

The Heritage Practice

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The Planning Inspectorate
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15 March 2023

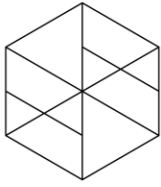
Dear Ms William

111 Frognal, London NW3 6XR
Appeal reference: APP/X5210/Y/22/3308964

I am writing regarding the above appeal and in response to the Local Planning Authority's (LPA) Statement of Case which was forwarded to the appellant on 3 March 2023.

The key issues which arise from the LPA's statement of case can be summarised as the following:

1. The structural nature of the works is dismissed and minimized. The Appellant considers this to miss the fundamental reason for the works.
2. The LPA constantly refer to the creation of a new basement, when in fact the works reinstate a pre- existing cellar volume.
3. The LPA suggest that new habitable space is created which is false. The repaired cellar is not habitable, with no natural daylight, lighting or services and is used for storage. It is also still accessed via a hatch and external ladder which was installed by the previous owners and doesn't connect to the interior of the house.
4. The LPA seems to rely on subjective officer's opinion throughout their statement to allocate significance and harm, which are not based on material heritage grounds or evidence but has not engaged specialist heritage expertise in analysing the significance and impact of the repairs.
5. Following on from the previous point, the LPA makes several assumptions in their letter which are not based on any material evidence or grounds whatsoever. This includes assuming value of the backfill, assuming the existence of the cellar ceiling or remnants of it, assuming internal features of the cellar. All the evidence and analysis provided has shown that these did not exist.
6. The LPA attempt to dismiss the only heritage expert consulted on the case, Professor James Campbell., who is highly qualified to assess the significance and impact of the appeal works and who fully supports the approval of them.
7. The two Campbell Reith structural solutions put forward as 'less harmful' structural options to stabilise the house, are not in fact less harmful but more harmful than the as built works and would not create sufficient structural reinforcement in any event.
8. The owners are unfairly portrayed throughout the report as having little regard for the listed building. The reality is that the owners have worked extensively with the LPA throughout the process and have obtained all necessary consents for all works and there are no enforcements on the house as far as we are aware. The renovations being carried out on site were welcomed by officers and provide a host of heritage benefits to the site by reinstating many previously lost features.
9. Harm is still allocated to covering the cellar wall brickwork despite it not ever being a visible feature neither when the cellar was in use nor immediately prior to the works, and expert analysis by Professor James Campbell confirming that covering it would not cause harm.



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10. The heritage benefit of reinstating the cellar volume has been dismissed based on no material grounds.

11. The heritage benefit of reinstating the original ground floor has been dismissed based on no material grounds.

The following section will provide a point by point breakdown of each of the LPAs points.

1.0 Comments in relation to the LPA's Statement of Case dated 28 February 2023

1.1 Comments have been provided below in relation to the paragraph numbering of the LPA's Statement of Case with the appellant's comments beneath.

Paragraph 1.3

The appellant has reinstated an existing cellar and not created a new basement. This assertion has been repeated throughout the rebuttal document. (3.19, 3.21, 3.22, 3.27, 3.29, 3.36, 3.38, 3.43, 3.48, 3.50, 3.55, 3.56, 3.57, 3.58, 3.59, 3.61, 3.62, 3.65, 3.69, 3.72). To be clear, the pre-existing cellar was partially infilled and partially not. It was not excavated below the cellar's former floor level nor was this in any way an attempt to create extra habitable space within the building. Any suggestion to the contrary is strongly refuted as both untrue and irrelevant to the matter before the Inspector.

Paragraph 3.1

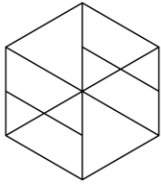
It should be noted that the house is the subject of much beneficial restoration and renovation work, which the LPA agree will greatly improve the listed building and reinstate a host of lost features. All of the above ground restoration and renovation works were the subject of several pre applications and multiple planning applications where the appellant worked proactively with officers over several years to design a scheme which benefitted the listed building, and which reinstated many heritage features. All of these works have listed building consent and are being built in accordance with the approved plans.

It is concerning that the LPA is trying to paint a picture where the appellant has not sought the relevant permission for other works when they have in fact worked extensively with officers. Planning permission and listed building consent applications were submitted for all above ground renovations with some minor amendments applied for retrospectively. One such minor amendment to which the officer refers is the conversion of the approved foundation void under the rear extension into a usable space. It is important to note that this foundation void had been built out as approved and had not yet been converted when the appellant applied for this minor amendment. As such, no unauthorised work had been carried out when the minor amendment was refused.

