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PINS Ref.: APP/X5210/Y/23/3323349 and

APP/X5210/W/23/3323352

Council Ref.: 2022/5552/P and 2023/0920/L

The Planning Inspectorate

3C Eagle Wing

Temple Quay House

2 The Square

Bristol BS1 6PN

Dear Ms. Moody:

**Appeal site: The Police Stables Building in the land to the rear of the Hampstead Police Station, 26 Rosslyn Hill, NW3 1PD**

I refer to the letter of 14/12/2023 from Ewan Campbell, Planning Officer for Camden Council, which responds in some measure to the detailed Statement of Case provided as part of my original Appeal filing.

I would like to address the points raised by Mr. Campbell so as to avoid any misunderstanding of either the fact set or the planning issues involved.

**Summary of Site:**

I would add quite importantly that the Police Stables site which is the subject of this Appeal is isolated at the back of the parking area of the former Hampstead Police Station and is not visible in any way from public roads or pathways. It is only visible from a very small number of neighbouring rear gardens, fewer than four. The roof slope facing the Police Station parking area has been fully repaired and all Westmoreland slates cleaned and replaced in situ as original.

It is only the roof which faces away from the Police Station which has been replaced with Welsh slate and discrete solar slates. That roof has three neighbours with direct views and three neighbours with peripheral views and all have written in support of this Appeal. Every neighbour who can actually see the new roof has taken the time to write support letters. This roof is also not visible from any public road or pathway.

There have been no objections whatsoever to the new roof.

The Planning Officer writes that the fact that “the rear elevation of the stables is not widely visible and the appellant’s neighbour favours the scheme are not weighty considerations” seems odd as it disregards entirely the importance of public consultation as a key part of the planning process.

Each of these neighbours lives in Grade II listed properties and have lived immediately next to the Stables for decades; they are all local residents who care deeply about heritage and conservation issues and to so blithely disregard their views as has been done here is disappointing. They have taken the time to write in favour of this Appeal as they have a direct interest in the outcome: Their properties can actually see the roof in question. They are immediate neighbours.

The Planning Officer and the Listed Buildings Officer only visited the site on one occasion, when the roof had been removed for repair. The photos they took are included in the original Decision Notice which clearly shows the roof had not been replaced at that date. They have not visited since or seen the completed roof as that would have required a trespass. They have pursued a lengthy, stressful and costly Appeal based on never having actually seen the disputed roof.

The neighbours who have written support letters for this Appeal include Lord Melvyn Bragg, a neighbour who also is Chair of the Patrons of the Heath & Hampstead Society; it includes Sir Jeffrey Jowell KC, one of the UK’s leading barristers who took the time to visit the property and can actually see the roof in question from his own home; Audrey Mandela, the Chair of the Hampstead Hill Gardens Residents’ Association has written both individually and on behalf of the Residents’ Association in support of this Appeal. It includes Alexander Shinder, an experienced Hampstead property developer and also a member of the Camden Conservation Area Advisory Committee, who can also see the roof in question from his own property.

Every other immediate neighbour with a view of the roof has taken their time and attention to this and are supportive. It is quite odd for the Planning Officer and the Listed Buildings Officer to pursue this Appeal, dismissing the views of interested and experienced neighbours, when they themselves have never bothered to take the time to view the finished roof or properly assess the completed works.

The Chair of the Hampstead Neighbourhood Forum, Alexander Nicoll, wrote in support of this Appeal – a support letter which was agreed by the Forum Committee – that the Planning Officer and Listed Buildings Consent Officer had misinterpreted the Hampstead Neighbourhood Plan’s policies DH1 and DH2, stating quite clearly: “There is no significant damage.” He writes on behalf of the Forum: “We do not believe that this interpretation of the Plan’s policies is correct.”

#### **Status of Policies and Guidance:**

The Design & Access Statement for the approved plans to convert the Police Stables to residential accommodation make it quite clear that the objective of this regeneration project was to show that it is entirely feasible to convert brownfield urban sites to high quality eco friendly residential spaces. The goal was not just to convert the Stables to a home but rather to “secure its optimum viable use” as a model for sustainable urban regeneration.

The D&A Statement approved by the Council states:

“The owner is seeking to redevelop the site to maintain its historical character while simultaneously investing to create a model for sustainable regeneration. The core fabric, heritage and aesthetic characteristics of the site will be maintained but wherever possible

the owner seeks to substantially upgrade the environmental credentials of the site, hopefully creating a case study for redeveloping similar buildings in an eco-friendly way.”

