

24 January 2025

Appeals related to the Refusal of Planning Application (2024/4338/P) and Listed Building Consent application (2024/4871/L) for the addition of a small mansard roof to the approved extension at the Stables building at the former Hampstead Police Station, 26 Rossllyn Hill, London NW3 1PD.

I am respectfully appealing the Decision Notices issued by Camden Council on 14 January 2025 refusing planning permission and Listed Building Consent (“LBC”) for my property, an application for a small mansard roof on top of an already approved extension to a former Police Stables that sits at the back of the parking area of the former Hampstead Police Station.

Background:

The former Hampstead Police Station was decommissioned in 2013 and left vacant until 2021 when it was sold to a developer who then sold the much smaller former Police Stables, its attached outbuildings and parking forecourt, to the Appellant.

The Police Stables building was a derelict, dilapidated Grade II (curtilage) listed structure that was literally falling down. The Appellant applied for planning permission and LBC to redevelop the Stables building from Sui Generis to Residential which was granted on 1 March 2022 (2022/0329/P and 2022/0624/L). The redevelopment of the Stables was fully completed in September 2023 and the new, highly energy efficient home has been occupied since November 2023. It is now an outstanding addition to Camden’s housing stock and is rated A from an EPC perspective.

Attached to the Stables building are several small outbuildings that were not original features of the property and likely added in the 1960’s or 1970’s. They are derelict and dilapidated. They were originally used as office and storage space. While we considered in detail a range of options for these outbuildings – from a potential sale to the owner of a neighbouring property (negotiations failed) to demolition for additional garden space – given the critical housing crisis we face as a community and as a country we decided to convert the outbuildings to a residential extension to the Stables.

Based on Pre-App guidance, we radically modified the original proposed plans and were then given planning permission and LBC to redevelop the outbuildings as a single storey residential extension on 9 October 2024 (2024/0222/P and 2024/1090/L).

One critical part of the guidance in the Pre-App advice letter definitively affirmed the informal guidance we had already received and stated quite clearly that “Housing is Camden’s priority land use” (Pre-App advice, pg. 4).

The Police Stables site is at the far back of the parking area of the old Grade II listed Hampstead Police Station which is itself currently being very thoughtfully redeveloped as a mixed use commercial/residential space of c. 1,800 metres. The plans for the Police Station have been approved by Camden Council (2024/1078/P): They make very material changes to the fabric and character at the back of the Police Station which is directly facing the Stables. We only had the benefit of seeing those proposed changes subsequent to our Pre App process. On the basis of the changed profile of the back area of the Police Station, we decided to add a small mansard roof to the already approved single storey extension.

That revised proposal was for a small, half-storey mansard roof on the already approved single storey extension which would have allowed for an additional bedroom with a larger amenity area, all entirely within and in fact smaller than the already approved extension's footprint and which addressed all of the points raised in the Pre App advice: The actual measurable increase in height of the building would in fact be slightly more than one metre.

The planning and LBC applications (2024/4338/P and 2024/4871/L) were Refused on 14 January 2025 and I am appealing those decisions.

Reasons for Appeal:

I am appealing the Planning and LBC refusals because:

- the public benefit of increasing the housing stock in our community outweighs what has been characterised by the Planning and Conservation Officers as “less than substantial harm”, in particular given Camden Council’s and the UK Government’s stated priority to increase housing;
- this housing addition is a highly energy efficient EPC A rated residential unit which expands the local housing mix, a material public benefit fully consistent with Camden and UK environmental efficiency objectives;
- the site itself is entirely private with no public access or views from any public roads or pathways;
- the buildings in question have been accepted as not material to the listing and the entirety of the site has already been determined by the Planning Inspectorate as not having a material impact on the Hampstead Conservation Area;
- the extension’s design is entirely in keeping with the character of neighbouring properties, in particular given approved changes to the design of the site’s most important adjacent building, the Police Station;
- No objections were received from any of the Heath & Hampstead Society, the Hampstead Neighbourhood Forum, from any local Residents’ Associations or from the owner of the Police Station, by far the most important “host” neighbour.