It is thus both misleading and irrelevant to suggest that the appellant has carried out "*extensive unauthorised works*." There is no outstanding enforcement case. The appellant has not been served with an enforcement notice and paragraph 7.1 of the officer report confirms that an enforcement notice is not recommended.

Paragraph 3.2

The appellant has not sought to "*undermine the value of the listed building*" in the assessment of its significance at paragraphs 6.7 to 6.28. The values of Historic England's document 'Conservation Principles' have been addressed in turn, with numerous examples throughout the text of significance and value being clearly acknowledged.



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Paragraph 3.4

Historic England's '*Conservation Principles, policies and guidance for the sustainable management of the historic environment*' 2008 (para 36) is clear that "*In the absence of written records, the material record, particularly archaeological deposits, provides the only source of evidence about the distant past. Age is therefore a strong indicator of relative evidential value...*" The references to 'the distant past', 'archaeological deposits' and 'in the absence of written records' makes it clear that Historic England envisage evidential value as relating to fabric which is far older than the 280 years suggested by the LPA. The appellant disputes the LPA's conclusion that the evidential value of the cellar is therefore "*high.*"

Paragraph 3.5

The appellant maintains that the conversion of the building has eroded its evidential value, as it no longer provides evidence of its original use, for example stable fittings or its original layout. The conversion of the stable to a house involved the removal of much original fabric, the loss of the original floor plan, and the loss of many original features such as the stable doors, sash windows, rear sloping roof, and hay loft. It was also converted from a single storey stable with a hay loft to a two storey house. The LPA acknowledge the extent of these works at paragraph 1.2 of their Statement of Case noting that "*...the interior has been extensively modernised*" and it is logical that this must therefore have had an impact upon the building's intrinsic significance and value.

Paragraph 3.6

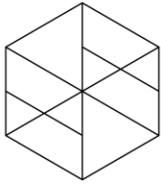
The LPA's language here assumes that there was archaeological value to the infill material and/or the flooring within the cellar prior to the works being undertaken and that this has been lost. This is not based on any evidence which would suggest that material of archaeological value was present and contradicts expert analysis to the contrary. Paragraph 2.11 of the appellant's Statement of Case outlines the findings of the Museum of London Archaeology's Archaeological Statement (5 October 2022) and confirms that "*The back-fill of an 18th century cellar is unlikely to be of archaeological significance*" and that "*Archaeological remains predating the stables would not have been disturbed during the excavation as the infill material would date to after the cellar was constructed.*" That planning conditions regarding archaeology might have been imposed by the LPA is not relevant to the consideration of a retrospective application for listed building consent.

Paragraph 3.7

The appellant asserts that the cellar provides "*little*" evidential value and not that the space is "*worthless*", as the LPA suggest at paragraph 3.7. The utilitarian nature of the space in relation to its cellar/storage use is noted and it is relevant that the space remains in use for ancillary storage purposes. Given its low status and limited value, the cellar fails to provide us with demonstrable evidence about past human activity which would contribute to our body of knowledge about the form and functioning of historic stable buildings. However, the reinstatement of this original volume, would return the building closer to its original form and provide some benefit.

Paragraph 3.8

Paragraph 6.11 of the appellant's Statement of Case seeks to assess the significance of the former modern timber floor within the stable in relation to Historic England's values, in this case evidential value. It does not suggest that the removal of later, non-historic additions to a listed building can be undertaken without Listed Building Consent. It is evident from the photographic history of the building that the floor was inserted between 1950 and 1960; this is seen from the Country Life photographs taken in 1949 where the original floor level was still present. The former modern timber floor was thus



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part of the Smithsons alterations which the LPA concedes in paragraph 3.9 “*damaged the character of the listed building.*” The insertion of this modern floor resulted in the removal of the stable doors, the addition of steps from the courtyard up to the house and greatly affected the legibility of the front elevation and its former stable use. The replacement of this floor at the original ground level is thus a demonstrable heritage benefit to the listed building. This was accepted by the LPA when the removal of the ramp (which was only created in the 1950s or 60s due to the raised internal floor levels) was identified as a benefit and when planning permission (2019/6089/P) and listed building consent (2019/6100/L) were granted on 3 March 2020. This was only made possible by the reduction in floor levels which predated that and which the appellant believed at the time to have been done lawfully.

