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Heritage Statement

Fortis Green Tennis Club, 31 Southern Road, N2 9LH

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On behalf of:	Fortis Green Tennis Club	**Ref:**	0653

1.0 INTRODUCTION

1.1 This Heritage Statement has been prepared by Ignus Froneman, Director at Cogent Heritage, in consultation with MJP Planning and Dowen Farmer Architects. It supports an application for planning permission for redevelopment of the application site (currently the Fortis Green Tennis Club) to provide a detached three storey block containing a new clubhouse with apartments above and a terrace of houses, one new tennis court, refurbishment of two of the existing tennis courts, creation of a vehicular access off Cherry Tree Road, with associated landscaping, car parking, cycle storage, and refuse storage.

Purpose of the report, site inspection and research

1.2 The Heritage Statement assesses the effects of the proposed development on the heritage significance of the nearby heritage assets: the grade II listed pair of semi-detached houses at 29-31 Southern Road, and the Fortis Green Conservation Area, which includes the listed pair and their rear gardens, the adjoining Victorian townscape on Southern Road, and the townscape northwards of Southern Road. The conservation area boundary and the locations of the listed and locally listed buildings can be seen from the map extract of Haringey's interactive online planning map (**Fig 1**).

1.3 It can be seen that the narrow pedestrian entrance to the side of 31 Southern Road is included in the conservation area, although no development is proposed here. The remainder of the application site lies immediately to the south of the conservation area boundary, which coincides with the southern edge of the gardens/plots of the pair of listed houses at 29-31 Southern Road.

1.4 Given that the closest part of the conservation area coincides with the rear gardens of the listed pair, the assessment in this Heritage Statement focuses on the setting of the listed building; the conservation area is overlapping and insofar as there would be an effect on the setting and heritage significance of the listed building, this would be similar in relation to the setting and heritage significance of this part of the conservation area.

1.5 No other heritage assets that could be affected by the proposed development have been identified.

Fig 1: An extract of Haringey's interactive online map, showing grade II listed former pair of semi-detached houses in blue and the Fortis Green Conservation Area boundary in a yellow wash. Locally listed buildings are shown with pink outlines.

1.6 The Heritage Statement was informed by a site visit, in March 2023, and desk-based documentary research. Photos were taken on the site visit, including drone photography. The photos included to illustrate this report were taken on the site visit; they have not been altered, aside from cropping or annotation in some instances.

Legislation and policy summary

1.7 The section below summarises 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.

1.8 **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.

1.9 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 Application'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 (and the same for conservation areas). In cases where a proposed development would harm a listed building or its setting (or a conservation area), the Barnwell decision has established that the duty in s.66 of the Act requires these must be given "*considerable importance and weight*".

1.10 The key legal principles established in case law are:

i. 'Preserving' for the purposes of the s.66 and s.72 duties means 'to do no harm'[1].

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'[2].

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)[3].

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[1] *South Lakeland District Council v Secretary of State for the Environment* [1992] 2 AC 141 per Lord Bridge at p.146E-G in particular (obiter but highly persuasive).

[2] *Bath Society v Secretary of State* [1991] 1 WLR 1303, at 1319 per Glidewell LJ and South Northamptonshire DC v SSCLG [2014 EWCA Civ 137] (Barnwell Manor), at [22-29] per Sullivan LJ.

[3] *Jones v Mordue* [2015] EWCA Civ. 1243 per Sales LJ [at 28].

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)[4].

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[5].

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, however, possible to find that the benefits to the same heritage assets may be far more significant than the harm[6].

vii. An impact is not to be equated with harm; there can be an impact which is neutral (or indeed positive)[7].

1.11 **The National Planning Policy Framework**: Section 16 of the revised (September 2023) 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.

1.12 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.

1.13 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.

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[4] *Jones v Mordue* [at 28] per Sales LJ.

[5] *R (Pugh) v Secretary of State for Communities and Local Government* [2015] EWHC 3 (Admin) as per Gilbart J [at 53].

[6] *R (Safe Rottingdean Ltd v Brighton and Hove CC* [2019] EWHC 2632 (Admin) as per Sir Ouseley [at 99].

[7] *Pagham Parish Council v Arun District Council* [2019] EWHC 1721 (Admin) (04 July 2019), as per Andrews, J DBE at 38.

