

Delegated Report		Analysis sheet		Expiry Date: 28/04/2023	
		N/A		Consultation Expiry Date: 19/03/2023	
Officer			Application Number(s)		
Ewan Campbell			(i) 2022/5552/P (ii) 2023/0920/L		
Application Address			Drawing Numbers		
Stables building in the land to the rear of Hampstead Police Station 26 Rosslyn Hill London NW3 1PD			Please refer to draft decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
<p>i) Variation of condition 2 (approved plans) and removal of condition 7 (green roof) of planning permission 2022/0329/P granted on 01/03/2022 for 'Change of use and refurbishment of the Stables building and internal alterations to provide residential accommodation, alteration of the flat roof to provide skylights and adequate insulation, installation of solar PV panels, the opening of windows previously blocked on the side elevation and the installation of a rear dormer window at roof level', namely to include removal of original slates and replacement with grey slates, installation of solar slates on rear pitch, removal of green roof, relocation of roof lantern, addition of solar panels and relocation of Air Source Heat Pump (part retrospective).</p> <p>ii) Removal of original slates and replacement with grey slates, installation of solar slates on rear pitch, removal of green roof, relocation of roof lantern, addition of solar panels, relocation of Air Source Heat Pump, and minor internal alterations (part retrospective).</p>					
Recommendation(s):		<p>i) Refuse Planning Permission and Warn of Enforcement Action ii) Refuse Listed Building Consent</p>			
Application Type:		<p>i) Variation or Removal of Condition Application ii) Listed Building Consent</p>			
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice			
Informatives:					
Consultations					
		No. of responses	00	No. of objections	00
Neighbour Consultation		A site notice was put up on 09/03/2023 and expired on the 02/04/2023. A press advertisement was placed on 08/03/2023 and expired on 01/04/2023 No comments from the neighbour consultation			

Hampstead CAAC	No comments
Hampstead Neighbourhood Forum	No comments

Site Description

The application site is the stables building of the vacant Former Hampstead Police Station at 26 Rossllyn Hill.

The site is located on the north side of Rossllyn Hill at the junction with Downshire Hill. The former police station, including the stables, is 'sui generis', being a use that does not fall within any defined use class. The stables building is situated at the rear of the site (the northern part) and is accessed via Downshire Hill (see plan below).

The stables building comprises a ground floor and first floor. There is a hardstanding area that was used for car parking between the main building and the stables. The site slopes down to the rear, towards the stables building. The site has been vacant since 2013.

The buildings on site are Grade II listed and sit within the Hampstead Conservation Area. The main building and the stables building were constructed in red brick with stone dressings as designed by J Dixon Butler (1910-13). The buildings on the site are on the 'Buildings at Risk' register, given the length of time they have been derelict.

The site falls within the area covered by the Hampstead Neighbourhood Plan and the proposals are assessed against the policies within this plan as well as those of the Local Plan. The Hampstead Neighbourhood Plan designates this part of the conservation area as Character Area 3 – 19th Century expansion. The site has a PTAL rating of 4, which is a 'good' accessibility level and the site sits within a controlled parking zone.

The site was purchased by the Educational Funding Agency (EFA) in 2013, but it has since been sold following unsuccessful attempts to obtain planning permission for the change of use to a school. The area is predominantly residential. The site is bounded by the rear gardens of flats on Downshire Hill to the north-west and north, by the rear gardens of properties on Hampstead Hill Gardens to the north-east.

Relevant History

Relevant planning history on the application site:

2019/2375/P and 2019/2491/L - *Change of use of the site from a police station (sui generis) to a one-form entry school (Use Class D1) for 210 pupils and business/enterprise space (Class B1) including alterations and extensions to the rear and associated works."*

Planning permission and listed building consent refused 19/12/2003. A subsequent appeal was dismissed.