Paragraph 3.9

It is agreed that the Smithsons work “damaged the character of the listed building” and that consented works have reversed some of this harm.

Paragraph 3.10

It is important to note that the majority of the cellar prior to the repairs was essentially lost, as it had been infilled and was not accessible. The appellant refutes the LPA's suggestion that as the cellar “*formed part of its array of functions*” it was “*therefore as valuable as any other component.*” It is clearly not the case that all parts of a historic building are as valuable as one another. The appellant's position is that the cellar did not provide any evidence that it related specifically to the functionality of the stable block and therefore did not provide evidence of its former use. That it was backfilled and essentially ‘lost’ confirms that the space was of no practical value to users of the building at the time.

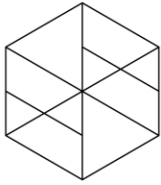
The appellant strongly refutes the LPAs assertion that “*all trace of the interior has been destroyed*” and that because of that “*the link will never be understood*”. This is based on the assumption that evidence was removed by the appellant which it was not. As shown in photographs, aside from the brickwork no other features were present, and this has already been communicated to the LPA. Professor Campbell has already provided evidence as to the limited interpretive value of the only remaining evidence prior to this work, the brickwork.

Paragraph 3.11

At 3.11 the timber floor and its value are discussed again. As conceded at 3.9 the modern timber floor formed part of the Smithsons works which the LPA agreed “*damaged the character of the listed building.*” Conservation theory does note that all periods of a building form part of its story and that later accretions have differing levels of significance. However, it is often the case that later fabric or features which are of no intrinsic merit and do not contribute to special interest, are of no significance or consequence. Furthermore, later accretions can actively detract from special interest and significance. Given the large-scale removal and reversal of Smithsons work already authorised by the LPA and specifically the approval of the removal of the ramp (which was installed in the 50s or 60s because of the raising of the floor level) as a heritage benefit it seems bizarre to now suggest that there is significance to be apportioned to the raised floor.

Paragraph 3.13

The LPA again asserts that evidence has been lost as a result of the concrete structure which has been installed in front of the brick walls. This statement is based purely on assumption. Photographs and expert opinion demonstrate that there were no traces of the type of features that the LPA insist have been “*lost.*”



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Paragraph 3.14

The LPA note here the “*crudeness of the brickwork*” and its “*roughly pointed*” quality. There is thus no logical link to the conclusion of this paragraph that the materials are thus of “*value*.” This crudeness of brickwork is aptly explained to demonstrate brickwork that was intended to be plastered over and not seen by Professor Campbell in his letter reports. The LPA state that “*the brickwork should have been retained in some format*.” It is important to note that the brickwork has been retained and remains in situ.

Paragraph 3.15

It is totally erroneous to suggest equivalence between the cellar brickwork at 111 Froggnal and internal spaces within a National Trust property, which are generally higher status historic buildings. The display of ‘below stairs’ rooms to the public such as the kitchen, scullery, pantry etc... are clearly important in demonstrating how large country estates operated and provide tangible evidence of the social hierarchies and norms in place at the time.

The LPA suggest that the rough brickwork was an intended finish, which presumably was exposed. This is refuted by the appellant and backed up by the expert view of Professor Campbell. This brickwork is not facing brick but would have been plastered. It is also somewhat alarming that officers have ignored a heritage specialist’s expert opinion on the matter and not sought specialist heritage advice on the matter themselves.

Paragraph 3.16

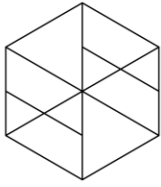
It is incorrect to equate rough, crude brickwork, of several different periods and located in a subterranean cellar, with the craftsmanship and antiquity of “*the joints and pegs in the beams of an **ancient** roof*” (my bold) or the “*framing beneath the render of a timber-framed cottage*.” The significance of an element or feature within a historic building derives from the interplay of numerous factors, including visibility, original design intent, quality and craftsmanship.

