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MM

HERITAGE



**ATHLONE HOUSE (formerly CAEN WOOD TOWERS),
HAMPSTEAD LANE, LONDON N6 4RU**

HERITAGE STATEMENT AND NPPF ANALYSIS

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EXECUTIVE SUMMARY

- ES1 In my report below I have set out my professional qualifications and experience covering 41 years' interface of planning and the historic built environment. My involvement with Athlone House began in February 2007, when I was appointed to prepare an independent assessment of the historic significance of Athlone House, which I developed into a supporting justification for its demolition in the subsequent planning and conservation area consent applications. I also provided an assessment of the design and the impact on the heritage context of the replacement house designed by Professor Robert Adam. I was an expert witness in the Public Inquiry held in February 2011.
- ES2 Athlone House is an undesignated Heritage Asset, which is located within a Designated Heritage Asset, the Highgate Conservation Area. Athlone House, the wall and ancillary buildings of Athlone House (including the Gate House and Caen Cottage) are considered by Camden LBC to be buildings that make a positive contribution to the Highgate Conservation Area. Athlone House occupies the site of an earlier building, Fitzroy House, built c.1760 with grounds landscaped by Capability Brown and, subsequently, Humphrey Repton. Fitzroy House was demolished c.1870, and replaced by Caen Wood Towers (renamed Athlone House in 1953), designed by Edward Salomons, working in association with John Philpot Jones. The design was richly eclectic, red brick with abundant stone dressings, mullioned windows with Gothic tracery; a tall tower with an outlook turret and crenellations; florid stone-coped Dutch gables; and tall Tudor style chimneys, with intricate twisted shafts of patent bricks.
- ES3 After the Second World War the house became a hospital and single storey flat-roofed timber system-built extensions spread to the north (photograph in **Appendix MM2C**). Its final use was as a geriatric hospital, which ceased in 2003, since when the building has been unoccupied. The building has survived in a degraded state, minus many of its most characteristic details, and thus having lost much of its

significance as a heritage asset. It now makes a marginal contribution to its context. My comprehensive appraisal of Athlone House as a Heritage Asset and assessment of its significance is reproduced in **Appendix MM1F**, with illustrations in **MM2B-MM2G**.

ES4 Highgate Village Conservation Area was designated in 1968, and extended in 1978 and 1992. The Highgate Conservation Area Appraisal and Management Plan [CAAMP] (2007) provides a summary of the special interest of the area, its location, topography and historic development, a series of defined sub-areas, including Fitzroy Park, in which the Athlone House site is located, to the south of Hampstead Lane, outside and west of Highgate Village itself, and on the northern fringe of Hampstead Heath.

ES5 In determining the recent appeal (Ref: 2009/3422/C), the Inspector concluded that Athlone House *'is substantially curtailed following demolitions'*, both of *'large domestic adjuncts'* and also the hospital buildings, since 2003 (citations from para. 25 of Inspector's Report [IR]). It was *'not the original dwelling nor is it a building which could be occupied without very substantial alteration'* (para. 25 *ibid*). This indicated that the Inspector agreed that the significance of Athlone House, as an undesignated heritage asset had been severely depleted. He stated that the presumption in favour of preservation should not be exercised at all costs:

The individual contribution made by Athlone House as a damaged unlisted building to the significance of the conservation area is positive but it is limited, but if a replacement is of sufficiently high quality, a greater contribution might be possible. The important objective is to manage the process of change to the conservation area in a way that preserves or sustains, and, where appropriate enhances its significance (IR, para. 37).

ES6 Moreover, he went on to affirm that, even with the application of policy HE9.2 (the more exacting of the policy tracks in the now cancelled PPS5, dealing with substantial harm or total loss of significance), the proposed

building's influence on the conservation area would be positive. However, he considered that

the character of the conservation area is sufficiently diverse to absorb much modern development alongside the old', presenting 'a remarkable degree of contrast which defines its eclectic nature' (IR para 38),

citing the existence of Caenwood Court as a manifestation of this trait, sitting '*comfortably between Beechwood and Athlone House*' (IR *ibid.*). He concluded that

In principle, a replacement contemporary building of sufficient quality could preserve and enhance the character and appearance of the conservation area at least as much, if not much more than the building which exists at present (IR para. 38).

ES7 A contemporary building did not imply a contemporary design: '*the replacement building is intended to be a combination of a traditional or classical vocabulary with a design which could only exist in the current day*' (IR para. 39), by an architect with a track record in '*developing a repertoire of classically inspired buildings*' (IR *ibid.*). It was not '*the Government's aim to attempt to impose architectural styles and particular tastes*' (IR para. 40), but to respect broad quantifiable criteria, overall scale, massing, height, landscaping, alignment, form and materials, then included in HE7.5 of PPS 5 (and reiterated in NPPF) and the Local Plan policies.

ES8 Despite greater scale and massing, '*the house would not be so much larger in visible bulk as to conflict with the aim of preserving and enhancing character and appearance*' (IR para. 45). The building would be on a unique site in substantial grounds and subservient to its wooded setting, complemented by the restoration and enhancement of the historic grounds, and '*would define the edge of the conservation area in spacious surroundings*' (IR *ibid.*), thereby preserving and enhancing the conjoined Highgate Conservation Areas.

- ES9 Only in respect of the impact on the openness of the Metropolitan Open Land did the proposal fail, and it was on this ground alone that the appeal was dismissed. This matter has now been addressed in the revised design.
- ES10 The devalued state of Athlone House as it now exists, and its limited contribution to the conservation area (and also by implication to the setting of Hampstead Heath) has been recognised. The Council should be in no doubt, that the case for the principle of demolition has been made and accepted. The Inspector's Decision affirmed that the heritage and design issues have been satisfactorily addressed. It now, I consider, only requires development that is not only acceptable in its impact on the conservation area and setting of the Heath (which is the point we reached, as endorsed by the Inspector) but is demonstrably '*appropriate development*' in MOL terms, without special pleading. This is the development now proposed, and justified in all material respects.
- ES11 Following my analysis of the Inspector's decision and appraisal of the revised design in its present policy context, I have concluded that the proposed development would not have harmful impact on the conservation areas. It constitutes a committed and deliverable development of a masterly example of modern classical architecture for one of the finest sites in London, with landmark quality in views from within and out with the conservation area and from Hampstead Heath. The proposal has appropriate form, massing materials and details, which will complement and not intrude upon views towards it. Together with the restoration of its historic grounds, it will bring significant enhancement of the character and appearance of its immediate setting, the Highgate Conservation Areas, the Kenwood Registered Historic Park and Garden and Hampstead Heath. It will not harm the openness of the MOL. I consider that I have demonstrated that the requirements of the Camden Core Strategy and Development Policies; the London Plan; supplementary planning guidance, the obligation under s. 72 of the 1990 Act, and the National Planning Policy Framework are met.

1.0 PREAMBLE

- 1.1 I hold the degrees of Bachelor of Architectural Studies (1963) and Bachelor of Architecture, with Class I Honours (1966), from the University of Durham; Master of Planning and Master of Architecture (both 1970) from the University of Illinois. I was awarded the degree of Doctor of Philosophy in Urban and Regional Studies in 1981, by the University of Birmingham. I am a Chartered Architect, Corporate Member of the Royal Institute of British Architects (since 1968), and a Registered Architect (since 1968) by the Architects' Registration Council of the United Kingdom (now Architects Registration Board). I am a Chartered Town Planner, Member of the Royal Town Planning Institute (1973), Fellow (1980). I am a Member of the Institute of Historic Building Conservation (1985). My professional experience covers 41 years involvement with conservation of the historic built environment. (A more detailed summary of my professional experience is shown in **Appendix MM1A**)
- 1.2 Over the past six years I have provided specialist input into researching the historical background, and analysis of the policy context of several major schemes designed by Adam Architecture, and I am familiar with their design values and approach. However, any comments on design matters are my own independent views, unless attributed to other sources.
- 1.3 I was appointed by the applicant, Athlone House Ltd., beneficial owner (then the prospective applicant), in February 2007, to join their team of consultants including Robert Adam Architects (now Adam Architecture) to prepare the scheme, submitted in 2009. I prepared the *Historic Building Appraisal PPG 15 and UDP justification* report for the applications for planning permission (2010/3413/P) and conservation area consent, (2010/3422/C) refused by Camden Borough Council by decision notice dated 12 April 2010.

