

<b>Address:</b>	Athlone House Hampstead Lane London N6 4RU	
<b>Application Number:</b>	2009/3413/P	<b>Officer:</b> Charles Thuaire
<b>Ward:</b>	Highgate	
<b>Date Received:</b>	13/07/2009	
<b>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.</b>		
<b>Drawing Numbers:</b> Site Location Plan 101/2b; 5021/02A; 03D; 04G; 05F; 06G; 07F; 08F; 09J; 19A; 20; 21E; 22D; 23D; 24D; 25B; 26D; 27D; 28A; 29; 30 A; 31 A; 32 B; 33 A; 34 A; 35; 36; 37;38; 39; 40; 41; 42; 43; 851.001.001 revC, 002 revB, 003 revD; 851.002.001 revA, 002 revA, 003 revA, 005 revA; 851.040.003 revC. Design and Access statement July 2009; Landscape design statement July 2009; Historic architecture report July 2009; Landscape visual impact assessment July 2009; Historical landscape report May 2009; Tree Survey May 2009; Ecological survey May 2009; Archaeological report June 2009; Planning statement and sustainability assessment May 2009; Sustainability assessment July 2009; Structural report May 2009; Preliminary budget estimate July 2009; Market report July 2009; Community involvement statement June 2009; Planning report July 2009; Price and Myers review of ground water reports Feb 2010.		
<b>RECOMMENDATION SUMMARY: refuse planning permission</b>		
<b><u>Related Application</u></b> <b>Date of Application:</b>	13.07.09	
<b>Application Number:</b>	2009/3422/C	
<b>Proposal: Demolition of Athlone House.</b>		
<b>Drawing Numbers:</b> Site Location Plan 101/2b; 5021/02A, 29, 30A, 31A, 32B, 33A, 34A, 35		
<b>RECOMMENDATION SUMMARY: refuse conservation area consent</b>		
<b>Applicant:</b>	<b>Agent:</b>	
Athlone House Limited La Tonnelle House PO Box 141 Les Banques St Sampson Channel Islands GY1 3HS	Withers LLP 16 Old Bailey London EC4M 7EG	

**ANALYSIS INFORMATION****Land Use Details:**

	Use Class	Use Description	Floorspace
Existing/approved	<i>C3 Dwelling House</i>		<i>2260m<sup>2</sup></i>
Proposed	<i>C3 Dwelling House</i>		<i>4131m<sup>2</sup></i>

**Residential Use Details:**

	Residential Type	No. of Bedrooms per Unit								
		1	2	3	4	5	6	7	8	9+
Existing/approved	<i>House</i>							1		
Proposed	<i>House</i>									1

**Parking Details:**

	Parking Spaces (General)	Parking Spaces (Disabled)
Existing/approved	15	
Proposed	18	

## OFFICERS' REPORT

**This application is being reported to the Committee as it entails redevelopment of a prominent building in a conservation area and adjoining Hampstead heath, which has raised a high level of public interest and which, in the view of the Director of Culture and Environment, should be considered by the Committee (Clause 4).**

### 1. SITE

- 1.1 The site is situated on the south side of Hampstead Lane, directly opposite Highgate School's playing fields. The overall site of Athlone House, as it was originally laid out, is bounded to the south and west by Hampstead Heath and to the east by a private residence known as Beechwood and is screened all around by mature trees. Part of the site's northern boundary abuts Hampstead Lane and is screened by a brick wall and mature trees and shrubs. The site entrance is located in the middle of the wall between various ancillary outbuildings. The main house and part of the grounds and other buildings are visible from the Heath and Hampstead Lane. In particular the House is most closely visible from Hampstead Lane and across Highgate School playing fields to the north; it is also substantially visible from the Kenwood estate gazebo and the adjoining Caen Wood Farm Fields to the west. In more long distance views from Hampstead Heath and Parliament Hill to the south, only the tower is visible.
- 1.2 The site has been subject to a planning permission in 2005, subsequently amended (see history below), for its part redevelopment involving refurbishment and change of use of Athlone House itself from previous health use to a 7-bedroom single dwelling together with part conversion and part redevelopment of the remaining buildings for 24 flats and 2 houses. This permission has been partly implemented. In particular the various postwar extensions and outbuildings have been all demolished and the 3 new blocks of flats have been built on the eastern part of the site and are now partly sold off and/or occupied. Furthermore in accordance with the terms of the S106, the southern and western fringes of the site have been donated to the City Corporation as extensions to the Heath. As a result, the site has been split into two halves, with the eastern part now in separate ownership- this contains the 3 new blocks of flats (Kenwood Place) plus the Coach House (still vacant and derelict but recently granted permission for extensions and alterations). The western site in the ownership of the current applicant contains Athlone House itself in its centre, and Caen Cottage and the Gate House on the road frontage- all these buildings are still vacant and derelict. The west side of the site contains lawns and there is a tree and shrub belt along the southern boundary. The entrance to the house is located between the Gate House and Coach House, and shared with the access to Kenwood Place.
- 1.3 Historically the site contained a single dwelling house set within extensive landscaped parkland. Athlone House was the original main residence of the site, dating from 1871, and is two storeys high with basement and attic accommodation plus a 4 storey high square tower. The original building is built in red brick with a combination of Jacobean gables with a Victorian structure incorporating a tiled roof. A number of unsympathetic 20th C extensions and alterations have been made, as well as various outbuildings in the grounds for wards and staff accommodation,