Paragraph 3.22

The assertion by Camden that “*less harmful methods could have achieved the stability of the house*” is refuted as both solutions would fill the entire cellar volume with structure, restricting access and affecting the appearance and legibility of the cellar volume. The Campbell Reith report identifies the use of cross walls/buttresses or a braced steelwork frame within the cellar as alternative means of stabilising and propping the building. The conclusion that these are “*less harmful*” to the building is not made by a heritage expert and is predicated on an assumption that the retention of the exposed brickwork cellar walls was automatically more important than the reinstatement of its form and spatial quality. Furthermore, David Rose of Rose & Associates confirms in his letter dated 15 March 2023 that “*...I have sincere doubts about the effectiveness of Campbell Reith’s proposed two alternative solutions given the condition of the property’s brickwork. They are not solutions I would have recommended given that I believed the cellar walls needed continuous support, rather than only partial supports, and this was why I specified the as built solution as my professional recommendation.*”

Paragraph 3.24

It is relevant that the Council’s structural engineers Campbell Reith did not examine the cellar, and the author of the Campbell Reith report dated February 2022 confirms this at paragraph 4.1 of the document, noting that “*It is difficult to retrospectively form an opinion on the urgency of the requirement for repair.*” What is clear is that the structural integrity of the building had been compromised and was



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leading to damage to its fabric. The reinforced concrete box was chosen as providing the most appropriate balance between securing the stability of the listed building and maintaining the form and spatial quality of the below ground cellar space. The stabilisation of the listed building and the long-term conservation of its fabric is a demonstrable public benefit. The appellant does not agree that Campbell Reith's alternative solutions (to the extent they would have been effective, which is denied) were less harmful as they would have filled the whole cellar volume with structure.

Paragraph 3.25

Any assessment of impact and harm must be based upon an assessment of significance. In relation to Campbell Reith's report, the LPA assert that this was *"not their job."* However, the report does make value judgements about the impact of works, concluding at paragraph 4.4 that there are other solutions which are *"less intrusive"* or *"more sensitive."* This implies that a judgement had been made regarding the value and significance of the cellar space and its brickwork walls. The appellant respectfully disagrees with these conclusions and maintains that the works that have been undertaken are preferable to the cross walls/buttresses or braced steelwork frame suggested by Campbell Reith, albeit that the effectiveness of this solution is disputed.

Paragraph 3.31

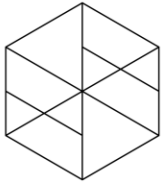
The LPA suggest that Professor Campbell *"has no more information at his fingertips than Campbell Reith, whose opinion about the underpinning the appellant decried."* When referring to Campbell Reith, in their own words the LPA is clear that *"it is not their job"* to assess the significance of the cellar and its brickwork. By contrast, Professor Campbell is a highly qualified expert in 18th and 19th century brickwork and Head of the University of Cambridge's Department of Architecture. He is an architectural historian and architect specialising in the history of building construction. The appellant suggests that Professor Campbell has a wealth of experience to draw upon and is eminently qualified to comment on the significance of the brickwork within the cellar.

Paragraph 3.32

The appellant disputes the suggestion that the patched brickwork within the cellar is of *"considerable historic value."* That is a simple overstatement of its significance. The use of the phrase *"honest repairs"* is more usually reserved for good quality repairs to a historic building where a deliberately contrasting material has been used to provide a considered chronology of works to the building, for example the use of tile creasing as a repair to brickwork. It is erroneous and without merit to apply this principle to low quality, patched brickwork within a subterranean cellar space where no care has been taken in the choice of materials or the method of execution for the repair. Furthermore, the presence of later material undermines the LPA's argument that the cellar is a coherent example of 1740s brickwork.

Paragraph 3.35

With regard to the cellar the LPA states that *"If its form is significant, then so is its fabric."* Space which is significant is defined and created by structural fabric, but the two are not necessarily equivalent in value. This is manifestly the case where a room as a spatial entity is created by structural brickwork, which is the plastered or even panelled – the room, its appearance and its decorative fabric can all be of high significance but the masonry itself is of little value and certainly of no value as an exposed finish.



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Paragraph 3.37

The LPA deliberately misquote the appellant here in order to reinforce their own case. Paragraph 8.37 of the appellant's Statement notes that *"Furthermore, the cellar does not form part of the external appearance of the listed building, is not visibly expressed in any way and is totally disconnected from the internal layout and plan form of the building."* It does not say that internal features of a listed building which are not visible from outside are of no value. That is clearly not the case. The points made at paragraph 8.37 seek to assess and analyse the specific contribution which this cellar makes to the former stable block, in visual, physical and experiential terms.