1.14 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).

1.15 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*".

1.16 **The Development Plan** is the London Plan (2021) and Haringey's Local Plan Strategic Policies 2013-2026 (consolidated with alterations since 2013) (July 2017); the Haringey Development Management Development Plan Document 2017 (July 2017); and Haringey Tottenham Area Action Plan (July 2017).

1.17 **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

1.18 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.

1.19 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.

1.20 **Haringey's Local Plan**: All of the Local Plan documents contain heritage-specific policies and they are considered inter alia below.

1.21 The Local Plan **Strategic Policies**: Strategic Policy SP12, entitled "*Conservation*" states that the Council will ensure the conservation of the historic significance of Haringey's heritage assets, their setting, and the wider historic environment. The historic environment should be used as the basis for heritage-led regeneration and as the basis for good design and positive change. Where possible, development should help increase accessibility to the historic environment. All development will be required to protect the Strategic view from Alexandra Palace to St Paul's Cathedral, and "*key local views*". The application site does not fall in an identified hey local view.

1.22 **Development Management Development Plan Document** Policy DM9 deals with "*Management of the Historic Environment*" and helps to give effect to the NPPF and Policy SP12, providing further local considerations for weighing the significance of heritage assets affected and the extent of impacts, whether positive or negative. According to part A, development that conserves and enhances the significance of a heritage asset and its setting will be supported.

1.23 Part C of the policy lists a number of things the Council will have regard to when considering the impact of proposals on the historic environment; these include conservation area character appraisals and management plans, or other guidance, where they are available.

1.24 Conservation Areas are dealt in part D, according to which the Council will give consideration to, and support where appropriate, proposals for the sensitive redevelopment of sites and buildings where these detract from the character and appearance of a conservation area and its setting, provided that they are compatible with and/or complement the special characteristics and significance of the area.

1.25 Part F then deals with listed and locally listed buildings. It requires development to (amongst others) retain and repair existing features and fabric; not harm the structural integrity or stability of the building; and that extensions are restricted to less significant parts of the building, and relate sensitively to the original building.

2.0 ASSESSMENT OF SIGNFICANCE

Historic background overview

2.1 The 1863/65 Ordnance Survey map (**Fig 2**) shows the wider area largely undeveloped and rural, with only some dispersed development. At this time, the listed pair at 29-31 Southern Road (St John's Villas) stood next to 'Shakspeare Villa' but with other development more sporadically scattered. These were obviously high status dwellings, and appear to have been in anticipation of further development. Southern Road at this time did not yet extend westwards beyond the listed pair, and although Eastern and Western roads had been laid out, they were still undeveloped. The application site (and the similar plot to the east of it) appears to have been separate from the rear gardens of St John's Villas, although the paths from their rear gardens seem to have continued into it (there was no separate access to this land).

