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**PLANNING AND HERITAGE  
STATEMENT**

**26 ROSSLYN HILL**

**OCTOBER 2024**

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## **APPENDICES**

1. Residential Use of No. 26
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## **1. INTRODUCTION**

- 1.1 This Planning and Heritage Statement is submitted in support of an application for the partial demolition of the existing rear extension at 26 Rosslyn Hill and the erection of a new single storey rear extension, external alterations, erection of rear garden boundary wall, hard and soft landscaping, and associated works.
- 1.2 The site is located on Rosslyn Hill close to the junction with Downshire Hill. It is located in the Hampstead Conservation Area, to the east of the former Hampstead Police Station (a Grade II listed building) and west of Nos. 22 and 24 Rosslyn Hill (a Grade II listed building). As such, this Planning Statement also incorporates a Heritage Statement to consider the impact of the proposal on these heritage assets.
- 1.3 The proposal incorporates internal reconfiguration, along with a modest single storey rear extension to create a five bed family home. The proposal also reinstates a garden at the rear of the property to enhance the quality of accommodation provided on site.
- 1.4 The existing dwelling has remained vacant for some time and the opportunity has arisen to bring the property back into beneficial use, creating a family dwelling, which positively contributes to the character and appearance of the Conservation Area. The scheme also incorporates energy and sustainability improvements and enhances the accessibility of the property.
- 1.5 The following section provides further detail with respect of the site and surrounding area. Section 3 details the proposed development. Section 4 sets out the decision taking framework along with an appraisal of the scheme against relevant policies. Section 5 provides the Heritage Statement with matters then drawn together in the conclusions at Section 6.

## **2. SITE AND SURROUNDING AREA**

- 2.1 The site is located at 26 Rosslyn Hill, Hampstead. It is less than 500m from Hampstead Underground Station and less than a 10-minute walk from Hampstead Heath. It is adjacent to Hampstead Town Centre which contains a variety of shops, services, cafes and restaurants. The closest bus stops to the site are within 150m, providing services toward Paddington and Golders Green and towards Kings Cross and Holborn.
- 2.2 The site comprises a Victorian building which is located to the east of the former Hampstead Police Station (a Grade II listed building). It is understood that the police station and No.26 have been vacant since 2013 when the site was then sold to the Department for Education.
- 2.3 To the east of No.26 is Nos.22 and 24 Rosslyn Hill (a Grade II listed building). According to its listing, this was originally a detached house which now comprises two residences. The property is set back from No.26 and there is significant tree planting and screening between the two sites, along with a high boundary wall reflecting the level differences between the two sites.
- 2.4 No.26 is accessed at the front of the property from Rosslyn Hill and access to the rear of the site is gained from Downshire Hill, through the car park at the rear of the former police station building.
- 2.5 The property is located within the Hampstead Conservation Area and is identified within the Conservation Area Statement as an unlisted building which makes a positive contribution to the Conservation Area. The surrounding area is predominantly residential.
- 2.6 No.26 was erected prior to the police station and stood alongside four other properties on Rosslyn Hill. These four properties were subsequently

demolished and the police station erected on the combined site of the previous properties and their gardens.

- 2.7 There have been a number of applications on the site of the former police station (not including No.26), including two applications relating to the change of use of the building to a school. The first application<sup>1</sup> for change of use to a school was refused in August 2016. The second application<sup>2</sup> was refused in December 2019 and dismissed at appeal<sup>3</sup> in December 2020. Although No.26 did not form part of the appeal site the Inspector described it as “*Adjoining the police station building is a Victorian house, 26 Rosslyn Hill, formerly used as living accommodation by the police.*”<sup>4</sup>.
- 2.8 The main issues of the appeal scheme related to the sustainability of the development with the Inspector confirming that the premises would be easily accessible by sustainable modes of travel; air quality - with the Inspector confirming that any increase in local air pollution would be negligible; neighbour amenity in terms of an intrusive impact for local occupiers arising from the play area associated with the school; and impact on the listed building arising from internal alterations to its structure and layout.
- 2.9 More recently an application to convert the former police station to provide residential, commercial and private health care, was submitted<sup>5</sup>. Members resolved to grant planning permission, subject to a S106 Agreement, at the Planning Committee meeting on 10<sup>th</sup> October 2024. The scheme incorporates significant three and four storey rear extensions at the rear of the police station along with external alterations. The Committee Report acknowledges, in terms of housing, that “*The borough falls substantially short of what is needed for a*