Paragraphs 3.40 and 3.45

Professor Campbell does not make a general point in his letters regarding hidden or low status features not contributing to the special interest of listed buildings. His professional opinion has been sought on the particular issue of the originality of the cellar itself, the quality of its brickwork walls and the likelihood that their external face was ever intended to be exposed. His letter of 26 June 2022 provides useful information regarding the status of different types of brickwork and what this conveys about the nature of the space in which they are experienced. His views are not at variance with current urban conservation practice, as suggested by the LPA, and should be given the weight that they deserve.

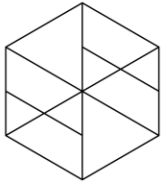
Paragraph 3.46

It is not disputed that aspects of a listed building which are concealed can be of value and significance. Paragraph 8.47 of the appellant's Statement of Case cites Professor Campbell's views specifically in relation to the rough and crude brickwork within the cellar, which in his view, was not intended to be left exposed ie: it would have been encapsulated beneath a plaster finish. This is wholly different to spaces within a building which are not regularly accessed but where there is no intention to conceal fabric or structure, for example within a roofspace. The LPA's analogy is nonsensical as king posts and their associated bracing were specifically designed to be seen when first constructed, within double height 1st floor chambers and were intended to denote status and wealth. That they have often been concealed by later added ceilings, in themselves often historic, is not analogous to works to the low status, crude subterranean brick cellar in question here.

Paragraph 3.48

If the appellant had simply sought to replace the modern floor with a new, authentic solid floor at the correct historical level the structural issues with the building would have been revealed as soon as the modern floor was removed. The situation could not have been left unaddressed. A structural solution would have to have been found for the building regardless of what the intention was immediately prior to removing the modern floor. The appellant maintains that the structural solution which has been implemented is appropriate.

In fact, it matters not. Revealing the nature of the floor and the discovery of the cellar were all precipitated by stability concerns, not the other way around. Indeed, if the appellant had for some reason not wished to reinstate the floor to the lower level once it was discovered, a stability solution which kept the floor at the modern height could have been used. However, this would have seriously undermined the ability to secure the heritage benefit of reinstating the floor in the future. It is not tenable to argue that heritage benefits did not derive from the reinstatement of the floor level as a result of the specific works undertaken by the appellant.



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Paragraph 3.49

It remains the appellant's view that the cellar is of little inherent significance as outlined in paragraph 8.38 of their Statement of Case and for the reasons cited at paragraphs 8.36 and 8.37. The cellar beneath the building was infilled through during the 20th century and this modern rubble had resulted in the entire loss of the void. The removal of the backfill was beneficial – to acknowledge so does not contradict the conclusion that the cellar is of little significance, simply that the removal of modern rubble from the space reinstates its spatial quality and once again provides a void beneath the building.

Paragraphs 3.55 and 3.56

The LPA imply here that the space created beneath the basement is “*fully habitable space*” and that a connection between it and the building above is intended. The space beneath the building is dry and plastered and is not habitable space. It has no lights fitted, nor services and there are no windows or access to fresh air. Access is from a pre-existing hatch and ladder from the courtyard. There is no connectivity between the space and the internal ground floor spaces of the building and no evidence provided by the LPA that this is the intention of the appellant, other than an unsubstantiated assertion that the space is “*ready to be accessed through a knock-out panel from the floor above.*” A section of the floor was removed as part of the renovation works to allow for the storage of larger items during the extensive building works above, but this forms no part of the retrospective application and will be blocked up when the current restoration works to the house are completed. The appellant is content for a condition requiring permanent blocking up of the opening to be undertaken within a specified period, to be attached to any consent as the Inspector sees fit.

Paragraph 3.57

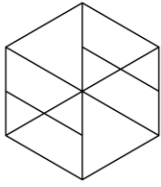
It is not clear how one can be “*objectively aware*” that they are within a three storey structure if the space below the building has no external expression and is not connected into the above ground listed building. Whilst one might know that there is a subterranean space as the owner/occupant of the building, this does not equate to it having a visual or physical presence, with the potential to impact upon the character or special interest of the listed building.

Paragraph 3.58

The examples provided by the appellant are not intended, or capable of providing the exact same circumstances as those raised within this appeal. However, the works approved by the LPA at no.28 Church Row, no.4 Chalcot Crescent and no.35 Lambs Conduit Street demonstrate an acceptance by the LPA of damp proofing systems, including cementitious SIKa render applied directly to the masonry, which obscures historic brickwork within original under pavement vaults. What is notable is that these vaults are of defined historic and architectural significance, with a well-known relationship to the functioning of the townhouses they serve and with features such as vaulted roofs which elevate them architecturally above the cellar at the appeal site.