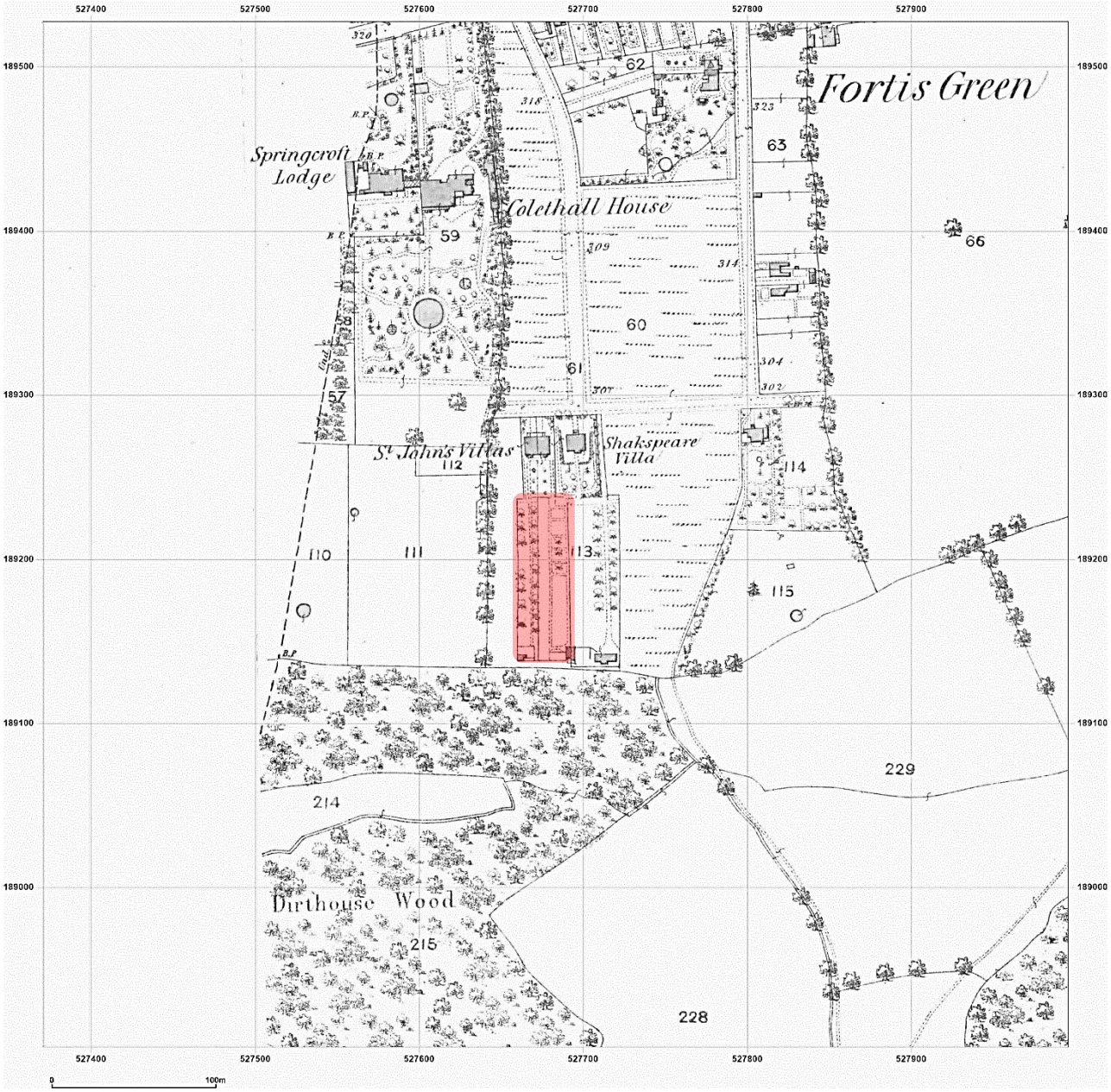

Fig 2: The 1863/65 Ordnance Survey map, with the rough location of the application site highlighted red.

2.2 The 1896 Ordnance Survey map (**Fig 3**) shows the anticipated development of the area for housing. This includes the houses along both sides of Southern Road, which are now included in the conservation area. Southern Road at this time still did not extend westwards beyond the listed pair. The application site appears to have been separate from the rear gardens of St John's Villas; unlike the plots to the east of it there is no break in the plot line of the rear gardens of the villas (clear breaks are evident to the east).

Fig 3: The 1896 Ordnance Survey map, with the rough location of the application site highlighted red.

2.3 The 1913/14 Ordnance Survey map (**Fig 4**) shows further development of the area, and the beginnings of a westward extension to Southern Road. The application site appears to have remained separate from the rear gardens of St John's Villas, and a broadly similar

pattern can be observed in relation to the other such plots, although some still have dotted lines at the rear garden boundaries, denoting a degree of connection there, though absent at the application site.