- 1.4 Subsequently I was retained as expert witness on heritage matters at the ensuing public inquiry into the refusals, held in February and March 2011. My analysis of the Inspector's decision is given in Section 2 of this report. I am now retained to provide the heritage and design support to the revised proposals, subject of these applications.
- 1.5 Throughout, I have worked as a member of the consultants' team, which has liaised in preparing the full range of supporting documents. A full list of consultants is to be found at the beginning of the Architects' Design and Access Statement. It should be understood that unless otherwise stated this report is entirely of my authorship.

2.0 ANALYSIS OF APPEAL DECISION

2.1 The application for planning permission for the previous scheme was Refused by Camden Borough Council by Decision Notice dated 12 April 2010 (Ref: 2009/3413/P).

Proposal

Erection of 8 bedroom single dwelling house (Class C3) together with ancillary staff and guest accommodation and underground parking, following the demolition of Athlone House.

2.2 My evidence at the inquiry was directed to the following Reasons for Refusal:

1. *The new building, by reason of its inappropriate and intrusive bulk, form, design and materials, will harm the character and appearance of the Highgate conservation area and streetscene, contrary to policies B1 (design principles) and B7 (conservation areas) of the London Borough of Camden Replacement Unitary Development Plan 2006.*
2. *The new building, by reason of its bulk, form, design and materials, will be more intrusive in views within and from private open spaces and Hampstead Heath and thus be harmful to the character, appearance and setting of surrounding open spaces, contrary to policies B1 (design principles) and N2 (protecting open spaces) of the London Borough of Camden Replacement Unitary Development Plan 2006.*

2.3 Conservation Area Consent for the demolition of Athlone House, pursuant to implementation of the previous scheme was Refused by Decision Notice dated 12 April 2010 (Ref: 2009/3422/C).

2.4 My evidence was directed to both Reasons for Refusal:

1. *The demolition of this building in the absence of an approved scheme for its replacement would be likely to result in harm to the character and appearance of the surrounding conservation area contrary to policy B7 (Conservation areas) of the London Borough of Camden replacement Unitary Development Plan 2006.*

2. *The proposed demolition of the existing building, that is considered to make a positive contribution to the character and appearance of the Highgate conservation area, fails to satisfy the tests of PPS5 for demolition of unlisted buildings in conservation areas and will harm the character and appearance of the Highgate conservation area, contrary to policy B7 (conservation areas) of the London Borough of Camden Replacement Unitary Development Plan 2006.*

2.5 Specifically, I declared that I would demonstrate that:

- i) The new building has been designed to respect its context, and is an outstanding design which will enhance the character and appearance of the Highgate Conservation Area and street scene;
- ii) It will not be intrusive in views from within and from private open spaces and Hampstead Heath;
- iii) That the proposed demolition and replacement of the existing building will not harm but will enhance the Highgate Conservation Area; and that
- iv) The existing building as an undesignated heritage asset makes no more than a marginal contribution to the Highgate Conservation Area.

2.6 These were key issues addressed by the Inspector at the Inquiry, and analysed by him in his Decision dated 21 April 2011(refs APP/X5210/A/10/ 2135359 and refs APP/X5210/A/10/ 2135357). Two of the four principal issues were related to the matter of Metropolitan Open Land. The other two distilled the aspects related to demolition and redevelopment and its visual impact:

- *Whether the proposed demolition and development would preserve or enhance the character or appearance of the Highgate Conservation Area;*
- *The effect of the proposed development on the character, appearance and setting of surrounding open space.*

The Inspector had defined them at his pre-inquiry meeting in December 2010.

2.7 I have therefore looked carefully at the Inspector's comments in his decision on and handling of, heritage matters. I consider that the principle of demolition and redevelopment of Athlone House has been settled, together with the issue of architectural style. It only remains to demonstrate that the present proposal for rebuilding constitutes 'appropriate development' and avoids harming the open-ness of the Metropolitan Open Land. It should be observed that the Inspector considered and drew his conclusions on the issues on the basis of the now cancelled PPS1 Planning for sustainable development and PPS 5 Planning for the historic environment, which was superseded by the National Planning Policy Framework (NPPF) in March 2012. However, the essence of those policy statements has been integrated into NPPF, such as not to bring into question the Inspector's conclusions when assessed in the new policy context.

The significance of Athlone House

2.8 Paras. 7-10 of the decision appear to be a good factual summary of the evolution of Caen Wood Towers to the degraded state of Athlone House as

it now remains. Perhaps the Inspector might have stated that the original long conservatory and French style garden pavilion (para. 8) were demolished by the NHS, as the 1951-2 Pevsner account indicated that these elements were still in existence at that date. He is correct in drawing attention to the removal of *'the majority of the remaining original fixtures and fittings ... along with decorative features and joinery'* (para. 8).

- 2.9 Likewise, para. 9 presents a succinct catalogue of the external depredation.

Externally, almost all of the tall Tudor style chimneys were substantially reduced, elaborate 'Dutch' gables were replaced with simple sloping parapets; the verandah was removed; and crenellations and decorative finials on the tower and porte-cochere were taken down.

- 2.10 He also rightly drew attention to the poor weathering of many of the remaining external decorative features, particularly the Douling stonework of dressings, plaques, window mullions and cills. Moreover, he recorded that the building had never been considered to be of sufficient quality for statutory listing. In May 2010 English Heritage had drawn attention to the extent of alterations and multiple losses, and their concluding riposte of *'worn down architectural finesse'* was well put. It is conceivable that, despite English Heritage's frank admission that the unthinking and harmful treatment of the building had placed it beyond upgrading its status to that of a designated heritage asset, a further attempt may be made to secure listing. The Inspector clearly considered that the English Heritage assessment, which was consonant with his own observations, was of material significance to his decision.

- 2.11 In para. 10, in summarising the substance of the 2005 Permission, he referred to permitted demolition of the hospital extensions, and that the approval thus granted involved *'very significant changes to the interior to provide a modern living environment'*, over which there would be little

control. The 'restoration' was related to a s.106 agreement, (which also bound construction of Caenwood Court, now completed and occupied). In para. 17 he accepted that there was '*no realistic prospect*' of forcing the owner to carry out the 2005 scheme, which would in any case '*require substantial changes to suit the bespoke needs of the individual type of buyer envisaged*'. He concluded that the 2005 drawings

Do not in any case ensure restoration of historic features such as chimneys and statuary and in my view are no more than a holding operation (para. 17).

2.12 Paras. 14-30 are concerned with whether the proposed demolition and development constitute inappropriate development in open land, and are not thus directly related to the heritage and design matters, which I am addressing. However, in para. 25, when discussing the size of Athlone House as existing, he concluded that it '*is substantially curtailed following demolitions*', both of '*large domestic adjuncts*' and also the hospital buildings, since 2003. The former included original buildings such as the service wings, which were not demolished until after 2003. It was '*not the original dwelling nor is it a building which could be occupied without very substantial alteration*'.

2.13 Taking all of the above comments on Athlone House, its history and existing state in context of heritage matters, I consider that this indicated that the Inspector had that the significance of Athlone House, as an undesignated heritage asset had been severely depleted.

The effect on the Highgate Conservation Area

2.14 In paras. 31-47 the Inspector deals with the effect on the character and appearance of the conservation area. He considers this in two parts, firstly the effect of the demolition of Athlone House, and then the effect of the construction of the replacement building.

