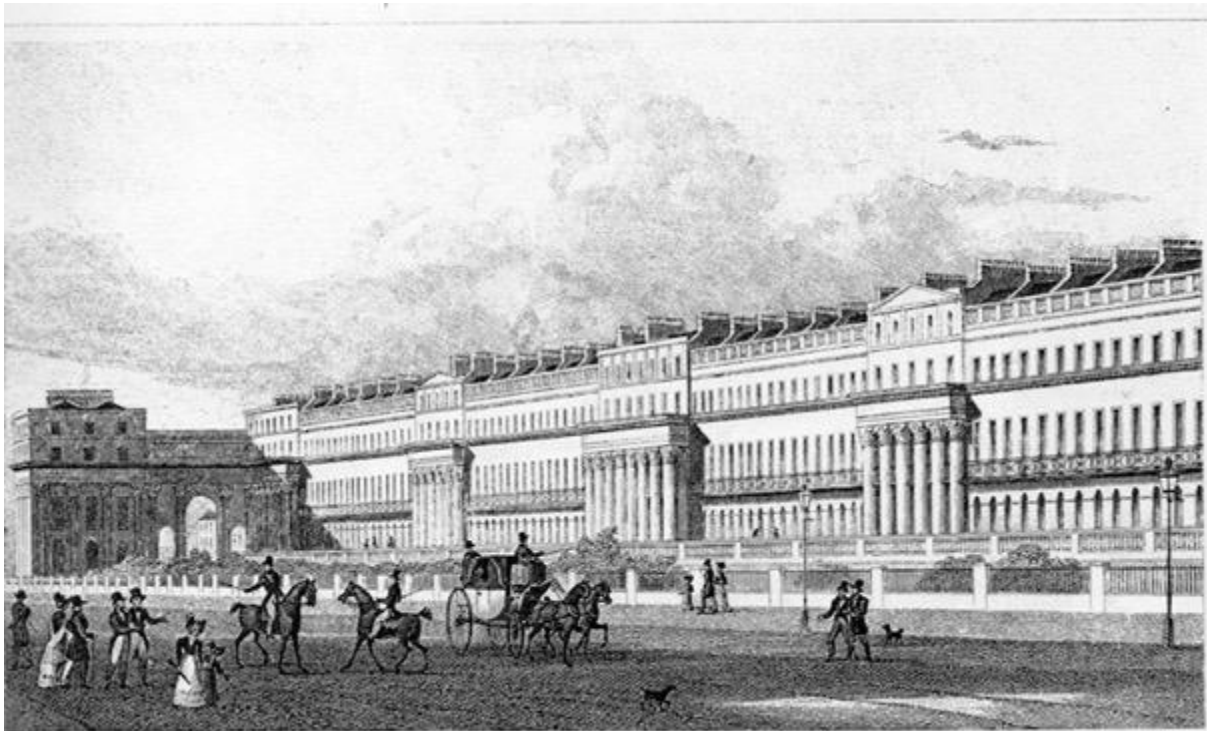
1. Mayhew Plan of Regent's Park 1835



2. Chester Terrace: Mayhew Plan 1834



3. Ordnance Survey plan 1850 showing three laybys.



4. Chester Terrace: Engraving by Thomas Hosmer Shepherd. 1828



**5. Chester Terrace: balustrade showing bottle balusters and plinth moulding**



**6.View looking south: balustrade showing brick base, fencing and scaffold bracing**



**7.View looking north from garden area**



**8. Deflected bottle balustrade and capping**



**9. View from the carriage way outside the terrace and narrow outer footway**



**10. Pier showing aggregate finish and pyramidal cap with original cast iron gate to garden**





**11.Moulded base of balustrade to garden side only**



**12.Cumberland Terrace: Reconstructed balustrade with obtrusive expansion joints**



**13.Cumberland Terrace: Obtrusive expansion joints in reconstructed plinth**



**14. Proposed smooth painted finish to balustrade and plinth with no visible expansion joints**



**15. Proposed moulded profile to both sides of plinth**