Addressing the specific Reasons for Refusal in the Decision Notice:

Reason for Refusal #1: Impact on the listed building and the Hampstead Conservation Area:

“The proposed two storey annex extension and PV panels, by reason of their overall scale, height, materiality and design would be detrimental to the special architectural and historic interest of the listed building and the character and appearance of the Hampstead Conservation Area.”

We followed the Pre-App guidance:

The Pre-application Advice was substantially and materially followed. In fact, every Design concern raised in the Pre-App process was fully addressed in the revised design of the mansard roof, absent removing it entirely.

The revised design of the mansard roof has closely reflected Pre App guidance with a c. 60% reduction in its overall size; the walls have been pulled back behind parapets at front and back; the length of the roof has been substantially pulled back from the neighbouring property at 50 Downshire Hill so that it is fully and clearly BRE compliant; all side and back windows have been removed; the front dormer windows have been reduced in size; the number of solar PV panels reduced to reflect consultation feedback; the area of skylight coverage on the roof reduced; and the design materially reworked so that the materials and style much more closely reflect the changes being made at the host Police Station, and the design aesthetic at neighbouring properties and in the Conservation Area more generally.

However, Camden Planning refused to consider any proposed amendments or remedies to the mansard roof design submitted for planning/LBC approval, including, for example, lowering the overall extension by 50 cm or adding screening trees around the full perimeter of the Stables property. The Planning Officer provided no additional advice or suggestions on remedies, refused to meet or speak to discuss alternatives and simply insisted that no mansard roof whatsoever would be allowed. Importantly, despite being referred to repeatedly as a second storey, the Delegated Report also accepts that the design would in fact only be a “half-storey in height.”

Given the unique characteristics of the site location and the buildings, the impact of the proposed mansard roof would not be material:

The Delegated Report describes the outbuildings that would be redeveloped as follows:

“The site is a modern, single-storey former evidence store attached to the front of grade-II-listed 19th-century former stables, making a positive contribution to the Hampstead Conservation Area.”

However, this is patently incorrect: The Stables building is curtilage listed rather than listed in its own right and the attached outbuildings are dilapidated and derelict and totally unusable. They are a contemporary addition and poorly constructed. These buildings were in any event all included on the historic buildings at risk register. But the Delegated Report also at the same time specifically admits that “this scheme involves the conversion of this modest ancillary building which does not contribute to the listing....” At the same time, the Delegated Report also states: “It is accepted that the proposal would not impact on the special character or setting of the former Hampstead Police station or other nearby listed buildings.”

In an unrelated Appeal for the same Stables property (APP/X5210/W/23/3323352 and APP/X5210/Y/23/3323349), the Planning Inspector’s assessment of the Stables building’s impact on the Conservation Area was clear: *“The police buildings fronting the site are prominent public buildings that contribute to the HCA’s significance. The stable building is modest in comparison, and largely unseen from a public place. The contribution it makes to the character and appearance of the HCA is limited.”* (All italics are mine.)

The public benefits of this proposal outweigh the “less than substantial harm”:

The Delegated Report cites the NPPF, Chapter 16, Paragraph 202: “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 optimal viable use.”

The Planning Inspector in the same Appeal continued: *“...the works to convert the building to a dwelling and in doing so to facilitate a suitable new use that has secured its repair and long term conservation. I give considerable weight to this as the building was formerly without a use and considered to be an historic building at risk. Weight should also be given to the provision of a new family sized dwelling and the contribution this makes to local housing supply. These matters are weighty public benefits, and more than sufficient to outweigh the very modest level of harm.”*

While it is debatable whether the proposed mansard roof represents even “less than substantial” harm, the demonstrable public benefits of the proposal justify supporting this Appeal.