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<sup>1</sup> Application ref. 2016/1590/P

<sup>2</sup> Application ref. 2019/2375/P

<sup>3</sup> Appeal ref. APP/X5210/W/20/3248002

<sup>4</sup> Paragraph 5 of Appeal ref. APP/X5210/W/20/3248002

<sup>5</sup> Application ref. 2024/1078/P

*5-year supply at the moment. Consequently, the presumption in favour of sustainable development in paragraph 11(d) of the NPPF is engaged, and there is a need to place great weight on the provision of housing in decision making.”*

- 2.10 Planning permission has also been granted for the former stables building located to the rear of the former police station. The application comprised the ‘*Change of use and refurbishment of the Stables building and internal alterations to provide residential accommodation*’<sup>6</sup>. The Delegated Report (Members Briefing) for the application confirms that housing is Camden’s priority land use. It also acknowledges that the former stable building has been disused and empty for quite a while and is in a poor state of repair confirming there is no objection in principle to the wholesale redesign of the interior as a residential unit. The Report concludes that “*Bringing back the existing derelict building into use and its use for residential purposes are strongly welcomed*”.
- 2.11 This current application builds upon the planning history of the site and the surrounding buildings to provide a family dwelling that will positively contribute to the Conservation Area and respect its relationship with the neighbouring listed buildings.

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<sup>6</sup> Application ref. 2022/0329/P

### **3. PROPOSED DEVELOPMENT**

- 3.1 The proposal comprises the partial demolition of the existing rear extension at 26 Rosslyn Hill and the erection of a single storey rear extension, external alterations, together with the reinstatement of the rear garden, hard and soft landscaping and associated works.
- 3.2 The scheme has been designed to maintain the existing building including the front façade which in particular is identified as the feature that makes a positive contribution to the Conservation Area. A garden area is also reinstated at the rear of the property to provide amenity space to future residents. This garden will be suitably enclosed to ensure the privacy of the future residents is maintained.
- 3.3 The proposal comprises five bedrooms with a reception room, study, toilet and open plan kitchen/ dining/ sitting area on the ground floor. The proposal also includes new windows and tiles which will be replaced on a like for like basis.
- 3.4 The single storey rear extension is approximately 7m by 7m (at its widest/deepest) and wraps around the existing rear of the building. It is circa 3.5m high. Some of the existing building is proposed to be demolished to facilitate the rear extension and allow it to fit within the existing set backs at the rear of the building.
- 3.5 The proposed rear extension is to be constructed primarily of glass with an aluminium frame to incorporate a modern element at the rear. Accessibility enhancements are also included, where feasible, including the open plan kitchen/ dining/ sitting area which has been designed to meet Part M4(2).
- 3.6 Primary access will continue to be provided through the main entrance at the front of the property with access also provided to the rear.

- 3.7 A bin and bike store are proposed to be located at the front of the property on an area of existing hardstanding. This is to be timber clad with a green roof. The proposal incorporates air source heat pumps and the enclosure for these is located in the rear garden.
- 3.8 Further details on the design of the proposal are located within the submitted Design and Access Statement. This also details the design evolution of the scheme following various pre-application discussions with the Council.



## 4. APPRAISAL

- 4.1 The Development Plan comprises the adopted Local Plan (July 2017) along with the London Plan (2021) and the Hampstead Neighbourhood Plan (October 2018). Also of relevance is Camden Planning Guidance on 'Energy Efficiency and Adaption (January 2021) and 'Home Improvements' (January 2021). It is also relevant to consider National Policy as set out within in the National Planning Policy Framework (NPPF) particularly in terms of the consideration of heritage assets.
- 4.2 Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires decisions to be made in accordance with the development plan unless material considerations indicate otherwise.
- 4.3 Paragraph 11 of the NPPF states that development proposals that accord with an up-to-date development plan should be approved without delay.
- 4.4 The Council are in the process of preparing a new Local Plan with consultation on the Regulation 18 version taking place between 17<sup>th</sup> January to 13<sup>th</sup> March 2024 with the intention of undertaking further consultation later in the year. In accordance with paragraph 48 of the NPPF, limited weight can be applied to policies within the emerging Local Plan due to the stage of preparation and the extent to which there are unresolved objections.

### Principle of Development

- 4.5 The application proposes the partial demolition of the existing rear extension and the erection of a single storey rear extension to extend the property to provide facilities for a modern family dwelling. The existing building is thus largely retained in its current form and internally renovated to provide facilities

and spaces for modern family living, incorporating sustainability and accessibility enhancements where feasible.