- 2.15 Paras. 31 and 32 refer to the policy context. He accepted, without question the requirements of Camden Core Strategy (CS) and Development Policies (DP) policies CS14 and DP25 were consistent with PPS 5. However, the wording, which states that development will only be permitted within conservation areas 'that preserves **and** enhances the character **and** appearance of the area [my emphasis]' goes beyond the statutory requirement of s. 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, still the governing legislation. I am surprised that the Inspector used this wording and did not relate his assessment to the statutory position. I shall comment further on this point below in my Policy section.
- 2.16 It is evident that the Inspector placed some weight on the *Highgate Conservation Area Appraisal and Management Plan (2007)*, and has updated its description of Fitzroy Park and its interface with the core of Highgate Village, with his observations on the interpolation of Caenwood Court. He finds that Athlone House '*despite its losses over the years, is a distinct feature due to the visual impact of its siting, tower, steep tiled roofs, prominent gables and reduced chimneys*'.
- 2.17 The core of the heritage issue begins in para. 35, which accepts Athlone House as a heritage asset, capable of holding meaning for society '*over and above its functional quality*'. The support of representations for its retention attested to that. The Inspector gathers together the comments made about the impact of the demolition and removal of historic features, to set against the central argument.

However, the main elevations remain only in fundamental form and massing, without a great deal of the detail that gave the original building much more architectural interest and significance. The north elevation is particularly damaged and is unattractive seen from Hampstead Lane. Its currently dilapidated, unoccupied state is clearly visible from the Heath, and the loss of fabric and architectural detail caused by long term institutional use diminishes its contribution to the wider, designated conservation area.

2.18 Moreover, in connection with the 2005 permission, para. 36 states that this

*Provides the means by which the Council can control, to a certain extent, the works undertaken and reinstatement of historic features, **but this would not be sufficient to regain more than a suggestion of its former interest** (my emphasis). Chimneys and gables would remain plain and curtailed, and the previously flamboyant finials would be simple and repetitive. There would be little control over the quality of replacement windows and other repairs to the fabric that are necessary, the combined impact of which could well detract. Moreover, the new garage block proposed would be of unremarkable architectural quality but would be prominent in the view from Hampstead Lane.*

2.19 Para. 37 essentially drew the same conclusion about the heritage value of Athlone House, as I did in my evidence at the public inquiry. He begins by referring (though not naming) PPS 5 HE9.1 which states the presumption in favour of conservation of designated heritage assets (referring here to the conservation area), but this is not to be at all costs.

The individual contribution made by Athlone House as a damaged unlisted building to the significance of the conservation area is positive but it is limited (my term was 'marginal'), but if a replacement is of sufficiently high quality, a greater contribution might be possible. The important objective is to manage the process of change to the conservation area in a way that preserves or sustains, and, where appropriate enhances its significance.

2.20 My reading of the above passage is that the current case law on s.72 (TP (LB&CA) Act 1990) still applies, and is essentially the avoidance of harm. As the Inspector acknowledged that the contribution of Athlone House 'is positive but it is limited', then it should not take a substantial amount of value to be added by new development to comply: indeed he suggested

that *'if a replacement is of sufficiently high quality, a greater contribution (ie. than that made by Athlone House in its existing state) might be possible'*. Moreover, he went on to affirm that, even with the application of policy HE9.2 (the more exacting of the policy tracks in the now cancelled PPS5, dealing with cases of substantial harm or total loss of significance, as in accord with the English Heritage's subsequent additional guidance on interpretation of PPS5 HE9.5), the proposed building's influence on the conservation area would be positive (paras. 41 and 47 – see below). At the hearing, I argued strongly that the alternative HE9.4 was the correct means through which to address the degree of harm entailed: the Inspector firmly trod the path of EH orthodoxy in this respect. It should be observed that the NPPF has now offered a choice of routes for dealing with the demolition of buildings held to make a positive contribution to a conservation area; as I shall show below in my policy analysis, with the equivalent of HE9.4 now freed from the EH 'advice note' dictate.

- 2.21 However, even the more exacting criteria of HE9.2 did not deter the Inspector from following a logically constructed pragmatic approach. He helpfully concluded *'that the character of the conservation area is sufficiently diverse to absorb much modern development alongside the old'*, presenting *'a remarkable degree of contrast which defines its eclectic nature'* (para. 38), citing the existence of Caenwood Court as a manifestation of this trait, sitting *'comfortably between Beechwood and Athlone House'*. Consequently

In principle, a replacement contemporary building of sufficient quality could preserve and enhance the character and appearance of the conservation area at least as much, if not much more than the building which exists at present (para. 38).

- 2.22 A contemporary building did not imply a contemporary design: *'the replacement building is intended to be a combination of a traditional or classical vocabulary with a design which could only exist in the current day'* (para. 39). He recognised the track record of the architect in

'developing a repertoire of classically inspired buildings' and noted *'an acknowledgement by all of the quality of the design proposed here, if not its suitability for this particular site'*. He firmly stated that *'it is not the Government's aim to attempt to impose architectural styles and particular tastes'* (para. 40) and analysed the design against the broad quantifiable criteria set out in PPS5 - beyond overall scale, massing, height, landscaping, alignment, form and materials, included in HE7.5 of PPS 5 (and reiterated in NPPF) and the Local Plan policies.

2.23 He found that from the important 'gazebo' viewpoint there would be *'a full three storey building with an additional obvious basement level, with a much more horizontal roof profile'* (para. 40). This comment appears to have been instrumental in forming his conclusion that the increased bulk of the building harmed the Metropolitan Open Land, and the appeal failed on this point. However, notwithstanding this, *'the building's influence on the conservation area would be positive'* (para. 41). Indeed he viewed this contemporary classically-designed building, and its quality and high design values as *'following in the footsteps'* of Caen Wood Towers, as *'a built expression of opulence'*.

2.24 When applying the PPS5 HE9.2 criteria, he recognised the substantial public benefit of the replacement building, together with comprehensive repair and restoration of the historic gardens for the long term. The benefits of the 2005 scheme were highly questionable, due to the lack of control over the fabric of the existing building due to its non-listed status, albeit that it was regarded as a heritage asset: *'these concerns are a significant risk'* (para. 43). At best its conservation area would only be marginally improved. Given the amount of repair necessary, there would be no viable use for the building in the medium term, and required major investment for the long term; he was aware of no monies available through charities or through public ownership (para. 44).

'Finally, the loss of the limited contribution the building currently makes to the Conservation Area, with all the risks attached to repair and refurbishment, would be outweighed by the long term

contribution made by the appeal scheme. Leaving aside individual matters of taste, the new building would benefit from a thoughtful design and high quality finishes, which will mellow in time as those on Athlone House have done' (para. 44).

- 2.26 While he recognised that the scale and massing would be greater, *'the house would not be so much larger in visible bulk as to conflict with the aim of preserving and enhancing character and appearance'* (para. 45). The building would be on a unique site in substantial grounds and subservient to its wooded setting, complemented by the restoration and enhancement of the historic grounds. *'It would define the edge of the conservation area in spacious surroundings'* (para. 45). The development would also preserve and enhance the conjoined Highgate Conservation Area in Haringey to the north of Hampstead Lane, although the increase in volume of the built form would diminish the open-ness of the MOL which extended across Highgate School Playing Fields.
- 2.27 He concluded that the proposed development would preserve or enhance the character or appearance of the Highgate Conservation Area and would not conflict with the Heritage protection aims of the relevant London Plan, Camden Borough Council CS/DP policies, or advice in the Conservation Area Appraisal and Management Plan.

The character, appearance and setting of the surrounding open space

- 2.28 In turning to the effect on the character and setting of the surrounding open space, a number of heritage points arose. It was common ground that the existing building made a positive contribution to the character of the Heath (para. 50). However, despite the claims of the importance the asymmetric, picturesque form and profile providing an incident in the views, this did not enhance the overall contribution to the building above the 'limited' status evinced in para. 37 in respect of its contribution to the conservation area (my interpretation). The picturesque quality of the replacement when viewed obliquely was acceptable as a replacement.

There was no weight placed upon the mellow characteristic of the weathered appearance of the existing building – this characteristic was only mentioned in respect of the likelihood of any cleaning restoring the flamboyant brightly coloured appearance of the existing house. Although different in design characteristics and materials, the Inspector considered that the symmetry of the proposal would not be readily perceived and was not a negative feature given the kinetic experience in viewing the proposed house, particularly its tower as a focal reference point in a dynamic landscape (para. 53). While the articulation of the roof planes would not display the same eclectic variety as Athlone House, there would still be some differences and the building would rely on its classical characteristics rather than ‘*an exuberance of different styles*’ (para. 54).