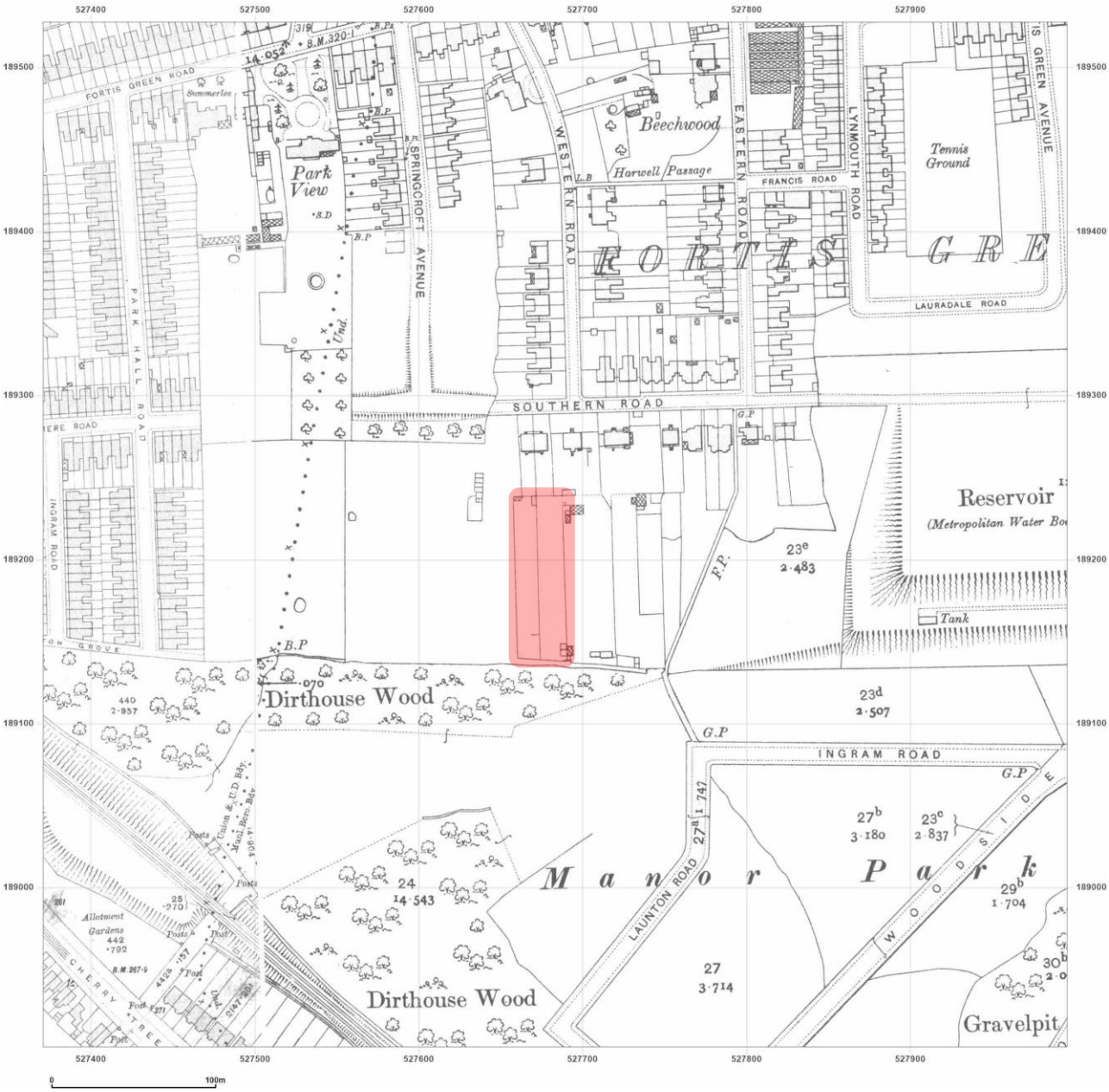

Fig 4: The 1913/14 Ordnance Survey map, with the rough location of the application site highlighted red.

2.4 The 1935 Ordnance Survey map (**Fig 5**) shows further intensification of development of the area, in particular the interwar housing to the west of the application site. The boundaries between the application site and the rear gardens of 29-31 Southern Road appears to have disappeared, although there were two rectangular areas very similar to the present tennis courts and with a small structure in the location of the club house in the area between them. Although the tennis court to the south is labelled, the rectangles on the application site are unlabelled.

Fig 5: The 1935 Ordnance Survey map, with the rough location of the application site highlighted red.

2.5 Two aerial photos, both taken in 1947 (**Figs 6 & 7**) clarifies that the application site was by this time indeed apparently used as tennis courts. One was taken in the winter (**Fig 6**) and shows only the northern part of the application site. The winter aerial photo at **Fig 6** shows a feint line east-west across the northern part of the application site, corresponding with the net (the nets of the tennis courts to the south appear similarly on the summertime aerial photo, though that area is not included in the extract at **Fig 7**). It is also possible to observe a wider north-south line that denotes the two tennis courts. The aerial photo also clearly shows a path to the west of 31 Southern Road, which lead round to the east of the tennis court and beyond that, to the club house. That is better shown on **Fig 7**.