Paragraph 3.59

In discussing planning balance, benefits and harm must be weighed against one another. The LPA cannot simply dismiss the public benefit of securing the long-term structural stability and survival of the listed building because they consider that the methods to achieve this have caused harm. Their assessment of harm must be accommodated on one side of the balance and weighed against the public benefit of stabilising the building, which has been achieved, and is a matter of fact.



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Paragraph 3.61

The appellant contends that the reinstatement of a solid floor at the correct level is a heritage benefit and that it springs from the works to the cellar, regardless of whether it was required or upon whose suggestion it was installed. The benefit to the legibility and character of the stable block remains, reinstating level access between the stable yard and the interior of the building. As noted above, retention of the modern floor level could have been included in the works but would likely have been more harmful than the works undertaken.

Paragraph 3.67

The LPA's dismissal of Professor Campbell's expertise is concerning. As outlined above, Professor Campbell's credentials are impeccable, and his views were sought on specific issues regarding this particular cellar and the quality and significance of its brickwork. His comments must be considered within that context and have been manipulated by the LPA to suggest that his views are not in line with conservation best practice.

Paragraph 3.69

The appellant suggests that the views of their structural engineer and that of the LPA do not contradict one another, simply that they provide different solutions to the same structural problem. The solution progressed by the appellant prioritised the spatial quality and form of the cellar over the retention of exposed brickwork and sought to avoid the visual intrusion and clutter which would have resulted from the buttressing or steel frame proposed by Campbell Reith. The conclusion by the LPA that the safety of the building could have been ensured by less harmful means is a subjective assessment. The appellant maintains that the stabilisation of the listed building and the securing of its long-term future are demonstrable public benefits.

Overall

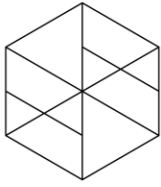
Despite the complexity implied by LPA's statement of case, the appeal is a simple one.

The appeal is not about whether the works fell within the urgent works exemption from listed building control. It is not about unfounded allegations of attempts to create new habitable space. It is not about the intentional destruction of heritage value. It is not about *whether* the brickwork fabric had some heritage value as this is not denied and the brickwork was left in situ.

This appeal is solely about whether retrospective listed building consent be granted for the specified works and boils down to how much weight is attached to:

- a. The stability of the listed building
- b. The reinstatement of the historic space
- c. The reinstatement of the floor to a more appropriate level and material.
- d. The loss of the 1950s/60s floor structure
- e. The ability to see the brickwork after the work was carried out.
- f. Contextual information (if any) which may have been lost. (It is the Appellant's clear evidence that there was none of element f) and the LPA only conjectures that there might have been. It should therefore be accorded no weight.)

Both sides seem rightly to accept that a) is paramount. The heritage benefit of lowering the floor level is real and effectively accepted by the LPA in other decisions and cannot be reasonably considered to be



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in dispute in this case despite the contents of their statement of case. The dispute therefore resolves mainly around the following factors:

- 1) Any solution to a) would have introduced extensive new structural material but result in a different balance of elements b) and e). The evidence of the Appellant's experts is that the weight to be attached to e) is extremely limited and vastly outweighed by b).
- 2) Even if weight is applied to e), the extent to which the alternative solutions for stabilisation leaves the brickwork exposed in any meaningful or accessible fashion is doubtful given the extensive filling of the space by the solutions themselves. This benefit should be considered notional at best.
- 3) Even if alternative solutions were preferable, whether the solution chosen at the time for good reasons is rendered unacceptable. Applicants must be decided on the application presented which, if acceptable in listed building terms should be granted. This is especially the case here where no enforcement action will be taken to remove the works and no alternative scheme will come forward in the event consent is not granted.

The LPA's position that consent should be refused serves no planning or heritage purpose. It is very peculiar to its facts and will not set a precedent. It will not allow new habitable space within the listed building or reward the Appellant for any alleged or suspected wrongdoing. Refusing consent will not preserve, restore or open up any historic feature. It will do nothing except confirm the status quo. There remains a risk that without this consent the property may be difficult to sell or mortgage which risks, though the Appellant puts it no higher than that, the building falling into lack of use in future.