- 4.6 The provision of a high quality, residential property on the site ensures that the Council's aims of delivering growth in line with Policy G1 are met. This Policy is supportive of development that makes the best use of sites *"taking into account quality of design, its surroundings, sustainability, amenity, heritage, transport accessibility and any other considerations relevant to the site"*. The proposal brings a vacant building back into beneficial use ensuring that residential development is retained on the site and that the vacant building is not developed for alternative uses, in line with Policy H1 'Maximising housing supply'.
- 4.7 Policy H4 relates to the maximisation of affordable housing. The existing property is already in residential use (see Appendix 1) and the development will not therefore lead to the provision of one or more additional homes. As such no affordable housing contribution is required.

#### Design and Amenity

- 4.8 The proposal has been developed to provide a high quality family dwelling in line with Policy D1 'Design', it respects local context and character, it comprises details and materials that are of high quality and complement the local character, incorporates outdoor amenity space and provides a high standard of accommodation.
- 4.9 The supporting text to Policy D1 confirms that: *"The Council will require all developments, including alterations and extensions to existing buildings, to be of the highest standard of design and will expect developments to consider:*
- *character, setting, context and the form and scale of neighbouring buildings;*

- *the character and proportions of the existing building, where alterations and extensions are proposed;*
- *the prevailing pattern, density and scale of surrounding development;*
- *the impact on existing rhythms, symmetries and uniformities in the townscape;*
- *the composition of elevations;*
- *the suitability of the proposed design to its intended use;*
- *inclusive design and accessibility;*
- *its contribution to public realm and its impact on views and vistas; and*
- *the wider historic environment and buildings, spaces and features of local historic value.”*

- 4.10 The scheme has been designed to consider all of the elements listed providing a suitable development for the site. Furthermore, paragraph 7.3 confirms that the Council “*will welcome high quality contemporary design which responds to its context.*” The proposed design which is modern in nature, incorporating aluminium and large glazing panels, including sliding doors, has been designed to provide an appropriate contrast to the existing property whilst being sensitive to its historic features.
- 4.11 Given the limitations of the layout of the existing building incorporating its split floor levels and differing site levels, it is not possible to achieve a wholly accessible development. This however is balanced against retention of the existing building in its current form.
- 4.12 The proposal has also been designed with the Council’s Home Improvements CPG (2021) in mind and responds to the “*considerations that should be taken into account when designing a rear extension to ensure that it is sensitively and appropriately designed for its context*” (section 2.1.1). These considerations include the following:

- *Be subordinate to the building being extended, in relation to its location, form, footprint, scale, proportions, dimensions and detailing;*
- *Be built from materials that are sympathetic to the existing building wherever possible;*
- *Respect and preserve the original design and proportions of the building, including its architectural period and style;*
- *Respect and preserve existing architectural features, such as projecting bays, decorative balconies, cornices and chimney stacks;*
- *Be carefully scaled in terms of its height, width and depth;*
- *Allow for the retention of a reasonably sized garden;*

4.13 The proposal also responds to the other considerations listed including energy efficiency measures (see below) and the inclusion of a green roof on the extension. The single storey nature and positioning of the extension on the existing site also ensures that the proposal will not have any adverse amenity impacts on the neighbouring properties to the east Nos. 22 and 24 Rosslyn Hill. There are also significant level differences between the sites.

4.14 To the west of the property is the Grade II listed former police station. The proposed extension is only single storey and will sit within the proposed garden at the rear of the site which is to be enclosed with a circa 3m high wall thus protecting the privacy of future occupiers.

4.15 The application is supported by a draft Construction Management Plan (CMP), the final version to be submitted for approval in due course once the permission is issued and further construction details available. The CMP will ensure that any noise or disturbance arising from the construction of the development, including the demolition stage, will be minimised to protect the amenity of the neighbouring residents. The CMP will also consider dust as part of its assessment in accordance with Policy CC4 'Air quality' to minimise and

mitigate, where necessary, the risk of dust arising from the demolition and construction phase.