following its occupation by the NHS in 1951 as a post-operative recovery home. As a consequence much of the house's original external detailing has been simplified or lost. The extensions to the north of the House have been since demolished following the above-mentioned permission. The House however has not been restored yet (as required by the permission's S106) and still remains vacant and derelict with only minimal maintenance works plus boarding up of all windows to ensure that it is wind- and water-tight.

- 1.4 The topography of the site is varied. The main buildings are located on the north east area of the site. This comprises a relatively flat plateau from which a rolling lawn sweeps south down to a small pond area and slopes in terraces to the west which contains another pond. There is a mixture of significant trees and more moderate trees in arboricultural terms.
- 1.5 The site is located about 1km from both Highgate High Street and Highgate Tube station and is served by regular buses. The surrounding area to the north and east is mainly residential. The northern boundary of the site on Hampstead Lane abuts the borough of Haringey, and lies opposite Highgate School and its playing fields which are designated as a conservation area and Metropolitan Open Land (MOL). To the west on the Heath lies Kenwood House, a Grade 1 listed building, and the Kenwood estate, a Grade 2\* registered landscape, both managed by English Heritage.
- 1.6 Athlone House is not statutorily listed nor does it adjoin any listed buildings. However, the site enjoys a strong degree of protection from inappropriate development as it benefits from a number of specific area designations in the adopted UDP:
  - (a) The site and immediate surrounds form part of an extensive area of **Metropolitan Open Land (MOL)** covering Hampstead Heath, Kenwood, Parliament Hill and Highgate Playing fields.
  - (b) The site and surroundings are located within the **Highgate Conservation Area**. Athlone House and the three cottages on the road frontage are identified in the Highgate Conservation Area Appraisal and Management Plan (adopted December 2007) as making a positive contribution and must be retained. In particular the appraisal refers to Athlone House as follows- *"this elaborate property is set into the hillside overlooking the Heath and is visible in long views such as from Kenwood House"*; it also refers to the special interest of the conservation area as follows- *"large and fashionable historic houses from the 17, 18, 19 and 20<sup>th</sup> centuries stand clustering around the historic core, and imposing properties set in landscaped gardens stand on the hillslopes below the village enjoying the southern aspect"*.
  - (c) The site is designated as **Private Open Space (POS)** and a **Site of Metropolitan Nature Conservation Importance (SNCI)** in the UDP, and adjoins Hampstead Heath, another important area of Public Open Space.
  - (d) the site is still a designated site (no. 1) in the **UDP Schedule of Landuse Proposals** which states a preferred use of a mix of C2/C3 or C3 and refers to a planning brief (see below).

- 1.7 The whole site was the subject of a planning brief approved on 11.2.99. This identified and publicised the planning framework for the site and provided guidance on the Council's view of any proposals to change the use and advice to potential applicants. It stated the preferred use was a mix of residential institution and residential uses or purely residential use. It also set out site constraints and opportunities.

## **2. THE PROPOSAL**

- 2.1 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 (*NOTE- this represents a "departure from the local plan" as it involves development on Metropolitan Open Land and Private Open Space*).