2.29 He concluded that

the character, appearance and setting of the surrounding open space would not be diminished by the proposed development and would not conflict with the London Plan, Camden Core Strategies or City of London policies that aim to protect Hampstead Heath (para. 57)

2.30 It is under ‘other considerations’ in paras. 59-72 which raises the impact on the Metropolitan Open Land, where the positive factors in terms of conservation area or Hampstead Heath impact add little weight, in diminishing harm to the MOL. It was on this ground alone that the appeal was dismissed. In this respect, the possibility of an insensitive refurbishment of Athlone House, at a cost of between £14-21 million, over which little direct control could be exerted, might change the building significantly and unpredictably. However, this would not constitute a persuasive argument in favour of a significantly larger building, which would be inappropriate in Metropolitan Open Land. This headed a long list of factors, which had been claimed as benefits, and which were dismissed by the Inspector, as providing any special circumstances to justify the inappropriate development. In dismissing the appeal against the refusal of planning permission, it was inevitable, that, given his conclusion that

the proposed replacement constituted 'inappropriate development' in the MOL, there was absence of an acceptable replacement, and the appeals against refusal of planning permission and conservation area consent must fall.

2.31 The devalued state of Athlone House as it now exists, and its 'limited' contribution to the conservation area (and also by implication to the setting of Hampstead Heath) has been recognised. The Council should be in no doubt, that the case for the principle of demolition has been made and accepted. The Inspector's Decision accepted that the heritage and design issues I set out at the head of my evidence, which are recapitulated in para 2.5 had been satisfactorily addressed. It now, I consider, only requires development that is not only acceptable in its impact on the conservation area and setting of the Heath (which is the point we reached, as endorsed by the Inspector) but is also demonstrably 'appropriate development' in MOL terms, without special pleading. This is the proposed development contained in the new applications, as will be shown in this appraisal and in the other supporting documents.

3.0 HERITAGE ASSETS

Designated Heritage Assets

- 3.1 The Application site and its vicinity are located in the Fitzroy Park sub-area of the Highgate [Village] Conservation Area. This lies on the western fringe of Highgate village, which forms the historic core of the area. The Council's *Highgate Conservation Area Appraisal and Management Proposals* (HCAAMP) (2007) states that Athlone House is '*considered to be representative of the large private villas which formerly occupied this part of Highgate*'. I shall discuss this context, together with the impact of the proposed development below. Under the National Planning Policy Framework (NPPF) 2012 the Highgate Conservation Area is to be regarded as a Designated Heritage Asset. Further details are in Appendix MM1B.
- 3.2 To the north of Hampstead Lane, which forms the local authority boundary, there is a contiguous conservation area, Highgate Conservation Area, in Haringey LBC, also a Designated Heritage Asset. The impact of the proposed development on this area will be discussed below. Further details in Appendix MM1B.
- 3.3 There are a number of listed buildings in the vicinity of the Appeal site.

These comprise:

Street	Location	Grade
Kenwood	Kenwood House (Iveagh Bequest)	I
Kenwood	Service wing and outbuildings to Kenwood House	II*
Kenwood	The Lodge House to Kenwood House and adjoining Garden wall	II
Hampstead Lane	Park Flats	II
Hampstead Lane	Kitchen garden walls to Kenwood Nursery	II
Fitzroy Park	Beechwood	II

All the above are Designated Heritage Assets. Further details including

list descriptions in **Appendix MM1C**.

- 3.4 The grounds of Kenwood House are a Registered Historic Park/Garden, Grade II*, and a Designated Heritage Asset. Further details in **Appendix MM1D**.

Athlone House

- 3.5 Athlone House is an undesignated Heritage Asset, which is located within a Designated Heritage Asset, the Highgate Conservation Area. Athlone House, the wall and ancillary buildings of Athlone House (including the Gate House and Caen Cottage) are considered by Camden LBC to be buildings that make a positive contribution to the Highgate Conservation Area (HCAAMP p. 53). Further details in **Appendix MM1B**.
- 3.6 Athlone House occupies the site of an earlier building, Fitzroy House, built c.1760 with grounds landscaped by Capability Brown and, subsequently, Humphrey Repton. Fitzroy House was demolished c.1870, and replaced by Caen Wood Towers (which was renamed Athlone House in 1953), built by Edward Brooke MP, an industrial chemist. His architect was Edward Salomons (1827/8-1906), working in association with John Philpot Jones. The design was richly eclectic, red brick with abundant stone dressings, mullioned windows with Gothic tracery; a tall tower with an outlook turret and crenellations; florid stone-coped Dutch gables; and tall Tudor style chimneys, with intricate twisted shafts of patent bricks. There were elaborate service outbuildings to the north, and a long conservatory on the western terrace, leading to a tall garden pavilion close to Hampstead Lane. The interiors of the house were elaborately decorated. Brooke further embellished the grounds with a lake, rockeries, a model farm and observatory tower.
- 3.7 The house maintained its prestige under a succession of owners, of whom Sir Robert Waley-Cohen was the most notable: in residence from 1919-40 (and owner until his death in 1952). Alterations were made to the interior in the 1920s, and during the 1930s, there was some demolition and rebuilding in the service area. The house was requisitioned by the Royal Air Force in 1940, and used as a school for intelligence officers. After the

war, the building was purchased by the National Health Service and converted to hospital use. Extensive demolition, including the conservatory, garden pavilion, and more of the service wings took place. The exterior was radically simplified, with loss of the Dutch gables, virtually all the chimney shafts, window tracery, and crenellations of the tower. For many years maintenance was poor and upgrading was made insensitively, both outside and within. Aluminium double glazing was inserted into the majority of windows, with little concern for the weathering of the stone mullions and transom, which have severely deteriorated. The interior was altered, chimneypieces were removed from major rooms, walls were demolished and sanitary facilities were inserted. Most of the original decorative features of the interior were removed (with the exception of the main staircase).

- 3.8 Single storey flat-roofed timber system-built extensions spread to the north. Its final use was as a geriatric hospital, which ceased in 2003, since when the building has been unoccupied. The building survived in a degraded state, having lost much of significance as a heritage asset. It now makes a marginal contribution to its context. **My comprehensive appraisal of Athlone House as a Heritage Asset and assessment of its significance is reproduced in Appendix MM1F, with illustrations in MM2B-MM2G.**
- 3.9 There have been several approaches to English Heritage/DCMS to list Athlone House, but all have been rejected – **see Appendix MM1E**. In their assessment, English Heritage acknowledged that *'Salomons and Jones were hardly masters of the genre, however, and it would be difficult to make claims for this as high architecture'*.

Highgate Village Conservation Area (Camden LBC – designated heritage asset)

- 3.10 Highgate Village Conservation Area was designated in 1968, and extended in 1978 and 1992. The **Highgate Conservation Area Appraisal and Management Plan [CAAMP]** (2007) provides a summary of the special interest of the area, its location, topography and historic development, a

series of defined sub-areas, including Fitzroy Park, in which the Athlone House site is located, to the south of Hampstead Lane, and a local list of conservation area positive contributors.

- 3.11 The Character Appraisal defines five sub areas. Athlone House and its grounds are included in Sub Area 2, Fitzroy Park, an area of suburban residential growth and varied topography on the southern fringe of Highgate Village. The Appraisal included houses situated within the Fitzroy Park Sub-Area as, together with the gardens in which they stand, they are considered to be representative of the large private villas which formerly occupied this part of Highgate. Among these was Athlone House, described in summary with a misleading use of a quotation from the original 1952 edition of Pevsner's Buildings of England: Middlesex (rather than the 1998 revision by Bridget Cherry), which implied that major features, which are long-demolished still existed. It also misleadingly stated that Athlone House was visible in long views such as from Kenwood House (from which it cannot be seen), but instead from the rising ground to the east beyond the coach house, in the Stable Field near the gazebo. It was listed as a positive contributor to the Conservation Area. Reference was made to demolition of the hospital buildings, preparatory to commencement of construction of the Sir David Chipperfield-designed flats. Later, on p.38 of the document, there is a schedule of 'Buildings or features which detract from the character of the area and which would benefit from enhancement':

Athlone House: vacant buildings on site.

