



33 LYONSDOWN ROAD, BARNET, LONDON, EN5 1JG
APPEAL REF. APP/N5090/W/21/3272187
COMMENTS ON COUNCIL'S CASE AND REPRESENTATIONS

1. This note addresses points raised in the Council's Statement of Case (SoC) and the Barnet Society representations in respect of heritage matters.
2. As a general point the Council did not ask for any additional material/ information prior to taking the case to committee and were happy that the team had addressed the relevant policy requirements as part of the planning submission. They considered both the loss of the building and the design of the replacement in coming to the officer's recommendation for approval for the scheme.
3. The Council refer to the July 2021 amendments to the NPPF at para 3.3. The approach to non designated heritage assets in the NPPF has been consistent since 2012 throughout the determination of the various applications on this site (it is just the paragraph numbers that has changed).
4. The Council quote the local list entry, drafted in close consultation with the local groups, at para 4.4. This is incorrect stating 33 Lyonsdown Road was built in 1907.
5. Paragraph 4.6 refers to the interior of the building. The interior of the building is not relevant to this application and not protected by the local listing. As set out on the Council's website '*Buildings included in the Statutory List have a statutory protection beyond that of normal planning control. Buildings included in the local heritage list do not.*'
6. At 4.7 the Council question GJHP's assessment that the building is of low heritage significance. The GJHP appeal statement include a proportionate assessment of the significance of the building, based on the Council's own local listing criteria (and corrected the date of the building as set out in the Council's local list entry). This assessment used a standard and accepted approach to assigning significance to heritage assets, with grade I and II* buildings generally being of high significance, grade II buildings and conservation areas generally being of medium significance, and non designated heritage assets (including locally listed buildings) generally being of low significance. This is consistent with guidance issued by ICOMOS to whom the Barnet Society refer to in their representations, see below).

7. The Council criticise the design of the replacement building at paragraph 4.8. The design was a result of close collaboration with Council officers who agreed the issues now raised at para 4.11 of the SoC had been addressed.
8. Paragraph 4.12 contradicts the Council's own assessment at 1.2 that '*Lyonsdown Road is residential in character and comprises predominantly large blocks of purpose built flats*', and at 1.3 '*The height of the proposed building would be the same as the neighbouring Apex Lodge, 35 Lyonsdown Road*' of the SOC.

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9. We have numbered the paragraphs from 1 onwards and refer to these in our comments below.
10. Paragraph 14 – It is not necessary to cost out repair work to a locally listed building as part of an application for its redevelopment nor did the Council ask for this to be done.
11. Paragraph 21 – The scheme is seeking to provide a greater number of more affordable flats rather than large premium flats.
12. Paragraph 23 - There is no requirement to use ICOMOS guidance/ terminology in preparing a heritage assessments to accompany a planning application in either national or local planning policy and guidance. No reference is made to this guidance in the local list section of the Council's website nor is it referred to in their criteria for local listing. It is not clear which ICOMOS guidance is being referred to, but in their guidance on Heritage Impact Assessments for Cultural World Heritage Properties (Jan 2011) ICOMOS grade '*Locally Listed*' buildings as being of low importance at page 14. The assessment in the Heritage and Townscape Appeal statement assessment GJHP is in line with such an approach.
13. Paragraph 25 – No. 33 Lyonsdown Road is referred to as a cherished local landmark. This raises the question why it was not locally listed sooner or at least identified by the Council as a non designated heritage asset (as set out in the NPPF and PPG) during its long planning history?
14. Paragraph 26 - Putting aside the incorrect date for the building, it is reasonable to be able to rely on the Council's list entry as a reliable source for the reasons the building was added to their local list.
15. Paragraph 27 - The interior is not relevant in the consideration of this appeal.
16. Paragraph 28 - There was an overlap between the local listing (6 January 2020) and the expiry of approved planning application ref: 17/0229/OUT in March 2020. At this time

the owner had no idea the building had been put forward for local listing or that it had in fact been locally listed.

17. The fact the last approved scheme was for 3 houses, as opposed to flats, has no bearing on the consideration of the case for the loss of the building and highlights that the society's assessment of the building is being influenced by an attempt to stop the flat development.
18. Paragraph 29 - The owner and the client team became aware the building has been locally listed in September 2020 after the application had been submitted and validated. No one had consulted the owner or informed them at any time of the local listing process despite the ongoing preapplication meetings, nor did they write to the owner following the 6 January Committee. The townscape assessment identified heritage assets in the surrounding area as appropriate. No one at any point requested further information. The Heritage and Townscape Appeal statement includes an assessment of the significance of the building.
19. Paragraph 30 - To our knowledge, no one at the Council suggested at any time, throughout the planning history of the Site, that it was considered to be a non designated heritage asset prior to its local listing.
20. The PPG states in respect of 'How are non-designated heritage assets identified?' that (my underlining):

'Plan-making bodies should make clear and up to date information on non-designated heritage assets accessible to the public to provide greater clarity and certainty for developers and decision-makers. This includes information on the criteria used to select non-designated heritage assets and information about the location of existing assets.'

It is important that all non-designated heritage assets are clearly identified as such. In this context, it can be helpful if local planning authorities keep a local list of non-designated heritage assets, incorporating any such assets which are identified by neighbourhood planning bodies. (Advice on local lists can be found on [Historic England's website](#).) They should also ensure that up to date information about non-designated heritage assets is included in the local historic environment record.

In some cases, local planning authorities may also identify non-designated heritage assets as part of the decision-making process on planning applications, for example, following archaeological investigations. It is helpful if plans note areas with potential for the discovery of non-designated heritage assets with archaeological interest. The historic environment record will be a useful indicator of archaeological potential in the area.'

21. In addition the Council's website states 'We update the Local Heritage List every year. The review process starts each April, with an initial assessment of all nominations...'

22. They have provided a comprehensive appendix which refers to Conservation Principles.
23. There is no requirement to use Conservation Principles in assessing significance. This document sets out high level principles and HE state on their website that *‘Conservation Principles, Policies and Guidance’ is intended mainly to guide Historic England staff on best practice. We hope that, like all of our guidance, the principles will also be read and used by local authorities, property owners, developers and professional advisers.* It is currently being updated (the HE website states *‘In November 2017 we consulted on our revised Conservation Principles. The consultation closed on 2 February 2018’.*) Neither the NPPF, HEs Heritage Significance: Analysing Significance in Heritage Assets Historic England Advice Note 12 (HE’s most recent published guidance on significance) or the Council policies refer to it.
24. We disagree with the Barnet Society’s assessment of the significance of the building. Para 184 of the NPPF states Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal. As a non designated heritage asset it is of lesser significance than a WHS (the main focus of ICOMOS, who’s guidance they refer to, see above), grade I & II* listed buildings, as well as grade II listed buildings and conservation areas. It is commonly accepted in the planning system to refer to these as having ‘high’, ‘medium’ and ‘low’ significance respectively. There is no reason to consider the significance of this recently locally listed building differently.

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