This was the plan agreed with the original Planning Officer and Listed Buildings Officer.

As requested in the National Planning Policy Framework (NPPF), to support the move to a low carbon future, local planning authorities should:

- Plan for new development in locations and ways which reduce greenhouse gas emissions;
- **Actively support energy efficiency improvements to existing buildings (my highlight);** and
- When setting any local requirement for a building’s sustainability, do so in a way consistent with the Government’s zero carbon buildings policy and adopt nationally described standards.

The roof in question is a critical part of the overall plan that has allowed this derelict building to be converted to an A rated EPC residence, one of very few Grade II listed buildings in the UK to achieve this level of energy efficiency. The building has been rated as carbon neutral. This is quite clearly its optimum viable use and cannot be achieved without the roof in question.

However, at no point have the Planning Officer or the LBC Officer actively supported the proposed energy efficiency improvements.

The Planning Officer quotes the NPPF, Paragraph 202, which states:

“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.”

The Decision Notice has characterised the new Stables roof as “less than substantial harm”: Without the use of Welsh slates and solar slates, it would not have been possible to secure the building’s optimum viable use as it would not have been carbon neutral and would have achieved a likely C or D EPC rating.

Perhaps most importantly, the Planning and LBC Officers seem to argue that virtually any changes to a listed building are not acceptable, a position which is difficult to support. The original Planning Officer suggested, for example, that we add a large dormer window to the roof in question which we did; that most certainly amounted to a material intervention in the historic fabric of the building without any countervailing public benefit.

Both the public and private facing roofs of the main Police Station have large arrays of skylights that were added in the 1970’s, clear, quite disruptive interventions in the fabric of the Westmoreland slate roofs which are very visible publicly at the front of the building as well as from behind.

One letter in support of the Appeal cites the neighbour at 1 Hampstead Hill Gardens, a home literally 50 metres from the Police Stables, who recently bricked up the historic main doorway on the public road -- leaving the archway and surround as a scar on the building’s façade -- and opened a new doorway 10 feet along the road through a wall, a dramatic intervention in the fabric of a Grade II listed building with no obvious public benefit.

Finally, and broadly, this regeneration of a Grade II listed property to produce a highly sustainable, energy efficient home must be seen as part of our Country’s overall goal of battling climate change. As Duncan Wilson, Chief Executive of Historic England, stated on 4 January 2024 to the media: ....Listed buildings “can and must accommodate change” to help the UK hit climate targets.

The Department for Levelling Up's recently released paper on historic buildings states with respect to environmental adaptation of historic homes, "Ensuring they can be adapted to accommodate energy efficiency measures and low carbon heating in a sensitive fashion is key to ensuring their long-term survival."

#### **Assessment of the Welsh slates:**

The Police Station site itself, as well as the surrounding Conservation Area, have a wide range of roof styles and materials. The Police Station roofs are principally in Westmoreland slate but also have areas of Welsh slate. The Police House, for example, is Welsh slate as is the Keats Group Practice immediately at the entrance. There is no one predominant style or tile material.

Welsh slate is used commonly in the area and was used to provide a discrete, seamless effect with the solar slates which are virtually indistinguishable from natural slates. They are made by a small British company based in Wales and are so like original Welsh slate that they have been used at York Minster, a Grade I listed building as well as numerous other Grade II listed buildings. They are a very high quality, state of the art British made product that should be supported as they fit seamlessly within the roofscape of the local area and contribute to a public good of enhancing environmentally sustainable design.

#### **Paragraph 2 of the Appeal Statement:**

The Appellant made seven or more attempts to find a mediated or compromise solution with Camden's Planning/LBC team but was rejected out of hand on each occasion and no options were discussed other than that the new Welsh and solar slate roof be removed and the original Westmoreland slate roof be replaced.

The Council then offered that it may support covering the whole of the Westmoreland slate roof in regular solar PV panels. One letter written in support of this Appeal includes a photo of a roof with a similar arrangement approved by the Council immediately in front of the entrance to the Police Station which many neighbours find unsightly and out of keeping with the area.