- 3.12 Key views, vistas and approaches are also defined:

An essential part of the character of the Highgate Conservation Area is the open aspect. ...Looking into the Conservation Area from the Heath close to Hampstead Lane, Athlone House can be seen sitting in an elevated position with the spire of St. Michael's Church beyond the trees. (The spire of St. Michael's is fact well to the right, and rises above Witanhurst).

This statement is also misleading as the view across from the Heath from the rising ground east of Kenwood is from points close to and around the gazebo in the Stable Field, which is not close to Hampstead Lane. However, the Council's assessment that it is the visibility of Athlone House in this long view that results in its being a positive contributor to the Conservation Area is not one which I wholeheartedly share, as I have always considered (and still do) that in its degraded state it is now only a marginal contributor.

- 3.13 Appendix 2 of the Appraisal contains a schedule of buildings which the Council has defined as making a positive contribution to the area. As such, Athlone House was selected:

The Council states in its preamble to this Appendix:

Positive Buildings are defined as buildings that make a positive contribution. There is a general presumption in favour of retaining all positive buildings and any proposals involving their demolition will require specific justification. The following buildings have been identified as positively contributing to the character or appearance of the Highgate Conservation Area.

Hampstead Lane Athlone House, the wall and ancillary buildings of Athlone House fronting Hampstead Lane [including the Gate House and Caen Cottage], Beechwood Bungalow, Beechwood Lodge.

- 3.14 No selection criteria or specific justification for the inclusion of the above buildings, and the narrative provides little beyond the well-known basic historical points. Part 2 of the document contains 'The Highgate Conservation Area Management Strategy'. Under 'Monitoring and Review' the Council states that:

As part of the review process, the Council is seeking to complete an up to date comprehensive record of all Listed Buildings and establish a visual survey of buildings which make a positive contribution to the Highgate Conservation Area.

It does not appear that this undertaking was completed; nothing of this kind has been published by the Council. As is evident from the Introduction, this document was prepared following discussions with English Heritage in 2001-2, in terms of PPG15, which was subsequently cancelled in 2010. As a general description of the character and appearance of Highgate Village Conservation Area, CAAMP has some relevance but its policy aspects are outdated.

Caen Cottage, The Gatehouse and Boundary Wall

- 3.15 Land in the ownership of the applicants also includes the above buildings which are undesignated heritage assets under the NPPF. They are located within the Highgate Conservation Area. As the Highgate CAAMP states they are included among the buildings that are held to make a positive contribution to the conservation area:

Hampstead Lane Athlone House, the wall and ancillary buildings of Athlone House fronting Hampstead Lane [including the Gate House and Caen Cottage].

- 3.16 The boundary wall has an enclosing function, visually defining the site boundary, channelling views both ways along Hampstead Lane. It is 2-2.5 m high, London yellow-brown stock brick, Flemish bond, with splay-brick and half-round brick copings, with pilasters at intervals. It most probably dates from c. 1875, the time building Caen Wood Towers, in succession to Fitzroy House. The access to and from Hampstead Lane has been rebuilt.
- 3.17 There is map evidence that both Caen Cottage and The Gate House were in existence by 1860, but they have subsequently been altered and extended. Caen Cottage appears to rise sheer from the boundary wall. Its north gable is prominently visible from Hampstead Lane, two storeys, stock brick, Flemish Bond, ground floor sash window in embrasure within the boundary wall, rubbed brick flat arch over; first floor sash window with

segmental brick arch over; low-pitched, blue Welsh slated roof. There are lean-to's both sides; the rear facing into the site appears much altered.

3.18 The Gate House is a late example of a picturesque style *cottage ornee*. On the 1860 map it can be seen that its rustic loggia faced the access from Highgate Lane, but this changed when Caen Wood Towers was built – see above. The porch supports the eaves of a tiled catslide roof, with a central gabled dormer. The ends of the building have canted first floor oriel windows, surrounded by ornamental studwork, with timber bressumer and corbel blocks giving the effect of a jettied front; gabled, timber and pebbledashed entrance porch on ground floor south elevation. Colourwashed stock brick walls, Flemish bond. On first floor rear elevation studwork carried around beneath higher eaves line of steep-pitched red machine tiled roof. Lean-to stack brick extensions at rear.

3.19 Caen Cottage and The Gate House benefit from extant planning permission for regeneration for ancillary accommodation (architect Sir David Chipperfield) under the 2005/6 permissions.

4.0 **SETTING AND CONTEXT**

- 4.1 The immediate setting of Athlone House includes its gardens, now restricted to the south and west, due to the severance of its eastern gardens, and the construction of Caenwood Court, under the 2005/6 permission. These buildings have encroached upon open land, which has left Athlone House related asymmetrically to its domain. The extent of this can best be appreciated by comparing a block plan with the plan of Caen Wood Towers in context of its gardens and grounds, as reproduced in the 1881 sale catalogue (copy in **Appendix MM2D**).
- 4.2 The area to the north has a more urban setting, including Caen Cottage, the Gate House, the former Coach House and Stables, the enclosing wall and access from Hampstead Lane. This has also been radically modified by blocks of Caenwood Court, which dominate this approach to Athlone House.
- 4.3 Beyond, to the east, lies Beechwood, one of the few surviving early 19th century mansions in its own grounds, built c.1834 in the grounds of the former Fitzroy House by George Basevi, for his brother. It is thus related topographically to the Athlone House site, although mutual intervisibility is now largely screened by the intervening Caenwood Court.
- 4.4 The broader setting encompasses the downward rolling topography of Hampstead Heath, south towards Parliament Hill Fields, including the sweeping views towards central London, over and from Hampstead Heath. There is juxtaposition of historic woodland with clearance for fields that were farmland prior to protection of the Heath as a public open space, and elements of the designed landscaping around Kenwood House (now a Registered Historic Park/Garden – details in **Appendix MM1D**).
- 4.5 Caen Wood Towers appears to have been designed to gain privacy, through the seclusion of its gardens, but to signal its presence in the broader setting, through its landmark tower. This feature also provided

the residents with a platform from which to observe the wider views outwards.

- 4.6 I have walked across the Heath from Parliament Hill Fields to the Stable Field, east of and outside the grounds of Kenwood House, although included within the Grade II* Kenwood Registered Historic Park and Garden, to assess the extent of visibility of Athlone House both in summer and winter conditions. My inspection also included the grounds of Kenwood, the terrace, the lawn and the Henry Moore sculpture west, above the lawn.
- 4.7 The top of the tower of Athlone House is visible above the horizon of the tree canopy, when viewed from the walk up to the summit of Parliament Hill Fields. It is also seen intermittently, when walking towards the South Gate of Kenwood House. However, the tree belt along the eastern boundary of the grounds closes out views of the tower from within the grounds, including the terrace of Kenwood House, except in winter, when it can then be detected through a dense network of branches. The LVIA (core document) states that Athlone House may be detected from the upper three windows in the flank of Kenwood House and the first floor of The Lodge House. If this is so then the distance from these private viewpoints would render such glimpses insignificant.
- 4.8 The tower (and intermittently, roof, gables and oblique views of the lower parts) of Athlone House is visible from the Stable Field, and the gazebo within it, rising to the summit, where the Lodge house and Kitchen Garden walls of the Kenwood Estate are situated. The view northeast from the summit below the Kitchen Garden, from some points, also includes an oblique view of Caenwood Court, beyond Athlone House.
- 4.9 An area of the garden land of 9834 sq. m. below Athlone House was conveyed to the City of London Corporation, owners and stewards of Hampstead Heath, under the 2005/6 permission. This is now known as 'Athlone House Garden'. A mesh steel security fence has been erected along the new boundary. Through this, there are views upwards to the south elevation of Athlone House and towards Caenwood Court. The

decayed condition of Athlone House is perceptible, particularly in winter. All views from the south of the Heath, including the vicinity of Parliament Hill Fields, and the fields above the bathing pond, are limited to the top of the tower. This would pertain in both winter and summer due to the density of branches and canopies of intervening trees.