## **3. RELEVANT HISTORY**

- 3.1 **5.10.05-** 2003/2670/P & 2003/2671/C - planning permission and conservation area consent granted for-  
Part conversion and part redevelopment of site for 27 residential units including: Alterations, extensions and conversion of Athlone House to 1 x 7 bed house, The Coach house to 2 x 2 bed units, The Gate House to 1 x1 bed house and Caen Cottage to 1 x 3 bed house; Demolition of all remaining post war buildings and erection of 3 new blocks to provide 22 flats with underground parking (9 x 2 bed, 10 x 3 bed and 3 x 4 bed); Donation of 0.98 hectare of land as extension to Hampstead Heath; Significant landscaping content.
- 3.2 This planning permission was accompanied by a complex S106 legal agreement which covered the following matters:
- Delivery of 3040 sqm net internal floorspace Affordable Housing, to be provided off site in phases with phased occupation of on-site private housing dependent upon provision of each affordable phase;
  - Donation of land as an extension to Hampstead Heath including financial contribution of £50,000;
  - Heath Land Landscape Management Plan
  - Retained Land Landscape Management Plan;
  - Restoration of Athlone House internally and externally;
  - Education contribution of £157,803;
  - Contribution for costs of necessary bus stop improvements;
  - Car capping;
  - Renewable energy plan including provision of an energy demand assessment and feasibility work for renewable energy technologies;
  - BREEAM report to secure 'very good' standard.
- 3.3 **15.5.06-** 2006/1418/P- Planning permission granted for-  
Relocation of existing sub-station to the north east corner of site with construction of new brick enclosure adjacent to Coach House and immediately behind former gate, which is to be reinstated to allow access to sub-station from Hampstead Lane.
- 3.4 **19.6.06-** 2006/1412- Planning permission granted for-  
Alterations to new blocks A, B and C including realignment of windows,

repositioning of chimneys, part infilling of penthouse terraces in blocks B and C, alterations to roofs of all new blocks including added terraces, access stairs and lift overruns, as a revision to the above planning permission 2003/2670/P dated 05/10/05

- 3.5 27.8.09- 2009/0751- Planning permission granted for-  
Change of use of Coach House to a single dwelling house and various extensions and alterations, including the remodelling of south elevation by widening 3 wings at ground and 1st floor levels, erection of a bay window and conservatory at ground floor of south elevation, and excavation to create a new basement floor, as an amendment to part of planning permission 2003/2670/P dated 05/10/2005, as further revised by planning permission ref 2006/1412/P dated 19/06/2006.
- 3.6 Dec 2006 and Feb 2008- Pre-application meetings held with agents for new owners of Athlone House who wish to redevelop it for a new mansion. Officers advised that, *inter alia*, the Council would object to the proposed demolition of the existing house and to the bulk and design of its proposed replacement.

#### **4. CONSULTATIONS** **(note that all respondents below object)**

##### **Statutory Consultees**

- 4.1 English Heritage-  
a) existing house with its well-modulated elevations and mellow-toned materials help blend the building into the landscape; its interior contributes to its historic value; thus it both preserves and enhances Highgate conservation area. Insufficient information has been provided to address criteria for demolition set out in PPG15. Proposals neither preserve nor enhance character of this conservation area (CA) in terms of its significant larger massing, monolithic character and light stone materials which increase its visual prominence, especially when viewed in context of Kenwood House. EH thus recommends refusal. Also notes that in commenting on previous proposal, EH concluded that restoration of house balanced their concerns over potential harm to historic environment from 3 new blocks of flats, and reiterated importance of programme of timetable of works to restore house and expressed concerns over proposal to 'mothball' house prior to restoration.
- b) Proposed development may affect remains of archaeological importance and recommend a condition to be attached requiring a programme of archaeological work.

##### **Conservation Area Advisory Committee**

- 4.2 Hampstead CAAC- agree with all points raised by AHWG (see below) and wish to emphasise the detrimental effect the new house will have on views from the heath.
- 4.3 Highgate CAAC- proposal is invalid as it would flout the S106 agreement to fully restore the House; contrary to criteria of PPG15 and seriously damages character of CA; proposed new building is jarring in newness, bulkier and more dominant from heath; contrary to criteria in PPG2 for development on MOL; economics of restoration irrelevant in planning terms; less sustainable contrary to applicant's assertions; no submission of hydrology study, construction management plan or

environmental impact study. Also dispute accuracy of record of meeting between developer and AHWG in 2007.