We face an acute housing crisis in Camden: A recent Camden Council motion (January 2025) stated that “The Council notes that the government has made mandatory, the provision of the number of new homes to be delivered each year in the borough at 3,137. The demand is well in excess of what has been achieved in recent years where the target of 1,100 has been undershot so considerably that only an average of 500 have actually materialised.”

The UK Government has made new homebuilding one of its top five priorities; Camden Council has similarly made the addition of new housing a high priority stated goal. It should

hopefully be easily accepted that the public benefit of this proposal supports this appeal. As the prior Planning Inspector noted: “These matters are weighty public benefits...”

The design of the mansard roof is sympathetic to its surroundings:

The mansard roof has been designed to reflect all of the guidance provided in the Pre-App process and is clearly visually subordinate in height and scale to the Stables building. It complements the Stable’s design without either mimicking it or competing with its scale. It reflects the range and diversity of neighbouring buildings as well as the utilitarian history of the site.

The design of the mansard roof has left a gap of 1.2 metres from the wall of the Stables building in order to preserve the already limited view that existed of the very back portion of the Stables first floor wall. Historically, there was a very large air conditioning unit bolted to that portion of the wall of the Stables which we have now removed to allow for the original fabric of the building to be properly visible. We have designed the gap in order to preserve that view.

However, the location of the site is such that the Stables building can only properly be seen from the front perspective as there are neighbouring homes on one side, the Stables building on the other side and a high wall with a large drop in height to the neighbouring gardens behind. As you approach the Stables entering from the only entrance on Downshire Hill, the gap between the mansard roof and the Stables building allows a complete view of the small portion of the Stables wall that would now only be very partially obscured.

The Delegated Report is critical of our use of zinc cladding on the mansard roof. However, the Pre- App advice described the site as “...a utilitarian building addressing a yard...” The zinc cladding reflects this character and very specifically echo’s the same cladding that is being used prominently to the rear of the Police Station and which has been recently approved. It is also the cladding used for the roof addition at the adjacent property at 52 Downshire Hill. The choice of materials closely reflects the design language and materials of the neighbouring properties and the context and character of the site.

There is an important and directly relevant recent precedent based on a successful Appeal for a development at 4b Hampstead Hill Gardens, a site approximately 100 metres away from the Police Stables. Those plans involve redeveloping a small extension that was originally a garage into a three storey residence, one full storey taller than the host home to which it is attached. That proposal was approved on Appeal (APP/X5210/W/21/3272103) where the Planning Inspector noted:

“The setting of the listed buildings, key to how their significance is appreciated, relates principally to the street views of these tall, closely packed houses...” There are no street views whatsoever of the Police Stables site from any public road or pathway.

The Planning Inspector continued with respect to the third storey blocking a neighbour's view: "Whilst this side outlook is reduced and constrained by the increased height of this proposal, it is far from entirely blocked out." Separately, he pointedly noted: "Preserving every view within a conservation area might unreasonably preclude any degree of change, however appropriate."

The extension and mansard roof are valuable additions to our community's housing stock:

Camden Planning required as a Planning Condition for the approved one-storey extension that it be fully integrated as a single-family home with the Stables although it also has agreed that the extension and mansard roof would create an additional "residential unit". However, the extension could quite clearly have been a new semi-detached compact two-bedroom home but the Council pre-emptively rejected that option (despite it never having been proposed by the Appellant), and despite two-bedroom properties being Camden's High priority for new housing (see Pre-App advice page 6).

Camden Planning has never previously raised the small size of the site or overdevelopment as a concern despite the Pre-App including a basement addition. The site's footprint is almost exactly the same size as the combined footprint of the three neighbouring 4/5 bedroom homes immediately adjacent at 50, 51 and 52 Downshire Hill, making it difficult to understand how overdevelopment would be a concern. The front garden area of the site is approximately equivalent to the front and back gardens combined of the same three neighbouring properties. It is actually a spacious site in the context of this area, in particular given the relatively small size of the proposed home and would substantially exceed Camden's own requirements for garden amenity area.