- 4.10 From my observations, I concluded that there is no significant view which simultaneously includes both a frontal elevation of Kenwood House and Athlone House. Consequently, while I acknowledge inclusion of both the Stable Field and listed Kitchen Garden within the Registered Historic Park and Garden, I do not consider that Athlone House is an important part of the view from that area, but a feature in the sweeping view towards Highgate Village. The major view from this area is the protected view towards the dome of St. Paul's Cathedral (London Panorama no. 3 and landmark viewing corridor 3A1). See also **Appendices MM1F and MM2G** for a detailed appraisal of the setting of Athlone House.
- 4.11 In para. 6.75 of the Camden Committee Report, in connection with the previous scheme, it was stated that, despite the assertion that the building would be more intrusive, due to bulk and lighter materials, *'it is considered that there will be no impact on the setting of Kenwood listed building and Kenwood estate registered landscape due to the topography and tree belts screening any view of the new building.'* This was borne out by the Inspector's decision letter, which also affirmed my comments above on visibility.

5.0 THE 2005/6 PERMISSIONS FOR ATHLONE HOUSE

- 5.1 In my Report submitted with the Appeal applications I included a detailed critique of the scheme for Athlone House, designed by Lincoln and Campbell Architects Ltd. Approval of this application also provided for the construction Caenwood Court to the east. I felt that the Committee Report on this application overstated the scheme as a 'restoration', when it included significant rebuilding and replacement. My views on this have not changed.
- 5.2 The shell of the building was to be retained, with reworking and gutting of many parts of the internal layout. Furthermore no information was provided about the extent of repair, particularly of the patched and deteriorated stonework, nor was approval of a detailed specification and method of work statement required. The reinstatement of missing features was limited to crenellations and finials on the tower and other minor work. Rebuilding of the multiple-shafted chimneys, or the Dutch gables, both of which contributed to the silhouette and visual interest of the building in context was not to be undertaken – please refer to my Appendix MMG.
- 5.3 In para. 36 of his decision, the Inspector drew attention to the limitations of this proposal:

The 2005 permission provides the means by which the Council can control, to a certain extent, the works undertaken and reinstatement of historic features, but this would not be sufficient to regain more than a suggestion of its former interest. Chimneys and gables would remain plain and curtailed, and the previously flamboyant finials would be simple and repetitive. There would be little control over the quality of replacement windows and other repairs to the fabric that are necessary, the combined impact of which could well detract. Moreover the new garage block proposed would be of unremarkable architectural quality but would be prominent in the view from Hampstead Lane.

- 5.4 It is possible that this scheme will once again be raised as a potential solution to the still held local opinion that Athlone House should be retained and repaired. Objectively it falls far short of a feasible alternative to demolition and redevelopment, and I consider that such an approach should now be dismissed as totally unworkable, and attention directed to the manifest benefits of the substance of the present applications.
- 5.5 Land in the ownership of the applicants also includes Caen Cottage and The Gate House which are undesignated heritage assets under the NPPF. They are located within the Highgate Conservation Area. As the Highgate CAAMP states they are included among the buildings that are held to make a positive contribution to the conservation area. Caen Cottage and The Gate House benefit from extant planning permission for regeneration for ancillary accommodation (architect Sir David Chipperfield) under the 2005/6 permissions and s. 106 agreement.

5.6

6.0 **PROPOSED DEVELOPMENT AND EFFECT**

6.1 Professor Robert Adam has designed the replacement for Athlone House. His practice, Adamarchitecture, has a philosophy of developing and extending classicism as a living tradition, in which it is recognised as a leader. The approach draws upon a wide range of sources and typology, and proceeds from fundamentals of geometry and volume. An appropriate language of detailing is generated from the concept, which in turn is drawn from an examination of the site in context. The limitations of the presence of Caenwood Court and the truncated site have also informed the design. For example, the main entrance of the house has been moved to the north of the house, to a position where the comings and goings could not be observed from Caenwood Court, as with the retained Athlone House scheme. This led to the tower, an appropriate landmark feature, as on the existing house, moving to the north elevation. All of this was evident on the Appeal scheme and accepted by the Inspector as a legitimate design response to the challenge of the site and its context, particularly in respect of the sophisticated use of classical elements. The architects' Design and Access Statement shows in detail how the design has been reduced, to address the issue of harmful impact on Metropolitan Open Land (MOL), (the only issue on which the appeal failed and on which it turned), without diminution of the quality of built form, articulation and detailing.

6.2 The roofline retains the copper-covered saucer domes suggested by the garden elevation pavilion on the existing Athlone House. These octagonal pavilions articulate the built form, and provide the principal architectural features at second floor level. The other accommodation at this level has been reduced and the roof terraces increased. The centre of the roof contains a glazed passage around the atrium void, shielded on the outer sides by copper-roofed monopitch roofs which house loft storage, and will register as traditional pitched roofs, particularly in the important western elevation, viewed from the vantage point of the gazebo in the Stable Field. Oblique views will highlight the picturesque qualities of the

massing, with the set-back tower as a visual anchor point, in counterpoint to the symmetry of the individual elevations as drawn. The north elevation facing Hampstead Lane is the least altered, but that was accepted by the Inspector as leaving the view from the Haringey Highgate Conservation Area unharmed.

- 6.3 At basement level, the outdoor connection via a pool terrace on the western side has been suppressed, as have the connecting double staircases with the main terrace above. This will eliminate the more massive appearance of the western elevation in views from the gazebo in Stable Field, and will be complemented by the concomitant reduction at roof level, and thus the impact overall on MOL, described above. Finally, the detached guest pavilions forming the north courtyard have been deleted, as have also the ramped entrances to the basement parking, which have been replaced by a car lift in the front courtyard. The basement is substantially smaller in area (537 sq. m.).
- 6.4 As before, the exterior will be enriched by classical details, used with ingenuity and virtuosity, and in an innovative way, including variations on the Corinthian Order in a hierarchical manner. The projecting *porte cochere* portico would provide an imposing entrance feature with its giant order columns in *antis* and *antae*.
- 6.5 Internal planning is built around axes, in contrast to the diffused, additive spaces of Athlone House. A swimming pool and parking accommodation are provided in the basement below the house, with only the access lift outside the existing footprint of the house. The latter is practically located to the north of the house, which is on the location of the original service court (demolished with the hospital extensions).
- 6.6 The proposed building will be worthy of its site, and the exacting context into which it has been designed to fit. Its mass, form and materials will be entirely appropriate to its context; its design values are outstanding; it will enhance the conservation areas, with beneficial impact on their character and appearance and settings. This was recognised by the Inspector in respect of the appeal design. As stated above the objective

has been to address the issue of impact on the MOL while upholding the design values established by the appeal scheme.

- 6.7 The quality of the restoration of the surrounding gardens, which although not registered are of great design and historic interest, ranging from the picturesque informality of the gardens around Fitzroy House, with follies and other features added when Caen Wood Towers was built, to the 1920s remodelling by Gertrude Jekyll (in conjunction with the architect, Leonard Rome Guthrie). While garden restoration was a section 106 requirement of the 2005 scheme, the appeal proposals went further through including a far more appropriate east garden, through the removal of the entrance to the north. A small lake, landscaping and a planted screen on the boundary with Caenwood Court was proposed. In views from the Heath, in and around the gazebo in the Stable Field, Athlone House and Caenwood Court can be viewed in close juxtaposition. Physically, of course, the distance between the two will remain much the same. However, maturing of the planting, now in situ, beneficially reinforces the visual separation of Caenwood Court from Athlone House (and vice-versa) and completes the appropriately informal frame for the masterly design of the house.
- 6.8 Insofar as the building, or parts, will be visible from Hampstead Heath, including the Stable Field area, within the Kenwood Registered Historic Park and Garden, it will be visually integrated, and not more intrusive as alleged. This is affirmed by the images shown on the viewpoint photographs. Although the roofline is slightly lower than that of Athlone House, its treatment is different, incorporating the aforementioned pavilions, and the modified roof treatment, with the pavilions seen against the recessed monopitch roofs. The relocated tower will be less prominent in views from the Stable Field and from further south. As with the original house, the new building will be seen as a feature within wide panoramic views towards Highgate Village. I consider that from all viewpoints, the impact will be benign and not obtrusive, and will more than fulfil the requirement to ensure that the character, appearance and setting of the Conservation Areas is unharmed; will not detract from important views,

nor adversely affect the Registered Park and Garden or the setting of Kenwood House. It will both preserve and enhance the character and appearance of the Highgate conservation area and the setting of Hampstead Heath, in compliance with all policies, as I shall demonstrate below.