### **Local Groups**

#### **4.4 Athlone House Working Group (AHWG) (representing Highgate Society, Hampstead CAAC, Highgate CAAC, Heath and Hampstead Society)-**

applicant was signatory to S106 agreement on previous permission which allowed erection of 3 blocks of flats in return for maintaining Athlone House and restoring it plus 3 cottages within 42 months. Applicant has benefitted from agreement in completing new blocks but has not carried out any restoration. Urges Camden to ensure full compliance with terms of this S106.

House makes positive contribution to character of CA and there are no grounds under PPG15 that would permit demolition. House is eminently restorable and saleable, and indeed they know an individual who is prepared to do so.

Disagree with interpretation that this application is an amendment to previous permission for whole site- application site is now solely for House (noting red line around site) and is no longer a "major developed site", thus PPG2 para 3.4 cannot apply; instead para 3.6 applies and the proposed mansion is materially (240%) larger in floorspace than the existing house and thus represents 'inappropriate development' on MOL (reference made also to Garden House judgement in relation to replacement dwellings on MOL). Nevertheless it also does not comply with PPG2 Annex C as the scheme has a materially greater impact on openness of MOL nor does it accord with terms of planning brief for this site or with other UDP policies. No special circumstances exist to justify inappropriate development- larger bulk, higher roofline, greater footprint and ostentatious architectural style does not enhance CA and makes it visually intrusive over Heath and Kenwood; intrusiveness would increase with loss of existing tree screening.

Other issues raised include impact on hydrology from basement and poor sustainability. Also dispute accuracy of record of meeting between developer and AHWG in 2007.

#### **4.5 Heath and Hampstead Society-**

S106 obligations exist which require restoration of Athlone House and explicitly seeks to prevent its demolition; condition has been allowed to deteriorate due to neglect of above obligations. Economic cost of satisfying this obligation is irrelevant; restoration costs are questioned and it is suggested that such a restored house would be equally viable. Loss of house would damage character of heath and conservation area; it has significant historical and architectural interest.

New house is 2.5 times size of existing house, an excessive increase, and contrary to criteria for development on MOL. Disagree with interpretation that this application is an amendment to previous permission for whole site- application site is now solely for House and is no longer a "major developed site"; in any case it also does not comply with PPG2 Annex C criteria as the scheme has a materially greater impact on character and openness of MOL.

Size, scale, architecture, setting, detail and materials proposed for new house have negative impact on landscape of Heath and it will be more intrusive and conspicuous than existing house. No justification given for excessive carparking and no evidence to show impact on hydrology

- 4.6 Highgate Society  
refer to AHWG comments (summarised above) of which this Society is signatory; also they comment in detail how the scheme does not address the various criteria in PPG15 on demolition and how it conflicts with criteria in PPG2; consider “Statement of Community Involvement” to be worthless as a reflection of any meaningful “community involvement”; request that Camden insists now upon immediate action to ensure house is maintained in secure and sound condition until it is restored, as they are concerned at absence of security personnel and fire detection system.
- 4.7 Save Britain’s Heritage-  
regret that building is not listed as it is a major landmark and a vigorous composition and contributes to CA character; unfortunate precedent to agree demolition when applicants have enjoyed major planning gain. If application is approved, it should be on basis that substantial sum is made available for benefit of heath and local people.
- 4.8 Victorian Society-  
existing house is local landmark and makes strong positive contribution to character of CA due to its position on edge of heath and its architectural and historic interest; also played important role in 2<sup>nd</sup> World War. Consider building should be reassessed for listing. Concerned that applicant has allowed building to fall into neglect as a precursor to justification for demolition on grounds that restoration is not economically viable. Building is at risk and visibly deteriorating for several reasons, and they recommend that an Urgent Works Notice is served to require remedial action.
- 4.9 Hampstead Garden Suburb Residents Association  
views and amenities of heath will be adversely affected by proposals; conditions of permission and associated S106 would be blatantly flaunted if permission were granted as it requires restoration of house; floorspace of new house is more than twice area of existing house in contravention of MOL policy; new house would be highly intrusive to heath in size, scale and detail.
- 4.10 Grove Terrace Association  
yet another example of developers trying to flaunt planning regulations, in this case on particularly sensitive land visible from many vantage points across heath; House must be restored in accordance with planning conditions; new house would increase footprint by 250% in contravention of regulations; new house would be appallingly intrusive and visible, its scale inappropriate and detrimental to rural surroundings.
- 4.11 Better Archway Forum  
disturbed that undertaking to refurbish house has not been enforced and that social housing was provided off site. Concerned that much larger building is proposed which will dominate open space; totally inappropriate that such a building should be permitted.
- 4.12 Hornsey Historical Society  
existing building, although altered, makes important contribution to character of area and replacement modern building will detract from appearance and character



of heath and result in loss of MOL.