2022/0329/P and 2022/0624/L - *Change of use and refurbishment of the Stables building and internal alterations to provide residential accommodation, alteration of the flat roof to provide skylights and adequate insulation, installation of solar PV panels, the opening of windows previously blocked on the side elevation and the installation of a rear dormer window at roof level.*
Granted subject to s106 agreement 21/09/2022

2022/4112/P and 2022/4500/L - *Variation of condition 2 (Approved Plans) of planning permission 2022/0329/P and 2022/0624/L dated 21/09/2022 (for 'Change of use and refurbishment of the Stables building and internal alterations to provide residential accommodation, alteration of the flat roof to provide skylights and adequate insulation, installation of solar PV panels, the opening of windows previously blocked on the side elevation and the installation of a rear dormer window at roof level.')*, namely to allow reinstatement of two windows on side elevation
Resolved to grant subject to s106 agreement

National Planning Policy Framework 2021

The London Plan 2021

Camden Local Plan 2017

A1 Managing the impact of development
CC1 Climate change mitigation
CC2 Adapting to climate change
CC3 Water and flooding
D1 Design
D2 Heritage

Hampstead Neighbourhood Plan 2018

Policy DH1 Design
Policy DH2 Conservation Areas and Listed Buildings
Policy NE4 Supporting Biodiversity

Camden Planning Guidance (CPG)

CPG Home Improvements (January 2021)

Assessment

1. PROPOSAL

1.1. The applicant seeks to make the following amendments to the original permission:

- Removal of original green Westmorland slates and replacement with grey Welsh slates
- Installation of solar slates on rear elevation
- Relocation of roof lantern and introduction of roof light
- Addition of solar panels on existing rear addition
- Relocation of Air Source Heat Pump
- Removal of green roof on rear single storey addition and removal of associated condition 7 on permission

As part of the listed building consent the internal works include:

- Internal reconfiguration works including alteration to non-original and original partition walls

1.2. After conducting a site visit, it was confirmed that much of these works were being completed or fully complete and means this proposal is part retrospective

2. CONSIDERATIONS

2.1. The material considerations for this application are as follows:

- Design and Heritage
- Amenity

3. ASSESSMENT

Design and Heritage

3.1.1. The Local Plan policies D1 (Design) and D2 (Heritage) are aimed at achieving the highest standard of design in all developments. Policy D1 requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area; and Policy D2 states that the Council will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings. Neighbourhood Plan policies DH1 and DH2 require proposals to be well integrated into their surroundings and reinforce and enhance local character, and draw upon key aspects of character from the surrounding area.

3.1.2. Within policy D2 (Heritage) it states:

The Council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas, listed buildings, archaeological remains, scheduled ancient monuments and historic parks and gardens and locally listed heritage assets...

Other heritage assets and non-designated heritage assets The Council will seek to protect other heritage assets including non-designated heritage assets (including those on and off the local list), Registered Parks and Gardens and London Squares. The effect of a proposal on the significance of a non-designated heritage asset will be weighed

against the public benefits of the proposal, balancing the scale of any harm or loss and the significance of the heritage asset.

3.1.3. This application concerns the conversion of the stable block of the former Hampstead Police Station (Listed Grade II) set at the rear of the former station yard. This scheme involves a variation to the previous permission for the conversion of this modest ancillary building to residential. Built in red brick with white painted timber windows to match the main police building and dating from the turn of the 19th/20th century.

3.1.4. The duties imposed by the Listed Buildings Act are in addition to the duty imposed by section 38(6) of the Planning and Compulsory Purchase Act 2004, to determine the application in accordance with the development plan unless material considerations indicate otherwise.

3.1.5. The enhanced listing description which relates specifically to the subject of this application reads as follows:

“SUBSIDIARY FEATURES: the former stable block and harness room stand at the north-east corner of the rear courtyard, facing north-west. On the ground floor are a series of doors and windows under slightly cambered, gauged-brick lintels; the left-hand side of the elevation is obscured by a late-C20 extension. Above, on the first floor, are two dormers with pairs of sash windows, and a third dormer the left with an inserted sash, possibly replacing an opening to a hayloft. The building had been converted to offices by 1986, and is not believed to contain any features related to its original use.”

3.1.6. The former stable building has been disused and empty for quite a while and it is in a poor state of repair. It appears that the police removed the staircase when the building became obsolete. The floor has been taken up in parts and there was no access to the upper floor. The locked windows and the doors boarded up have resulted in a totally derelict interior. A Conservation Officer that assessed the original permission visited the site and confirms that internally there is nothing of significance worth retaining.