Fig 6: A 1947 aerial photo extract.

Fig 7: A 1947 aerial photo extract.

2.6 Observations made on site, including the clinkers used to level the courts, and the tile detailing of the archway that gave access to the tennis courts, also suggest it was likely that the tennis courts were created in the early 20th century, possibly contemporary with the interwar development, at a time when there was an increasing emphasis and recognition of the importance of physical activity, often promoted also for leisure.

2.7 The 1950 Ordnance Survey map (**Fig 8**) still does not label the application site as tennis courts, but the club house is labelled '*Pavilion*'.

Fig 8: The 1950 Ordnance Survey map, with the rough location of the application site highlighted red.

The significance of 29-31 Southern Road

2.8 According to Historic England's National Heritage List, the building was listed on 10 May 1974. The short descriptive text from the list entry is quoted in full below:

"*Early-mid C19 pair, each 3 storeys and basement, 2 windows. Outer entrance bays slightly set back. Recess on axis. Stock brick with stucco frieze, cornice and blocking course. Stuccoed basement and ground floor band. Gauged flat brick arches to sash*

windows with glazing bars, (vertical only on 2nd floor). 5 steps to half glazed doors, with rectangular fanlights, in stuccoed surrounds; set back behind round arches with moulded architraves and impost blocks."

2.9 The significance of the listed pair is summarised below under the four strands of heritage significance as described in the NPPF.

2.10 **Historic interest**: The historic interest of the pair is primarily illustrative, in the broader context as part of the development of north London as the metropolis rapidly expanded in the mid-19th century. The houses represent the development of the area in what was at the time a fairly typical, semi-detached villa form, still showing the restraints of Georgian sensibilities but with more enrichment evident, and slightly less austere. The pair is of some interest in the national context as a good quality and distinctive example of London's building stock of this period, evidently designed as a pair of high status dwellings, and seemingly speculatively built, judging from the absence of any planned development initially.

2.11 **Architectural interest**: The pair is of architectural interest as a good quality example of a stock brick, stucco accented and sparsely classical semi-detached pair (**Photo 1**), constructed in the mid-19th century as part of an emerging suburban development, aimed at high status occupants and probably in anticipation of similar developments for the emerging middle classes, although in the event that did not quite come to pass, with a denser and more mixed Victorian/Edwardian and interwar suburban development eventually emerging.

2.12 The building's architectural interest, externally, lies in the fine detail and proportions of the pair as a balanced, symmetrical composition. The exterior is of special interest due to its architectural composition and the quality of materials and detailing.

2.13 The side and rear elevations are, and always has been, less important, which is reflected in their simpler treatment and the less regular fenestration pattern, although there is still a symmetrical composition, at least to the upper floors, and the emphasised axis line is also replicated at the rear (**Photo 2**). Such hierarchical differentiation is of course part of the character of houses of this age, and in that sense, it contributes to how the pair is read and understood. The rear of the pair has also been significantly altered at the ground level, which is again commonplace but this reduces the contribution of the rear to the overall significance of the pair, and its sensitivity to change.

Photo 1: The pair of semi-detached houses from the path to the tennis courts, to the NW.

Photo 2: The rear of the pair, from the path to the tennis courts, to the SW.

2.14 The interior of the building will contribute insofar as the historic plan form survives, along with original features, such as staircases, joinery, chimneypieces and cornicing/plasterwork. These would all contribute to the overall appreciation of the age, style and stature of the building and therefore assist in understanding and appreciating its significance.

2.15 **Archaeological and Artistic interest**: The significance of the pair is not derived from archaeological or artistic interest.

The contribution of the application site to the pair's significance

2.16 The map regression at the beginning of this section has shown how the setting of the pair of semi-detached houses has changed radically, in some places beyond recognition. Initially, the pair stood almost isolated, with only the adjacent 'Shakspeare Villa' but this too had been replaced with an interwar pair (**Photo 3**), as part of a comprehensive pattern of urbanisation that occurred in the latter half of the 19th century and the beginning of the early 20th century.