Perhaps most importantly, with the redevelopment of the Police Station which shares the site, there will be an 1,800 sq. m mixed use commercial/residential property immediately adjacent with five homes and several businesses, transforming the space. It is difficult to see that the addition of a small, half-storey mansard roof providing an additional bedroom would be problematic given the overall context and the scope and scale of changes being made at the Police Station.

The PV panels are a critical addition to this highly energy efficient extension:

The Appellant redeveloped the Stables into an eco-friendly home, one of a very small number of Grade II listed buildings in the UK to achieve that high level of energy efficiency. The proposed extension would be equally environmentally friendly and should be supported given the climate crisis we all face.

The already approved application for the single storey extension included more PV panels than are requested for the mansard roof; given the additional height of the mansard roof, the PV panels will in fact be less visible to visitors and neighbouring properties than in the approved single storey extension; no remedies were ever requested for the PV panels, unlike

for the skylights where the Appellant readily agreed to provide acceptable mitigating enclosures which could have similarly been used for the PV panels.

In any event, there is a substantial and quite obvious public benefit to creating highly energy efficient housing and it is hoped this will be supported.

Reason for Refusal #2: Failure to secure an Affordable Housing Contribution:

“The proposed development, in the absence of a legal agreement securing Affordable Housing Contribution (“AHC”), would fail to maximise the supply of affordable housing to meet the needs of households unable to access market housing.”

No AHC was ever requested or even discussed at any point as part of this application process. It is therefore unclear how this could be a reason for refusal of the application.

The AHC was fully paid for the Stables property in 2022. And a S. 106 Agreement has already been fully agreed and finalised with Camden Council in 2024 and the payment already made of an AHC for when works commence on the approved extension. However, it is entirely unclear how the absence of a legal agreement for an AHC that has never been requested or even discussed can be a basis for refusing this planning application and I would respectfully request that this reason for dismissal be rejected.

Reason for Refusal #3: Failure to secure a legal agreement for car-free housing:

“The proposed development, in the absence of a legal agreement securing car-free housing, would contribute unacceptably to parking stress and congestion in the surrounding area and fail to promote more sustainable and efficient forms of transport and active lifestyles.”

No legal agreement for securing car-free housing was ever requested or even discussed at any point as part of this application process. It is therefore unclear how this could be a reason for refusal of the application.

However, Section 106 Agreements have already been fully secured, signed and sealed with Camden Council for car-free housing for the Stables and subsequently for the approved extension, both for the exact same front garden area. These agreements have been fully finalised by Camden Council and myself so the property is already – twice over – the subject of agreements for car-free housing.

Camden Planning has taken the approach that the approved extension as well as the proposed mansard roof are all part of the same development plan with the Stables for one single family home. It therefore stands to reason that the car-free agreements secured in both of those applications should remain in place, in particular as this involves the exact same forecourt garden area for the exact same property.

It is entirely unclear how the absence of a legal agreement securing car-free housing that has never been requested or even discussed can be a basis for refusing this planning application – in particular in light of two already fully completed car-free housing agreements for the

exact same property – and I would respectfully request that this reason for dismissal be rejected.

Conclusions:

This Appeal is based on the need to ensure we as a society are using brownfield sites efficiently, truly making the creation of environmentally friendly housing a critical priority. The proposed plans involve adding a small mansard roof to an approved extension to a set of buildings that were derelict and decrepit. The applications would increase the size of a new build family home on a site which is not visible from any public road or pathway where leading local heritage, development and residential groups have not objected. The public benefits of this proposal substantially outweigh what has been characterised as “less than substantial harm.”

The proposed design is sympathetic to the character of the site, neighbouring buildings and the Conservation Area and would be an attractive, highly energy efficient addition to the community’s housing stock.

I respectfully appeal for your support of this application for planning permission and Listed Building Consent.