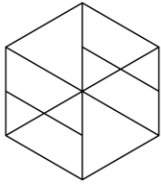
From this analysis it is clear that the Appeal should be granted.

2.0 Comments in relation to the letter prepared by Phillips Planning Services Ltd dated 1 March 2023

2.1 The letter notes at page 2 that *"The creation of a large useable basement completely distorts this modest character to anyone experiencing the building and so harms its hierarchy, character and significance. The fact that the basement is not readily visible externally does not alter this and is a reason why listed building controls apply to both internal and external works."* The impact of the works on the character of the building must depend to a degree on whether they are appreciable and tangible. It is strongly refuted that *"anyone experiencing the building"* would necessarily be aware of the basement and thus that it would be harmful to its hierarchy, character and significance.

2.2 The letter implies through its language and with references to 'habitable space' and 'modern room' that the works to the building were simply an attempt to generate new living space beneath the existing building. This was not the purpose of the works, which were to address the significant structural problems which the building was facing and to ensure its long term stability. The issue of any future application to create a connection between the main house and the void beneath the building is not relevant to the current appeal.

2.3 It is not accurate to assert that listed building consent is often withheld for basement proposals which require underpinning of original foundations or for the purposes of stabilising the structure of historic buildings. Nor is it the case that any concerns that may be raised relate to the impact of underpinning upon the fabric of the foundations themselves, which are rarely of any intrinsic interest.



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2.4 The author of the letter acknowledges that they “...do not seek to dispute the validity of these comments” in relation to the structural solution proposed by Rose & Associates but wish to make the point that “...the advice provided focusses upon the most effective engineering/structural solution rather than the heritage impact.” Campbell Reith’s structural solutions would also have had heritage impacts and it is only their value judgement that these would potentially have been less intrusive, due to their subjective prioritisation of the low-quality brickwork cellar walls over the intrinsic form and spatial quality of the cellar. The appellant is clear at paragraph 8.22 of their Statement of Case that the Campbell Reith proposals would have filled the cellar void with steel or concrete structure which would have been more harmful in terms of the legibility of the cellar, as well as aesthetically unattractive.

2.5 The author suggests at page 3 that the appellant seeks retrospective Listed Building Consent for the removal of earth from “what is described as an original 1740s brick cellar beneath the house.” The void itself may date from this period but it is clear from the photographs of the brickwork walls that the fabric itself has later patching and repairs and that the walls are not coherent or uniform.

Conclusion

The appeal works were structural and urgent in nature and they reinstate an existing cellar which had been infilled and thus the cellar volume lost. The reinstated cellar is also not habitable space, which is still accessed by the pre-existing ladder and hatch from the front courtyard, has no services, lighting, windows or natural ventilation and is used for storage.

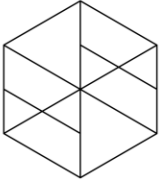
The concrete box was inserted for the purposes of propping the compromised brick cellar walls and successfully stabilised the house whilst also reinstating the lost cellar volume. The LPA’s repeated statement that the works result in the creation a new basement are factually incorrect and misleading as to the reasons for the works.

The LPA acknowledges the structural nature of the works and engaged their own structural engineer who confirmed the necessity of the repairs, proposing two alternative solutions. However, both of these solutions would fill the cellar volume with modern steel frame or concrete buttressing, thus destroying its legibility and eliminating access to the cellar entirely.

The LPA’s insistence on the importance of the brickwork seems to be based solely on the age of the fabric and no other expert or specialist analysis. It is somewhat concerning that the LPA has:

1. Ignored an expert’s view on the importance of the brickwork and taken a contrary view against Professor Campbell who is a leading academic in this field and;
2. The LPA has not engaged any heritage specialist to quantify the importance of exposing the brickwork which has been concealed by the concrete and which Professor Campbell states was originally within the build up of the cellar wall and would have been concealed behind plaster.

Lastly, the LPA has again tried to dismiss the heritage benefits of reinstating the ground floor structure at its original historic level. This is an essential feature of this particular listed building and benefits the legibility of the house as a former stable block as well as affecting the external appearance and character of the listed building.



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In conclusion, the works which have been undertaken were structural and necessary to stabilise the house. They reinstate an existing cellar volume and reinstate the original ground floor level, thus enhancing the character of the listed building.

Yours sincerely

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