Photo 3: The interwar pair of semi-detached houses to the east of the listed pair, which replaced the original 'Shakspeare Villa' in this location.

2.17 Up to the 1935 Ordnance Survey map, there was no development to the south of Southern Road. As can be seen from **Photos 4-6**, the situation today is very different. The pair today is experienced in a highly suburbanised context.

Photo 4: An aerial view of the listed pair (highlighted red) in context, from the south.

Photo 5: An aerial view of the listed pair (highlighted red) in context, from the east.

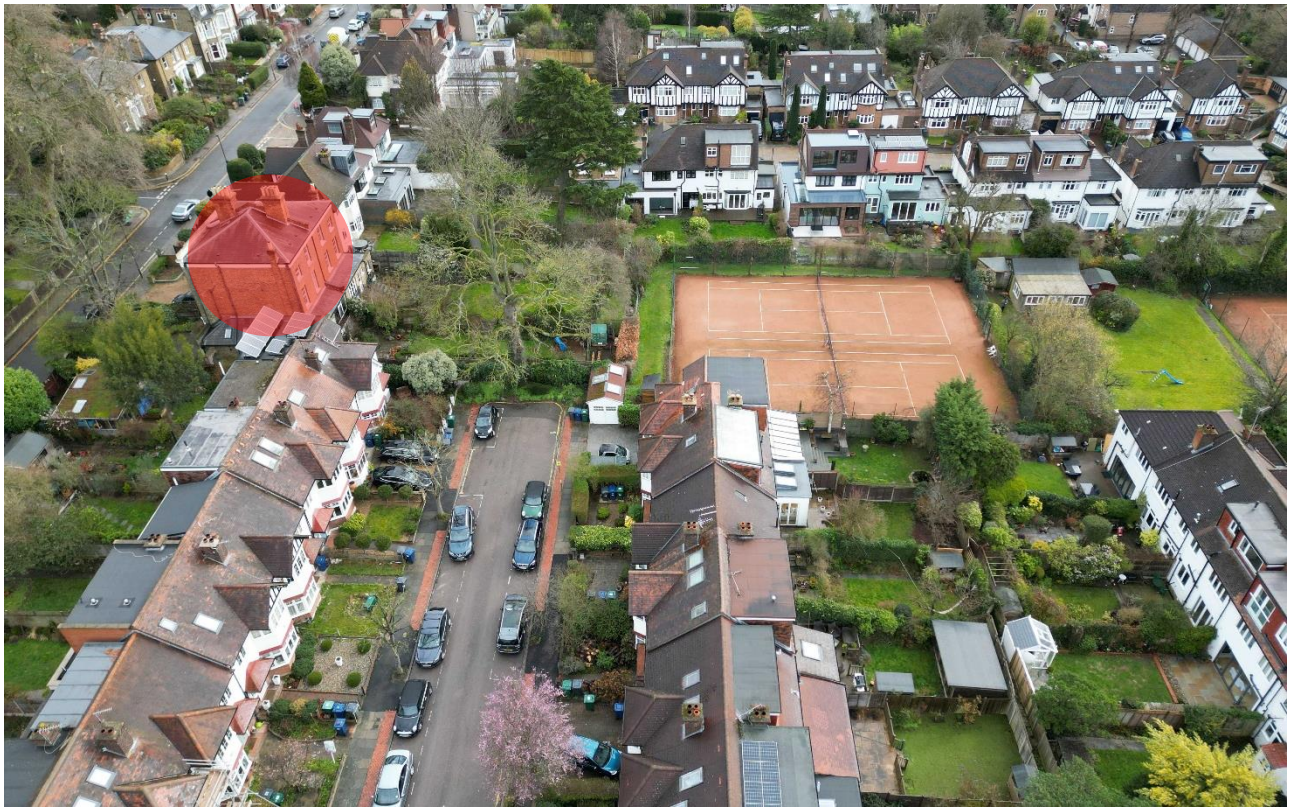

Photo 6: An aerial view of the listed pair (highlighted red) in context, from the west.