### **Other bodies**

4.13 City of London (Superintendent of Heath)-

- refer to the Highgate Conservation Area Appraisal and its reference to the importance of Athlone House in contributing to the character of this CA and to the pressure for replacement of dwellings by larger luxury ones of potentially inappropriate scale and design. Demolition thus should accord with criteria in PPG15 for demolition in conservation areas and consider insufficient information has been provided to justify demolition. No evidence provided to show how circumstances have changed since the last scheme whereby costs of refurbishment were deemed acceptable. No evidence to determine validity of Dr Miller's argument, or to show how existing house can be adapted to overcome shortcomings identified in Market report.

- refer to current visibility of House from heath in autumn and winter months.

Concern that views in visual impact assessment have NOT been agreed with City of London despite claims by consultants nor with local authority; concerns with methodology used in this assessment and disagree that heath is an area of low sensitivity to change. Consider the new house will have a negative impact on heath in views 1 and 2 from west and will be more prominent due to form, massing and materials, detracting from openness of heath.

- refer to need to protect MOL in accordance with advice in PPG2. Consider that the new house is materially larger in floorspace from existing house and that massing is greater than existing due to bulkier roofline and grand elevations, hence more prominent from heath.

- No reference to how proposed basement will affect hydrology of heath- need groundwater modelling and trial pits to ascertain impact of development. Concern that proposed large basement might potentially have an impact on the hydrological functioning of water on the Heath and its ponds.

4.14 Haringey Council-

object on basis that house makes positive contribution to character of conservation area and adjoining locality and its demolition would be contrary to PPG15.

4.15 National Heritage Nature and Environmental Preservation Society-

House does make positive contribution to character of conservation area and heath and demolition would be harmful to this. Dr Miller's report needs to be viewed highly sceptically; house has attractive architectural composition with many original features. Replacement scheme is Stalinist in conception and appearance and is of uninspired design as a classical pastiche; scale bulk and massing is harmful to conservation area and heath setting; design confused and contrived; in breach of requirement for development on heath (ref Garden House judgement). Thus permission and CA consent should be refused.

4.16 Thames Water-

comment on drainage impact; no objection to sewerage infrastructure.

4.17 CABE-

comment that they are unable to review scheme due to lack of resources.

## Adjoining Occupiers

	Original
<i>Number of Letters Sent</i>	<b>64</b>
<i>Number of responses Received</i>	<b>543</b>
<i>Number in Support</i>	<b>00</b>
<i>Number of Objections</i>	<b>543</b>

4.1 Objections include 2 from Lynne Featherstone, MP for Hornsey and Wood Green, and Lyn Weber, Councillor for Crouch End ward in Haringey.

4.2 All object on similar grounds as above, namely (the 1<sup>st</sup> five issues are the most quoted)–

- \* existing building is well-known feature in views from heath, landmark building rich in architectural detail and history, makes positive contribution to conservation area; capable of restoration and needs to be kept for future generations to enjoy.
- \* proposed building is excessively large and prominent, intrusive and visible from heath; “hideous palace”, “eyesore”; inappropriate size, scale, detail, style and colours.
- \* Camden must enforce S106 requirements for restoration of House- this must be honoured despite house and part of grounds sold off; salami-slicing technique by developer and deliberate flouting of legal responsibilities unacceptable.
- \* disregard of conditions, abuse of planning process to ignore them, having benefitted from previous permission by building luxury flats; owner should have known about conditions when purchasing property.
- \* contravenes rules for development on MOL/POS, exceeds footprint and floorspace of existing house by 2.5 times; reference to Garden House judgement; rules exist to protect majority of people who wish to retain character of heath from minority of developers.
- heavy traffic and construction nuisance.
- affects underground water and natural habitats.
- unsustainable to demolish sound building and rebuild huge energy-wasteful structure; costly and wasteful in material, energy and pollution.
- permitted luxury blocks of flats are already ugly and blot on landscape.
- 8 bedroom mansion totally inappropriate in current circumstances.
- precedent set for other developers to flout conditions and build billionaire homes around heath.
- out of character with setting of Kenwood and Heath.
- urge Camden to disregard Dr Miller’s advice which downplays importance of house and brings into question his professional judgement.
- concern at lack of security and safety of House, despite obligation to keep it secure.
- circumstances unchanged since 2007.
- concern that Camden are not enforcing original conditions to restore property and are giving into developers by accepting submission of planning application.
- “Robert Adam project displays all the hallmarks of self-indulgent grandiloquence and reckless megalomania...whereas the old villa...shows considerable restraint and nobility”.
- new construction will be blot on landscape of heath and demolition will be travesty, to be compared in future with demolition of Euston Arch.