External Works

3.1.7. In relation to the replacement of slates, these form part of the special character of the listed building and were built in the diminishing courses style which meant that the slates at the top of the pitch are smaller than the slates at the bottom. This is shown below in *figure 1*. This represents a typical building practice at the time and therefore part of the historic character of the building. The green Westmorland slates have been removed and have started to be replaced with mostly Welsh standard grey unoriginal slates which are all the same size. The original green slates matched with the adjacent Hampstead Police station. This change has significantly adversely altered the character of the building, removed external historic fabric and caused harm.



Figure 1: existing picture of the stables



Figure 2: photo from site visit showing the stables being re roofed



Figure 3: Photo from site visit showing the solar and unoriginal grey slates being fixed to the roof

1.1.1. It can be seen from *figures 2 and 3* above that these slates have already been removed and are beginning to be replaced.

1.1.2. The solar slates on the rear elevation are related to this point as they also involve the removal of original slates (see *figure 4* below demonstrating their location). The use of solar slates is not acceptable on this listed building as these items result in a loss of historic fabric and are visually dissimilar from natural slates. Whilst renewable energy measures are supported by the Council, this benefit needs to be balanced by the impact on the setting and character of the listed building. The result is the removal of historic slates which can be seen in multiple private views and the introduction of solar panels within the proposal which contribute towards energy efficiency. However their use in this location does not outweigh the harm caused by the associated removal of slates here. Notwithstanding this, the use of solar slates in this location, even without the presence of other solar panels, would not be supported. The fact that they have been used to replace the historic green slates compounds the issue and means the introduction further detracts from the character of the listed building.

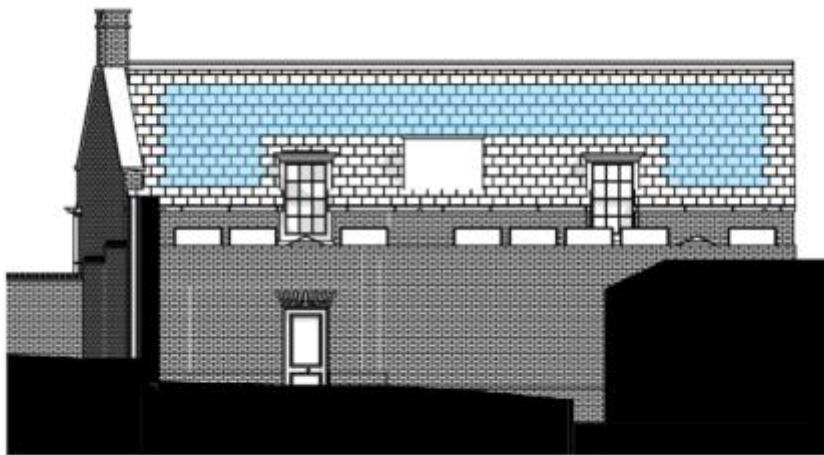


Figure 4: Rear Elevation showing solar slates location

1.1.3. Following a site visit it is clear that these changes are part retrospective and have been

carried out without permission being granted.

- 1.1.4. The Hampstead Conservation Area Statement (p.57) lists the loss of original features as to why there has been erosion of townscape quality in the area. This issue can be easily applied to the current proposal.
- 1.1.5. The removal of the proposed green roof on the rear outrigger is proposed to be omitted from the scheme and thus the associated condition 7 requiring further details becomes redundant and is proposed to be deleted. This was previously listed as a benefit of the scheme along with other sustainable technologies and features. Whilst the feature is being removed, it allows the introduction of more solar panels which was also listed as a benefit of the original scheme. On balance, this removal of condition and removal of the green roof element is considered acceptable as complying with policies CC1 and CC2. The relocation of the Air Source Heat Pump (ASHP) is also a minor change and will not impact upon the character and appearance of the building or Conservation area.
- 1.1.6. This removal of the green roof means that it allows for the changes including the new roof light, relocation of roof lanterns and new solar panels to occur. These changes are small in comparison to the arrangements in both previous design iterations approved under 2022/0329/P and 2022/4112/P and means that these changes are considered acceptable.