2.18 Whilst there is a reasonably coherent setting to the pair of semi-detached houses, with some good traditional townscape in the conservation area to the north, this evolved townscape is notably different from the original setting on Southern Road. The situation to the south is also different, but with these later areas falling outside of the conservation area. Here, the setting of the pair of semi-detached houses is radically different, as can be seen from the aerial photos. But that is equally obvious when standing on the ground, as can be seen, for example, from **Photos 7 & 8**. The listed building derives no significance from these later developments in its setting, which is relevant only insofar as they illustrate how the context of the listed pair has changed through development (in some cases layered, as the houses have been adapted, enlarged and extended over time).

Photo 7: A view of the houses on Summerlee Gardens to the west of the listed pair, from the path to the tennis courts.

Photo 8: A view of the listed pair, seen alongside the houses on Summerlee Gardens, across the northern of the tennis courts.

2.19 As can be seen from **Photo 8** above, the rear garden of the listed pair is partially enclosed with boundary planting on the left (at 31) but not on the right (at 29). In this sense the building is not visually separated from the tennis courts, although there is a clear demarcation of the rear gardens of the listed pair. They are evidently separated from the application site, and that is of course reinforced in the longstanding separate use of the application site. There is no functional relationship between the listed building and the application site which is understood as a distinct and very much separate area beyond the garden of the listed building, albeit immediately adjoining and with the present access running alongside the listed house at 31.

2.20 There are no indications that the listed pair derives any significance from this land. It is open, as it has been historically, but it is neither gardens, nor does it have a rural character. Its use as fenced-in clay tennis courts, enclosed by suburban development on three sides, means that it is very much understood as part of a wider suburban context. This is illustrative of how the context of the listed pair has changed through development.

3.0 IMPACT ASSESSMENT

3.1 **Fig 9** below gives a broad overview of the proposed development. The proposals are for the retention, reconfiguration and refurbishment of the retained upper courts (to the north of the site); this naturally ensures that the adjacency/juxtaposition of the rear gardens of the listed building with tennis courts would effectively remain unchanged. It also means that the closest part of the proposed development would be well-separated from the listed building.

3.2 The closest part of the proposed development is a 2-3 storey building to the north of Cherry Tree Road, containing a tennis clubhouse on the ground level apartments above; adjacent to this would be the third tennis court, which means that a good deal of the application site's sense of openness would be retained. There are no issues with encroachment or enclosure, etc.

Fig 9: A model bird's eye view of the proposed development in context, seen from the NW. The listed building is out of view on the left.

3.3 The site slopes down from north to south by approximately 6 metres. The level change would be negotiated by a series of steps, but it means that the closest part of the proposed development would be on lower ground compared with the listed building. This can be seen on the model views but the effect is also well-illustrated when looking at the

south elevation of the closest part of the proposed development, juxtaposed with the listed building in the background, as is illustrated on **Fig 10**. This also shows how the proposed building would sit below the ridge line of the adjacent houses on Cherry Tree Road. It is plain to see that the proposed building would be very much lower and subservient, in the distance, as a new addition to the setting of the listed building.