- 4.16 In terms of future occupiers of the property, the scheme has been designed so that it reinstates a garden at the rear of the property. Currently the property only provides a front garden and the provision included within the proposed development therefore provides a significant enhancement over this existing situation. This in turn also contributes to the enhancement of biodiversity on the site (in accordance with Policy A3 'Biodiversity' of the Local Plan and Policy NE4 of the Neighbourhood Plan) as the provision of a rear garden increases the opportunity for additional green space and planting.
- 4.17 Given the nature of the site and the proposed development, which does not alter the existing front garden and where the extension is proposed on an existing tarmacked area, there would be no loss of any existing habitat associated with the proposal. The proposal thus falls within the de minimis exemption to the mandatory BNG condition (to deliver at least a 10% increase in biodiversity value). The development will not impact on any onsite priority habitat or any other onsite habitat and as such is exempt. Further confirmation of this is set out within the submitted Technical Note.
- 4.18 A Noise Assessment has also been submitted with the application to ensure that the energy and sustainability features to be installed (in the form of an air source heat pump, see below) will not have a detrimental impact on residents, either neighbouring or future occupiers.
- 4.19 The scheme thus protects the amenity of both existing neighbouring buildings and also its future occupiers, taking into account the requirements of Policy A1 'Managing the impact of development' of the Local Plan and Policy DH1 of the Neighbourhood Plan, protecting the amenity and privacy of neighbouring properties.

- 4.20 Further detail on the design of the proposal is set out within the submitted Design and Access Statement and further detail on the design in relation to heritage considerations is set out in Section 5.

#### Trees

- 4.21 The application is supported by an Arboricultural Impact Assessment which considers the existing tree on the site and those neighbouring the site. No trees are proposed to be removed as part of the development, in line with Policy A3 'Biodiversity'. The submitted Assessment identifies a mature Category A Oak tree at the front of the property and a number of other Category B and C trees off site.
- 4.22 As the proposal retains the existing front garden arrangement as far as possible the implications of any development impacting the Oak tree are minimised. In terms of the London Plane which overhangs part of the site and which sits on the neighbour's site, a structural survey of the boundary wall has been undertaken and which confirms the presence of very shallow roots below the foundations of the wall.
- 4.23 As tree roots expand in diameter they can cause damage to foundations by exerting upwards pressure. The structural survey thus recommends that preventative measures are undertaken to underpin the wall so that the bases of the underpins are outside of the tree roots influence zone. It is recommended that this is undertaken regardless of any proposals to develop the site. Subsequently the roots will then adapt to the underpinning conditions with London Plane trees particularly tolerant of root pruning. There will therefore be no impact to the roots of neighbouring trees resulting from the proposed rear extension or from works to form the rear garden.
- 4.24 The proposal therefore ensures that all existing trees are retained and the provision of the Tree Protection Plan and Arboricultural Impact Assessment

ensures that all will be satisfactorily protected in accordance with Policy NE2 of the Neighbourhood Plan.

#### Energy and Sustainability

- 4.25 The proposal is supported by a Sustainability Statement (within the Design and Access Statement) which demonstrates how the proposal minimises the effects of climate change in line with Policy CC1 'Climate change mitigation', how appropriate climate change adoption measures have been incorporated in line with Policy CC2 'Adapting to climate change' and how water efficiency measures are included within the proposal in accordance with Policy CC3 'Water and flooding'. The scheme incorporates an air source heat pump, LED lighting and a waste water heat recovery system.
- 4.26 The extension is also proposed over an existing area of hardstanding and will not lead therefore to any increase in impermeable surfaces. The front garden, which is largely permeable, is retained whilst a green roof proposed on the new extension. A rear garden is also reinstated providing the opportunity for the introduction of permeable surfaces in place of existing hardstanding.
- 4.27 In accordance with Policy CC5 'Waste', the scheme incorporates a separate storage facility for the collection of waste and recycling. This is located at the front of the property.
- 4.28 The site has a Public Transport Accessibility level of 4. Secure cycle storage is provided in a covered storage facility at the front of the property, in accordance with Policy T1 'Prioritising walking, cycling and public transport' of the Local Plan and Policy TT4 of the Neighbourhood Plan.

#### Summary

- 4.29 The above demonstrates the acceptability of the proposal confirming compliance with relevant policy considerations. The following section thus

reviews the proposal against heritage considerations bearing in mind the site's location within the Hampstead Conservation Area and adjacent to the Grade II listed former police station.