Internal Works

- 1.1.7. In terms of the internal works, only small changes are occurring within the context of the scheme. On the ground floor the non-original partition walls are being altered and on the first floor there is also some internal reconfiguration occurring. As retaining the internal nature has little benefit and has not changed significantly since the approval, these changes are considered acceptable.
- 1.1.8. Special attention has been paid to the desirability of preserving the listed building, its setting and its features of special architectural or historic interest, and of preserving or enhancing the character or appearance of the conservation area, under s.16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.
- 1.1.9. The NPPF in Section 16 provides guidance on the weight that should be accorded to harm to a heritage asset and in what circumstances such harm might be justified. Para 202 states 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, where appropriate, securing its optimum viable use'. Local Plan policy D2 states that the Council will not permit development that results in harm that is 'less than substantial' to the significance of a designated heritage asset unless the public benefits of the proposal convincingly outweigh that harm.
- 1.1.10. The proposal for replaced tiles and new solar slates is considered to lead to 'less than substantial' harm to the significance of the listed building and conservation area as designated heritage assets and would not create any public benefit. In accordance with the NPPF balancing exercise outlined above, it is considered that this harm is not outweighed by any benefit and thus the scheme should be refused permission and consent. This harm outweighs the limited public benefits of the addition of a single unit.
- 1.1.11. Overall the introduction of solar slates and removal of original slates, which has a lack of respect for historical detail, fabric and proportions in a publicly visible location, means that it harms the character and appearance of the host listed building and conservation area. Therefore the proposal fails to comply with Local Plan policies D1 and

Amenity

1.1.12. Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. It seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission for development that would not harm the amenity of neighbouring residents. This includes privacy, outlook and implications on daylight and sunlight. This is supported by the CPG Amenity.

1.1.13. The proposed amendments are not considered to introduce new amenity impacts by way of loss of outlook, light or privacy, as the solar panels, roof lantern and roof light are considered minor alterations very far away from the neighbouring houses. In relation to overlooking, the windows are a significant distance away from any house and, due to the large amount of vegetation, any overlooking would be indirect and only to the rear garden of the neighbour on Hampstead Hill Gardens. The existing windows also face this direction and means that this arrangement is not significantly changing.

1.1.14. Therefore the proposal complies with policy A1 of the Camden Local Plan.

2. RECOMMENDATIONS

A. Refuse planning permission and listed building consent-

2.1. Refuse Planning Permission for the following reason:

The replacement of original roof slates by new slates and solar slates, by virtue of the loss of original fabric and the inappropriate location, design and appearance of new slates and solar slates, would result in harm to the character and appearance of the host listed building and conservation area, contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017 and policies DH1 and DH2 of the Hampstead Neighbourhood Plan 2018.

2.2 Refuse Listed Building Consent for the following reason:

The replacement of original roof slates by new slates and solar slates, by virtue of the loss of original fabric and the inappropriate location, design and appearance of new slates and solar slates, would result in harm to the special interest and appearance of the listed building, contrary to policy D2 (Heritage) of the London Borough of Camden Local Plan 2017.

B. Issue a Listed Building Enforcement Notice-

That the Borough Solicitor be instructed to issue an Enforcement Notice under Section 38 of the Planning (Listed Buildings and Conservation Areas) Act as amended because it appears that there has been a contravention of Section 8 of the Act, and that officers be authorised, in the event of non-compliance, to commence legal proceedings under Section 43 or other appropriate power

The notice shall allege the following breaches of planning control:

The removal of original green Westmorland slates and replacement with grey Welsh slates and new solar slates on the rear roof pitch.

What are you required to do:

1. Completely remove the grey Welsh roof slates from the roof of the Stables building; and
2. Reinstate green Westmorland slates to match the size, pattern and method of installation of those previously in place.

Period of compliance: 6 months

Reasons why the Council consider it expedient to issue the notice:

1. It appears to the Council that the above breach of planning control has occurred within 4 years
2. The replacement of original green Westmorland roof slates by grey Welsh slates and solar slates, by virtue of the loss of original fabric and the inappropriate location, design and appearance of new slates and solar slates, results in harm to the special interest and appearance of the listed building, contrary to policy D2 (Heritage) of the London Borough of Camden Local Plan 2017.