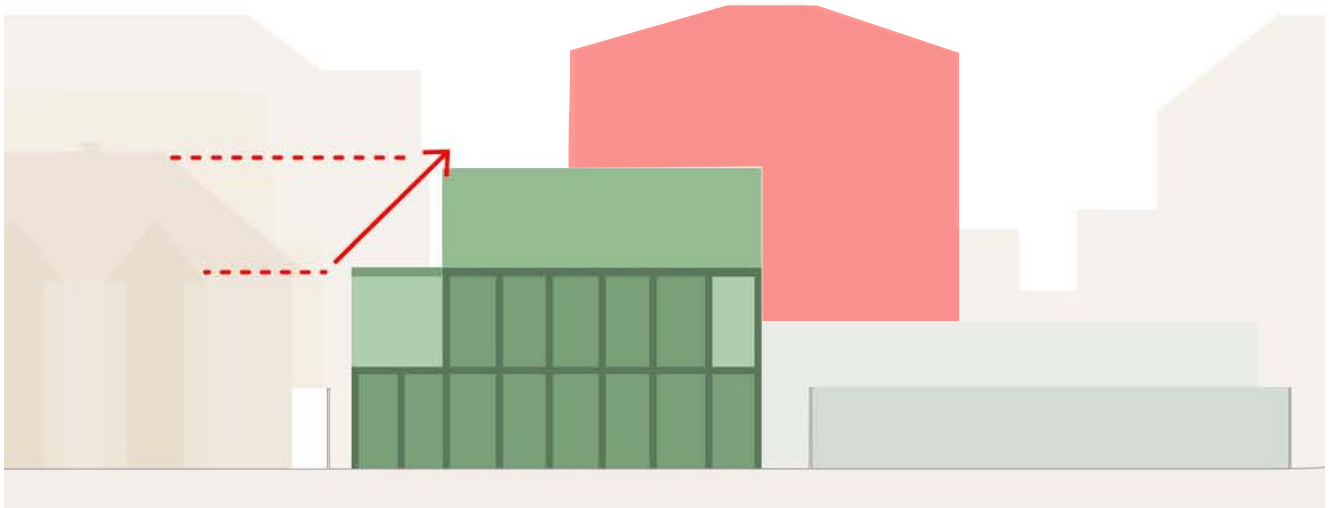

Fig 10: A south elevation of the closest part of the proposed development, juxtaposed with the listed building in the background (highlighted red) and the adjacent houses on Cherry Tree Road.

3.4 The CGI at **Fig 11** shows the effect of perspective, and it may simple be noted that the listed building would be some considerable distance from the proposed development, with a clear separation between the two. There are therefore no issues with dominance, scale, competition, etc. in the relation of the proposed development (scale, massing, height, location, etc.) with the listed building.

Fig 11: A CGI perspective of the closest part of the proposed development, juxtaposed with the adjacent houses on Cherry Tree Road and the listed building in the background (approximate location highlighted in red).

3.5 There is a glimpsed oblique view of the back of the listed building from the far eastern end of Summerlee Gardens (**Photo 9**), although the proposed development would be to the south of this area and it would not interfere with this view (albeit the importance of the view may be questioned). The proposed development would not be visible from Southern Road or Shakespeare Gardens.

Photo 9: A view of the listed pair, seen alongside the houses on Summerlee Gardens, from the easternmost end of the street.

3.6 Insofar as views from the garden of 31 Southern Road are concerned, it should be noted that "*Views out from heritage assets that neither contribute to significance nor allow appreciation of significance are a matter of amenity rather than of setting*."[8] It may be noted that the views over the fenced tennis courts from the rear gardens of the listed pair does nothing by way of enhancing or revealing the significance of the listed pair. The tennis courts is not an area that can be said to make a positive contribution to it[9]. From here, the closest part of the proposed development would be on lower ground, with a good deal of the application site's sense of openness retained. The terrace at the rear would be even further removed by the distance it is set away from the listed building. There are no issues with encroachment or enclosure, etc. The presence of the proposed development, seen from here as part of a very much suburbanised context, would leave the significance of the listed pair unaffected.

3.7 As has been noted above, the proposed terrace at the lower, southern end of the application site is so far removed from the listed building, and low enough that there

[8] *The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3* (Second Edition), Historic England (December 2017), paragraph 16.

[9] Paragraph 206 of the NPPF.

would be no conceivable effect due to the presence of this part of the proposed development.

3.8 When drawing all of the above observations together, it becomes clear that the experience of the listed building and the conservation area townscape would not be materially changed. The existing baseline experience, of a listed building juxtaposed with unrelated later suburban townscape to the south west would be unaffected by the proposed development.

3.9 There would be no visual dominance over the listed building (or the conservation area townscape), or undue distraction from it, encroachment or dominance. The significance of the pair, and the ability to appreciate their significance, would remain unchanged.

4.0 CONCLUSIONS

4.1 This report presents a proportionate assessment of the heritage assets (the listed building and the part of the conservation that contains it) and the contribution of their setting to their significance, as well as the effects of the proposed development. The assessment in this report has demonstrated that the proposed development would preserve the significance of the listed building, and the conservation area.

4.2 Because no harm has been identified, there are no policy conflicts with the London Plan, or the policies in Haringey's Local Plan.

4.3 Neither does the proposal trigger paragraphs 200 or 202 of the National Planning Policy Framework. The proposed development also complies with the statutory duties in s.66 and s.72 of the Planning Listed Buildings and Conservation Areas Act, 1990.

4.4 It is therefore respectfully submitted that the proposed development should be granted permission.