## 5. HERITAGE STATEMENT

- 5.1 The site of 26 Rosslyn Hill is located within the Hampstead Conservation Area (Sub-Area 1). The existing building is identified as making a positive contribution to the Conservation Area. The property is also adjacent to the Grade II listed former Hampstead Police Station. Nos. 22 and 24 Rosslyn Hill, which is also Grade II listed, is located to east of the site, set well back from the street.
- 5.2 Before reviewing relevant local planning policy, it is acknowledged that, pursuant to the Planning (Listed Buildings and Conservation Areas) Act 1990, local planning authorities have a statutory responsibility to pay special attention to preserving or enhancing the character or appearance of Conservation Areas within their jurisdiction and also the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. This is a separate statutory duty which local planning authorities must adhere to in addition to policy requirements.
- 5.3 Policy D2 of the Local Plan confirms that the Council will *“preserve and, where appropriate, enhance Camden’s rich and diverse heritage assets and their settings.”* This includes *“both conservation areas and listed buildings”*.
- 5.4 In terms of Conservation Areas, Policy D2 states that development within Conservation Areas is required to preserve or, where possible, enhance the character or appearance of that area. With respect of listed buildings, the policy states that the Council will resist development that would cause harm to the significance of a listed building through an effect on its setting.
- 5.5 In light of these policy considerations, the following paragraphs assess the current proposal against these requirements confirming that the development will, as a minimum, preserve the character and appearance of the Conservation Area and will not lead to any harm to identified heritage assets.

### Hampstead Conservation Area

- 5.6 The boundary between two Conservation Areas, Hampstead and Fitzjohns / Netherhall, runs down the middle of Rosslyn Hill. The application site is located on the northern side within the Hampstead Conservation Area.
- 5.7 The Hampstead Conservation Area, including North End, The Elms, Vale of Health and Downshire Hill, was designated on 29<sup>th</sup> January 1968. At that point it was known as the Hampstead Village Conservation Area, on the grounds that its street plan and character reflected the topography and historical development of the old village of Hampstead.
- 5.8 The Conservation Area Statement cites *‘the contrast between the dense urban heart of Hampstead and the spaciousness of the outer areas... with the 18th century village still evident, adjacent to the streets created in the Victorian era, as well as many 20th century contributions’* as *‘one of its major characteristics’*.
- 5.9 The Hampstead Conservation Area is divided into eight sub areas. 26 Rosslyn Hill lies at the far end of Sub-Area 1, Heath Street / High Street, which at this point it is only one building deep and is encompassed on all sides to the northeast by the Willoughby Road / Downshire Hill sub-area.

### Fitzjohns / Netherhall Conservation Area

- 5.10 The Fitzjohns and Netherhall Conservation Area, lying directly opposite the site, was first designated on 1<sup>st</sup> March 1983, with extensions in 1988, 1991 and 2001. The urban grain of this area is formed of large private houses in a wide variety of architectural styles, generally built of red brick and detailed to a high standard, with large gardens to the rear and located on broad, tree-lined streets.

26 Rosslyn Hill

- 5.11 26 Rosslyn Hill is a Victorian residence and dates from the later Victorian phase of residential development along Rosslyn Hill. It pre-dates the adjoining police station and may have been part of the same development as the houses that were cleared to make way for the police station over 100 years ago.
- 5.12 The existing property comprises three storeys. The building is constructed of stock brick which has been rendered on the front elevation and side (south) elevation, with decorative features in contrasting rubbed red brick on the front elevation. There is a front garden area, with steps down to the original entrance door at lower ground floor level. The rear elevation, which originally overlooked a back garden before it was replaced by car parking, is finished more simply with stock brick walling and no decorative effects.
- 5.13 No.26 is identified in the Hampstead Conservation Area Statement as a building which makes a positive contribution.

Former Hampstead Police Station

- 5.14 The former Hampstead Police Station is Grade II listed and consists of a four-storey block (the top floor is mostly within the roof) with a ten-bay frontage running along Rosslyn Hill. A prominent 'return wing' extends backwards along Downshire Hill, the rear part of which houses the former magistrate's court. Across the narrow back yard from this is the 'rear wing', flat-roofed and much more utilitarian in character, which housed the police cells, kitchen, lavatories, etc. To the north-east of the building is the rear yard, irregular in shape, with the two-storey stable building side-on at the far end, and a much-altered flat-roofed garage structure at right-angles to it. The rest of the rear of the site is dedicated to car parking.

- 5.15 The street elevations have undergone only minimal changes since the building was completed. It was solely on the strength of these elevations and associated subsidiary features, such as the railings, that the station was listed: the list description states explicitly that the interior was not inspected during the designation process, nor does it make any mention of the rear elevations.
- 5.16 Alterations over time have led to the gradual erosion of historic character in much of the building. However, the nature of the building was such that the special interest of these areas was always limited, and they were designed to be practical rather than particularly attractive spaces.