It is important to note that the "original" Westmoreland slates were in a terrible state with most literally crumbling to dust when removed to repair the roof structure. We cleaned and retained any and all that were usable but many simply were destroyed by weather, time and lack of due care over many decades. We would have been able to source alternative Westmoreland slates in the market but they would not have been original and would not have closely matched the existing tiles in any event.

The suggestion that new Westmoreland slates covered by solar PV panels might be an acceptable alternative solution would be rejected by every local neighbour and local heritage organisations. It would be visually dissonant and completely out of character for the site or the Conservation Area.

The Planning Officer suggests that this proposal would at least allow for reinstatement of the Westmoreland slate roof in future as sustainable technology improves. However, it is critical to appreciate that this argument applies equally to the Welsh and solar slates which are in fact the state of the art technology today.

We have kept on site those Westmoreland slates which could be saved and can always purchase more if in future the technology changes in such a way as to justify replacing this roof. However, requiring the removal of a new and objectively lovely, highly energy efficient roof today and replacing it with some original and many replacement Westmoreland slates and then covering the whole roof

with solar PV panels makes very little sense, even if one believed it would receive planning permission.

**Paragraph 4 of the Appeal Statement:**

The Planning Officer suggests that the works to the rear roof involved “removing a highly sensitive aspect of the building which is significant to its listed nature.” He goes on to say that the “uncharacteristic tiles and solar tiles which can also be read in public and private views.”

The building in question was derelict and the roof in question was literally falling in on itself. There were small trees growing through in some areas and in many others it was possible to see daylight through the roof.

The Westmoreland slate roofs were not mentioned at all in the listing particulars for the Police Station and the Police Stables itself is curtilage listed.

There are no public views of the roof in question. It can only be seen from a small number of rear gardens, the owners of all of which have written in support of the new roof.

**Other Comments:**

There seems to be a disagreement of fact with respect to whether the Planning Officer made any mention of concerns regarding the proposed roof, which had not been built when he visited the site. He suggests he mentioned his concerns to the Appellant’s senior architect after the Appellant had already left the meeting.

However, the Appellant’s senior architect states unequivocally that there was no suggestion whatsoever on the day or subsequently that the new roof was so problematic as to justify planning refusal much less an Enforcement Notice. Neither the Stables nor its roof were even the purpose of the visit on the day; it was rather to discuss an ancillary annex building.

Perhaps more importantly, the Planning Officer had numerous ways of communicating with the Appellant any concerns he might have had with the potential new roof, either directly or through the architect. It is very odd indeed that the Planning Officer would have saved this conversation on the day for after the Appellant’s departure from the site or, critically, that he would not have immediately either called, sent a letter or simply emailed the Appellant that there was or may be a problem with the solar slates.

The Appellant was well known to the Planning Officer and had been actively engaged with him and the Planning Department for an extended period of time; it is almost inconceivable that a concern that would give rise to a planning refusal and an Enforcement Notice -- including expressly the threat of potential criminal charges -- would not have been flagged in some way to the Appellant directly and immediately. In fact, the Appellant only became aware of the issues more than a month later when notified by the Head of Enforcement at Camden Council and then the next day by public notice.

**Suggested Conditions should the Inspector be minded to allow the Appeal:**

The Planning Officer has suggested a solution involving retiling the roof with Westmoreland tiles and solar PV panels so that if in future technology improves sufficiently to remove the unsightly solar PV panels at least then the Westmoreland tiles will be there.

A potential alternative and arguably more sensible compromise condition along the same lines would be to require the Appellant to keep the residual Westmoreland slates stored on site so that if

in future sustainable technology improves sufficiently to allow it we can then remove the Welsh and solar slate roof and replace it with a full Westmoreland slate roof using the original and any requisite newly purchased Westmoreland slates.

**Conclusion:**

The Appellant respectfully begs the Planning Inspector to grant this Appeal.

The Appellant has gone to great lengths at great cost and effort to regenerate a disused, derelict building and has successfully converted it to a highly sustainable, objectively lovely home, supporting our country's collective goals of increasing the volume and quality of our housing stock, preserving and protecting a listed heritage building, and doing so in an eco-friendly way.

The roof in question is not publicly viewable; it was in a terrible state; it has been substantially improved for the public good with discrete, highly energy efficient, British made solar slates. A Grade II listed building that was virtually in ruins is now an outstanding carbon neutral home. Every near neighbour who can see the roof has written in support; there are no objections.

Please grant this Appeal.

With kind regards.

Todd Berman, Appellant.