- 6.9 Full information on the design together with a detailed analysis of its concept is to be found in the Architects' Design and Access Statement.

7.0 ANALYSIS

- 7.1 Above I have analysed the Inspector's Report. In his decision, albeit that he dismissed the Appeal, he unequivocally stated that the proposed demolition of Athlone House has been fully justified in terms of its intrinsic state as an undesignated heritage asset and the effect on the Highgate Conservation Areas, and that the public benefit accrued would demonstrably exceed any perceived harmful effect. He reached this decision in applying the more stringent of the alternative tests then contained in PPS5, that of substantial harm to total loss of significance (as directed in the English Heritage advisory note). This was a very rigorous and sequential assessment, which I consider remains robust in the present circumstances of the new applications. Please refer to the NPPF and Local Plan policies cited in **Appendix MM1H**.
- 7.2 He also endorsed the design values and quality of the appeal scheme as being entirely appropriate to the circumstances and context, affirming that they met the general criteria then set out in PPS5, and reiterated that the purpose of government policy statements on design (including the then current PPS1) was not to prescribe or express a preference for a particular architectural style, but to ensure design quality, and to reinforce local distinctiveness. Eclecticism in building types, ages, styles, scales character and materials was viewed by him as a local characteristic of the Highgate Conservation Area (as described in Camden's Highgate Conservation Area Appraisal and Management Plan, with highlight buildings standing out in context). The design of the replacement Athlone House would recreate the type of architectural exuberance found in Caen Wood Towers in its original incarnation. Again, I found the assessment rigorous and sequential, and I consider that it remains robust in the present circumstances of the new applications.
- 7.3 I consider that the only outstanding matter to address and demonstrate compliance with is thus the impact on the Metropolitan Land designation, which was the point on which the appeal decision turned, with failure on

the last stage of sequential testing. This did not nullify the substantive veracity of the earlier steps in the decision chain. I consider that the present revised design demonstrates compliance with MOL policy, and this is set out in detail in the Architects' Design and Access Statement, which also contains a detailed exposition of its rationale. It will be evident that although the design has been modified, it remains compliant with the general criteria, now incorporated into the National Planning Policy Framework [NPPF]. Its architectural style and quality remain of the appropriate calibre for its site and context.

7.4 Publication of the NPPF in March 2012 introduced a presumption in favour of the approval of sustainable development, in accord with the development plan, to be approved without delay (para 14 NPPF). The Inspector found that the Camden Core Strategy and Development Policies, published November 2010, were up to date and key policies CS14 and DP25 were PPS5 compliant. I consider that publication of NPPF has not altered this. A new London Plan, published July 2011 has superseded the 2008 plan, current at the time of the Inspector's decision: the 2011 plan was clearly PPS5 compliant, as it is also, I consider, also with NPPF. Taken together, NPPF, the Camden CS and DP, and the London Plan 2011 are a consistent and consonant triumvirate which clearly indicate that the revised applications merit approval.

7.5 The requirement under s. 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is that

special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area.

The current interpretation is avoidance of harmful effect; it was established by case law in 1992, and has not been superseded. This obligation underlies the adopted Camden Core Strategy and Development Policies, and of The London Plan. The still extant *Historic Environment Practice Guide to PPS5: Planning for the historic environment* affirmed that that policy statement did not alter the interpretation of s.72, and this must remain so under NPPF. The government has now issued the draft

NPPF Practice Guide, which includes consideration of 'Conserving and enhancing the historic environment', section 12 of the parent document.

Demolition of Athlone House

- 7.6 Conservation of heritage is contained in Camden Policies CS 14b and DP 25, which under (b) commits the Council only to permit development that preserves or enhances the area, and (c) will prevent total or substantial demolition of an unlisted building that makes a positive contribution to a conservation area, where this has harmful impact, unless exceptional circumstances are shown that outweigh the case for retention. I consider that sequential application of the policy tests in DP25(c) and NPPF paras. 138, 133/34 will affirm under that under DP25 para. 25.8 there are '*acceptable detailed plans for redevelopment*', and that their quality provides the exceptional circumstances in heritage terms. The Inspector found so with the appeal scheme, and I consider that there are no circumstances which indicate that the amended design should be treated otherwise. These matters are also covered by Chapter 7 policies of the London Plan. The Camden Supplementary Guidance and Highgate Conservation Area Appraisal and Management Plan are relevant considerations, as the latter itemises Athlone House for its contribution to the area. However, I have always considered that the Council overvalued Athlone House (including a misleading quotation from the 1951 Pevsner *Buildings of England: Middlesex*, which in its 2007 context implied that long-demolished features were still extant) and disregarded its serious loss of significance as a heritage asset, a matter which the Inspector acknowledged and corrected in paras 35 and 37 of his decision. It remains undesignated after several references to English Heritage and DCMS for listing. However, the CAAMP was prepared under PPG15, which must limit the weight now accorded to it.
- 7.7 Under NPPF (para. 135) it is recognised that undesignated heritage assets are a material consideration, and that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Para. 138 states that while not all

heritage assets will contribute to the significance of a conservation area, potential loss of those that do require consideration under para 133 (substantial or greater impact) or 134 (less than substantial impact) in a proportionate manner. And para 138 requires consideration of the relative significance of the asset affected and its contribution to the significance of the conservation area as a whole. The still extant *PPS5: Historic Environment Practice Guide* states that the effect of an application involving an undesignated heritage asset may also include buildings which do not possess a level of heritage significance that would pass the threshold for national designation, and that the desirability of conserving them is individually less of a priority than for designated assets. Application of the para 132, weighted in favour of conservation of the designated heritage assets involved – the Highgate Conservation Areas and the Kenwood Registered Historic Park and Garden must be made in context of para 138. Likewise with in consideration of the impact on any heritage asset, in terms of the significance it holds, and para 131 in consideration of the desirability of sustaining and enhancing the significance of heritage assets.

- 7.8 In regard to any harm perceived through the replacement of Athlone House, given its undesignated status, its loss of significance, and the proportionate framework of decision taking under NPPF, within which the development plan policies will now be applied, I consider that there is not substantial harm or total loss of significance caused to the Highgate Conservation areas or Registered Historic Park/Garden, as a whole. However, with the appeal scheme, the Inspector followed the directive issued by English Heritage and treated the impact as falling within the substantial and above category of harm. As I stated above in para 7.1, this was a very rigorous sequential test. I consider that under NPPF the test should proceed from para 138 to para 134, given the option. Para 134 applies in cases of impact involving less than substantial harm, and in this case the replacement would clearly enhance rather than harm the conservation area. The Inspector accepted that this was potentially the case with the appeal scheme, and affirmed it through his application of the more rigorous sequential test. Under NPPF, para 138 gives a clear

steer that the alternative of considering proposals under substantial or less than substantial harmful impact has been restored (and the English Heritage guidance note/ directive no longer applies requiring the more stringent assessment procedure, now in para 138). It requires the proportionate response, of *'taking into account the relative significance of the element affected and its contribution to the significance of the conservation area as a whole'*.