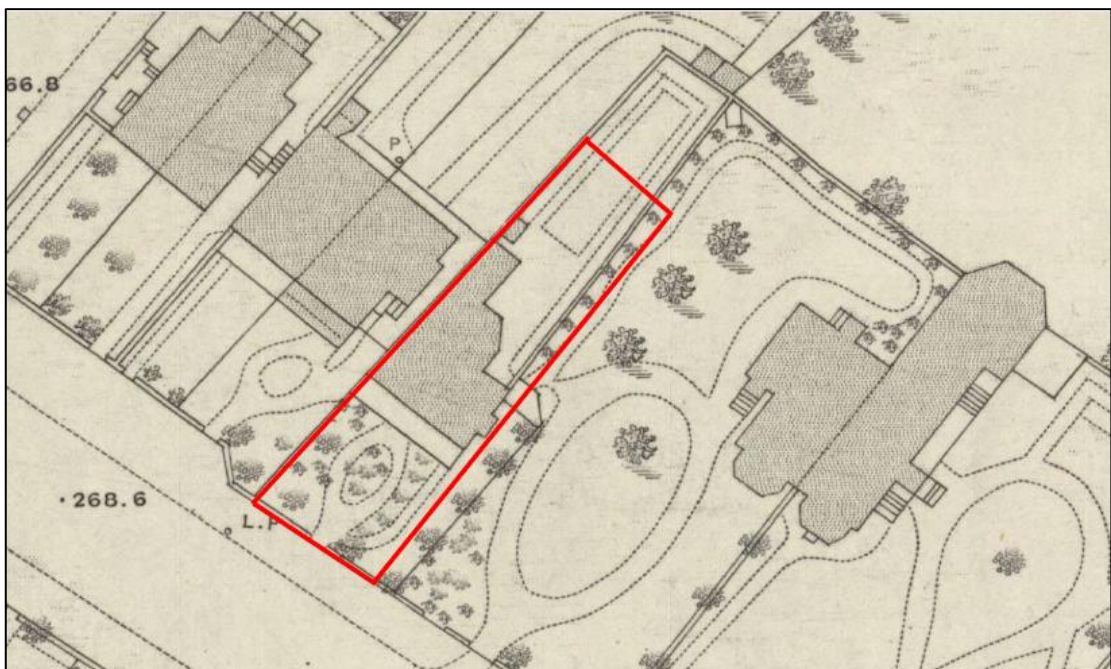
#### 22 and 24 Rosslyn Hill

- 5.17 Nos. 22 and 24 Rosslyn Hill was listed Grade II in 1950. The property was originally built as a detached house in the mid 18<sup>th</sup> Century and rebuilt in the mid 19<sup>th</sup> Century. The listing description describes the building as multi-coloured stock brick with bands at floor levels, with a tiled hipped roof, central slab chimney stack and a modillion eaves cornice. The main south-west frontage of No.22 is three storeys, plus a basement, five windows across, with a central entrance with carved console-bracketed hood, panelled door and patterned overlight. The left hand south-east return comprises six windows, which now form part of No.24; with a ground floor bowed bay, gauged red brick flat arches to sashes, and a rear extension that was added later in the 19<sup>th</sup> Century.
- 5.18 The main south-east frontage of No.24 is formed from two windows of the left hand return from No.22. At ground floor, there is a bowed bay matching No.22, all in similar style. The entrance is within a recessed 1914 extension, with a gauged red brick segmental arch with keystone and a recessed part-glazed panelled door with overlight approached by steps.

### Impact Assessment

- 5.19 The proposals may have an impact on the character and appearance of the Hampstead Conservation Area (Sub-Area 1: Heath Street / High Street) and the settings of nearby Grade II listed buildings, therefore, a heritage impact assessment must be undertaken.
- 5.20 For the purposes of assessing the likely impact to result from the proposals and the subsequent impact on the settings of the identified heritage assets, established criteria have been employed. If the proposed development will enhance heritage values or the ability to appreciate them, then the impact on heritage significance will be deemed positive. However, if they fail to sustain heritage values or impair their appreciation then the impact will be deemed negative. If the proposals preserve the heritage values, then the impact will be deemed neutral.
- 5.21 The existing building has been identified as making a positive contribution to the character and appearance of the Conservation Area. This primarily stems from its front elevation which has been finished to a high standard with good quality materials. The rear elevation is more simple, where the original back garden has been replaced with hardstanding for car parking and is a negative feature.
- 5.22 The proposed scheme preserves and enhances the character and appearance of the Conservation Area by:
- i) returning a long-term vacant property back to a family dwelling;
  - ii) providing a contemporary single storey extension to enhance the rear of the property; and
  - iii) reinstating a residential curtilage, which was lost when the garden was replaced with car parking, which is considered a significant heritage benefit.

- 5.23 The following map extract from 1866 confirms that there was historically a rear garden at the property and which is evident on a number of historic maps. It clearly indicates the rear garden arrangement at the property being enclosed by a wall. The reinstatement of a significant portion of the lost rear garden and the boundary wall between the police station yard represents a positive contribution and enhancement to the Hampstead Conservation Area. This replaces the poorly maintained tarmacked police station parking area to the rear which is currently a negative contribution to the Conservation Area.



- 5.24 The proposal will thus also not be harmful to either the setting of the adjacent listed buildings, given its positioning at the rear, distance from Nos. 22 and 24 and its overall positive elements in terms of removal of existing hardstanding.
- 5.25 In terms of townscape visual impact, due to the proposed extension's location at the rear, it will not be visible from the public realm i.e. from Rosslyn Hill. The landscaping within the front garden will be retained and the building will continue to contribute to the architectural variety of the street whilst also

preserving the character and appearance of the Heath Street / High Street Sub-Area.

- 5.26 The proposal will also not be seen from Downshire Hill. Whilst the boundary wall to the rear garden of the proposed scheme does extend out beyond the rear building line of the former police station at lower ground / ground floor level it is situated in the far distance below and behind the entrance gate. Any views of the proposal will therefore be private views at the rear where glimpses will be had from the end properties on Downshire Hill and from within the courtyard at the rear of the former police station. These views are however an enhancement to the current situation and indeed comprise the beneficial reinstatement of a rear garden to the property.
- 5.27 Overall, the proposals will have a neutral to positive impact on the character and appearance of the Hampstead Conservation Area (the Heath Street / High Street Sub-Area), and on the settings of nearby statutorily listed buildings, in particular the former Hampstead Police Station and Nos. 22 and 24 Rosslyn Hill.
- 5.28 The proposals offer the opportunity for enhancement by reinstating a residential curtilage for the property and restoring a long term vacant family dwelling. The proposals are considered therefore to cause no harm to the significance of any heritage assets. The proposed development therefore satisfies the relevant clauses of the NPPF and Policy D2 of the Local Plan.

## **6. CONCLUSION**

- 1.6 This Planning and Heritage Statement is submitted in support of an application for the partial demolition of the existing rear extension at 26 Rosslyn Hill and the erection of a new single storey rear extension, external alterations, erection of rear garden boundary wall, hard and soft landscaping, and associated works.
- 6.1 The proposal will secure beneficial improvements to this vacant property, bringing it back into use as a modern, family dwelling. The proposal will positively contribute to the Conservation Area, with the extension of the existing property and has been sensitively designed so that it will not adversely impact on neighbouring properties.
- 6.2 The proposal thus ensures that it preserves and enhances relevant heritage assets including the adjacent Grade II listed former police station. Furthermore, it also ensures the refurbishment of the property at No.26 which has been neglected, bringing the property back into beneficial use providing a modern family home. The proposal also provides a rear garden area to the property, reinstating a residential curtilage of the original house, providing a further heritage benefit.
- 6.3 The proposal has been designed to take into account existing neighbour relationships and levels between plots and thus ensures the privacy and amenity of future occupiers and neighbouring properties. The supporting material also demonstrates the sustainability benefits of the scheme.
- 6.4 The proposal as such complies with relevant policies in both the Local Plan and Neighbourhood Plan. Planning permission should therefore be granted.



**APPENDIX 1****RESIDENTIAL USE OF NO. 26****Executive Summary**

The police acquired the residential dwelling at No.26 Rosslyn Hill in the late 1980's temporarily until they vacated Hampstead Police Station in 2013. There is no planning permission or Lawful Development Certificate (LDC) for the use of No.26 by the police. There is also no evidence of a material change of use.