- 7.9 The Inspector concluded that the requirements of justifying substantial or greater harm to the conservation area had been met (decision letter, paras 43 and 44) concluding that *'the loss of the limited contribution the building currently makes to the conservation area, with all the risks attached to repair and refurbishment, would be outweighed by the appeal scheme.'* He thus recognised that the detraction of Athlone House from the conservation area due to its vacant state, and lack of attention to its immediate setting (as itemised in the Council's Highgate CAAMP), would be more than redressed by the public benefit of a deliverable scheme for an outstanding new building in a fully restored historic garden would constitute a public benefit, even after the more rigorous assessment channel had been followed.

Design

- 7.10 I considered that the Council's Refusal of the initial scheme was based upon a formulaic rejection of a classical style replacement for Athlone House with insufficient recognition of the design value of the proposal and the way it evolved from rigorous analysis, of the site and context as set out in the original design and access statement (as now required under para 128 of NPPF). This is equally the case with the amended design, which also manifestly meets the criteria imposed by Metropolitan Open Land. I consider that the present design meets the requirements of Camden Core Policy 14 and DP 24 (a)-(i) and the criteria of para. 24.7; under DP 24, respecting local character under 24.10-13; detailing and materials under 24.14-15; and responding to natural features under 24.18-21. I consider that the design principles of the Plan for London are

met. Specifically policy 7.4 Local Character, particularly 7.4Bb providing a high quality design response, contributing to a positive relationship between urban structure and natural landscape features; 7.6 requiring development of the highest quality of materials and design appropriate to its context, and meeting relevant criteria under 7.6B. Its impact on the skyline as viewed from the environs meets the relevant criteria under policy 7.7 Location and design of Large and Tall Buildings. In respect of the effect on the Highgate Village Conservation Area, the amended design meets policy 7.8A emphasising the desirability of sustaining and enhancing conservation areas and policy 7.8D which states that development should conserve the significance of conservation areas by being sympathetic in form, scale, materials and architectural detailing.

- 7.11 High quality design is a core planning principle of NPPF and design policies are set out in Section 7 'Requiring good design' paras 56-66 and aspects relating to heritage matters in Section 12 'Conserving and enhancing the historic environment' paras 126, 131 and 137. Good design is a key element of sustainable development and is indivisible from good planning (para 56) and local and neighbourhood plans should develop robust and comprehensive policies to ensure deliver of high quality design, to ensure (*inter alia*) that developments establish a strong sense of place, respond to local character and history and reflect the identity of local surroundings and materials, while not discouraging innovation, and are visually attractive as a result of good architecture and appropriate landscaping. All of these aspects are incorporated into Camden CS14 and DP24, and are fulfilled. With reference to local character, it is worth recalling that the Inspector found that diversity and eclecticism (as recorded in Camden's Highgate CAAMP) was a key feature of the surroundings of the site of Athlone House (Decision letter para 38) and was '*sufficiently diverse to absorb much modern development alongside the old*'. While not imposing particular styles (now under NPPF para 60) it was proper to seek to reinforce local distinctiveness. Policies should not be unduly prescriptive, but should concentrate on guiding overall scale, density, massing, height, landscape, layout and materials (now para 59) and the Inspector found compliance with this (Decision letter paras 40 and 41).

7.12 The present revised design has followed its predecessor in respecting the overall parameters that the Inspector found were met, with comparably high quality design flair. In respect of NPPF I consider that the distinctive qualities of the present proposals meet para 63, whereby in determining applications, *'great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area'*.

7.13 The Council, and many of the objectors, sought to portray Athlone House as originally designed to be integrated into its setting, and have commended its patina of age and 'mellowness' as important considerations, when compared to the newness, and alleged inappropriate materials proposed for the replacement building. Athlone House (Caen Wood Towers) was designed as an opulent mansion, which substantial demolition, simplification of its detailing, and inadequate maintenance regimes during its hospital use, have devalued, and toned down. The choice of Bath stone for the replacement building, which weathers to a warm golden tone, is entirely appropriate. This too was endorsed by the Inspector, who stated that *'the new building would benefit from a thoughtful design and high quality finishes, which will mellow in time as those for Athlone House have done'* (Decision letter para 44).

Setting and visibility

7.14 At the time of the original application, it was claimed that visibility of the new house would harm the designated assets of the Highgate Conservation Areas, their settings, and the setting of the Kenwood Registered Historic Park and Garden. I considered that in the evidence to the appeal, I and others conclusively demonstrated that there would be no effect on the grounds of Kenwood House, as views of the new building would be limited to distant glimpses through the dense screen of perimeter trees in winter only: with trees in full leaf the new building will not be seen. There is no view where a frontal elevation of Kenwood

House could be seen simultaneously with a clear view of the new building in the same field of vision. The Inspector endorsed this (para 56).

- 7.15 The Stable Field, with the gazebo is outside the fenced grounds, but is included within the Registered Historic Park and Garden. There are views towards Athlone House, generally of the first floor and tower, with glimpses of Caenwood Court. I consider that the new building (as with the predecessor appeal scheme) will not be obtrusive in these views: moving the tower to the north will make this element less visible from some points. Nor could the new house obtrude into the protected panoramic view towards St. Paul's Cathedral, as the new building will be well to the left (north east) of the observer.
- 7.16 Objection was made to the alleged impact on distant views from around Parliament Hill and Highgate Ponds. All year round, only the top of the tower of Athlone House is visible, above a dense tree canopy. Any difference in appearance of the newly constructed tower from the old would be imperceptible at that distance.
- 7.17 The new building would be visible from Highgate Junior School Playing Fields, and Bishopswood Road, in the Haringey Highgate Conservation Area. A late objection was made by Haringey Council. In Inspector recognised that the tower would be more prominent in views from north of Hampstead Lane, due to its relocation, but found that the new building would not have harmful impact and would preserve and enhance the character and appearance of this conservation area (para. 46).
- 7.18 The relevant policies are NPPF para 126 (desirability of new development making a positive contribution to local character and distinctiveness: and opportunities to draw on the contribution made by the historic environment to the character of a place); and 137 (opportunities for new development within conservation areas and within the setting of heritage assets to better reveal their significance). London Plan policies 7.11 London View Management Framework and 7.12 Implementing the London View Management Framework apply. Strategic London Panoramas 2

Parliament Hill to Central London and 3 Kenwood to Central London were cited as being adversely affected by the appeal proposals. The Inspector found otherwise, with the exception of impact on MOL. Publication of the London Plan 2011 post-dated determination of the appeal scheme. I consider that all precepts are met and that, insofar that it is visible as part of the panoramic views, the proposed development will not harm but will make a positive contribution to their characteristics and composition.

7.19 Camden CS 15 commits to

Protecting and improving our parks and open spaces and encouraging biodiversity ... including our Metropolitan Open Land ...; and ... The Council will preserve and enhance the historic open space and nature conservation importance of Hampstead Heath and its surrounding area by (inter alia) taking into account the impact on the Heath when considering relevant planning applications; protecting views from Hampstead Heath and views across the Heath and its surrounding area; and improving the biodiversity of, and habitats in, Hampstead Heath and its surrounding area, where opportunities arise.

7.20 All of the above policies are met by the revised design, including aspects of CS15 relating to Metropolitan Open Land. It should be emphasised that the overall volume of the house has been reduced to the extent that all visible form of the building will not harm the openness of the MOL.

Conclusion

7.20 I have concluded that the proposed development would not have harmful impact on the conservation areas. It constitutes a committed and deliverable development of a masterly example of modern classical architecture for one of the finest sites in London, with landmark quality in views from within and out with the conservation area and from Hampstead Heath. The proposal has appropriate form, massing materials

and details, which will complement and not intrude upon views towards it. Together with the restoration of its historic grounds, it will bring significant enhancement of the character and appearance of its immediate setting, the Highgate Conservation Areas, the Kenwood Registered Historic Park and Garden and Hampstead Heath. I consider that I have demonstrated that the requirements of the Camden Core Strategy and Development Policies; the London Plan; supplementary planning guidance, the obligation under s. 72 of the 1990 Act, and the National Planning Policy Framework are met.

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8 October 2013

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