There is reference in earlier appeal documents to No.26 being used as living accommodation by the police and the Council describe the property as a "*Victorian residence*" in the Committee Report for the current application for the Former Police Station. It is not in dispute that the property was used for police living accommodation. There are five bedrooms within the property, therefore, it is a reasonable assumption that five police officers / persons occupied the building. Police living accommodation, for up to six occupants, falls within Use Class C3 (Dwellinghouse) which is the original use of No.26.

Small shared houses occupied by between three and six unrelated individuals, as their main residence can fall under Use Class C4 (Small Houses in Multiple Occupation). However, buildings owned by a public body, such as the police, are not classed as HMOs for the purposes of the Housing Act 2004, and as a result are not subject to licensing. The use of No.26 could therefore not be classified as a Class C4 HMO, so remained as Class C3, in this case Class C3(c), as this section allows for groups of people (up to six) living together as a single household. As set out in the Use Classes Order, this is to allow for those groupings that do not fall within the Class C4 HMO definition to be provided for.

There is no evidence of a material change of use and it is not disputed that No.26 was used for police living accommodation, a Class C3 use. The property has been vacant for over ten years, independent of the Police Station and stables, therefore, the existing use should be the original designed and intended use of the building, of over 100 years, as a Class C3 residential dwelling.

**Residential Use**

1. No.26 Rosslyn Hill was originally built as a residential property in the 1860's along with four other properties on Rosslyn Hill. These four properties were subsequently demolished by 1912 and the Hampstead Police Station erected on the combined site of the previous properties and their gardens.
2. Despite the redevelopment of the adjacent four properties, No.26 remained as a dwellinghouse from the date it was originally constructed for over 100 years until

it was temporarily acquired by the police (it is understood that this occurred in 1988).

3. No.26 does not form part of the statutory listing for the Police Station, this relates only to the 'Former Police Station and Courthouse, including stable and harness room, railings and lamps'. It therefore includes the stables building at the rear of the site but excludes No. 26. If the building had been considered part of the Police Station when it was listed in 1998, then it would have been included within the listing at that time, as was the stables building.
4. There is no planning permission or Lawful Development Certificate (LDC) for the use of No.26 by the police, e.g. a change of use from residential to sui generis. There is also no evidence of a material change of use.
5. There have been a number of applications on the site of the Former Police Station (not including No.26, which is consistently treated separately), including two applications relating to the change of use of the building to a school. The first application for change of use to a school was refused in August 2016. The second application was refused in December 2019 and dismissed at appeal in December 2020 (Ref. APP/X5210/W/20/3248002).
6. No.26 is described by the Inspector in his appeal decision as *"Adjoining the police station building is a Victorian house, 26 Rosslyn Hill, formerly used as living accommodation by the police."* It is also referred to by the appellant and the Council as a *"Victorian residence"* in those appeal documents. In the current planning application for the Former Police Station (Ref. 2024/1078/P) the Council describes No.26 within the Committee Report as *"Victorian residence, 26 Rosslyn Hill immediately abuts the site to the southeast and was formerly used by the Metropolitan Police"*.
7. There are five bedrooms within the property, therefore, it is a reasonable assumption that five police officers / persons occupied the building. Police living accommodation, for up to six occupants, falls within Use Class C3 (Dwellinghouse) which is the original use of No.26.
8. Properties occupied by three to six unrelated individuals can fall under Class C4 (Small Houses in Multiple Occupation). However, buildings owned by the police, are not classed as HMOs for the purposes of the Housing Act 2004 and therefore No.26 could not be classified as a Class C4 HMO, so remained as Class C3 (Dwellinghouse).
9. Class C3(c) allows for groups of people (up to six) living together as a single household. As set out in the Use Classes Order, this is to allow for those groupings that do not fall within the Class C4 HMO definition to be provided for. The example given in the Use Classes Order, of a group that may fall into this

section, is a “*small religious community*”. A building which is occupied principally for the purpose of a religious community whose principal occupation is prayer, contemplation, education or the relief of suffering, is also not classed as an HMO for the purposes of the Act. This supports that a group of up to six police officers / persons also falls within Class C3(c).

10. The police vacated the Police Station site in 2013 when any association with No.26 ended. No.26 has remained its own planning unit and vacant ever since and was not included within the applications for the change of use of the Police Station to a school between 2016-2020.
11. No.26 has been vacant for over ten years, independent of the Police Station and stables, with no evidence that a material change of use occurred after the police acquired the property and used it for living accommodation. Therefore, the existing use should be the original designed and intended use of the building, of over 100 years, as a Class C3 residential dwelling.