## **5. POLICIES**

Set out below are the UDP policies that the proposals have primarily been assessed against, together with officers' view as to whether or not each policy listed has been complied with. However it should be noted that recommendations are based on assessment of the proposals against the development plan taken as a whole together with other material considerations.

### **Camden Replacement Unitary Development Plan 2006**

- 5.1 SD1 quality of life
- SD2 planning obligations
- SD4 density
- SD6 amenity
- SD9 resources and energy
- H1 new housing
- H2 affordable housing
- H7 lifetime homes and wheelchair housing
- H8 mix of units
- B1 general design principles
- B6 listed buildings
- B7 conservation Areas
- B8 archaeology
- N1 Metropolitan Open Land
- N2 protecting open space
- N3 protecting open space designations
- N4 providing public open space
- N5 biodiversity
- N6 nature conservation sites
- N7 protected species and habitats
- N8 ancient woods and trees
- T3 pedestrians and cycling
- T7 off street parking
- T8 car-free housing
- T9 impact of parking
- T12 works affecting highways

### **Camden Planning Guidance**

- 5.2 Highgate Conservation Area Appraisal and Management Plan (CAAMS) (adopted December 2007)

### **National guidance**

- 5.3 PPG2 Green Belts
- PPG15 Conservation Areas
- PPS3 Housing
- PPG13 Transport

## **6. ASSESSMENT**

- 6.1 The principal considerations material to the determination of this application are summarised as follows: acceptability of scheme in relation to landuse policies on

development on MOL, density and affordable housing; demolition of building in conservation area; bulk, height, footprint and design of new building; impact on conservation area, open spaces and heath; landscape and biodiversity; hydrology; sustainability; parking; archaeology.

### Proposal

- 6.2 The current building is dilapidated and is considered by the agents to be not worthy of retention or reuse as a family house for their clients. Accordingly they propose the demolition of the house and its replacement by a new mansion in a symmetrical neo-classical style designed by Robert Adam architects. It will be on the same footprint and location as the existing house and have a square floorplate and 3 storeys with a flat roof somewhat higher than the ridge of the existing house; the 4 corners of the house will have domes and there will be a 1 storey tower with turret feature on the northern façade, to be no higher than the existing tower.
- 6.3 The house will contain 8 double bedrooms on upper floors arranged around a central atrium, and extensive reception rooms plus ballroom on the ground floor. In addition 2 separate outbuildings will be provided to the north side containing 3 x 1 bedroom 2 person staff cottages and 2 x 2 bedroom 4 person guest cottages. These will be purely used as ancillary accommodation to the main house; it is assumed throughout this report that they will not form independent Class C3 dwelling units.
- 6.4 The space between these cottages and the main house will be hard- surfaced to form an entrance to the new house. Underneath the whole complex will be a basement storey containing an underground carpark for 18 cars, accessed by ramp on the north side of the staff cottages, plus cycle parking, swimming pool, gymnasium and media room. The total floorspace (GEA) would be 4131 sqm.
- 6.5 Substantial landscaping is proposed throughout the remainder of the estate, as outlined in para 6.78 below.
- 6.6 The scheme contrasts with the approved scheme of 2006 as follows- this involved retention of the main building to provide a 7 double bedroomed dwellinghouse, with demolition of all postwar extensions on the north side and restoration of all architectural features; erection of a new conservatory addition on the NW corner; erection of a separate 2 storey garage block to the north comprising 6 carspaces plus staff accommodation above; 9 external carspaces on a forecourt. The total floorspace (GEA) (including the 2 storey garage block) was 2543 sqm.

### Background

- 6.7 The approved adopted planning brief gave guidance on the future development of this redundant hospital site. Accordingly permission was granted in 2005 (see history above) for retention of the main house and 3 cottages on Hampstead Lane and development of 3 blocks of flats in the grounds, plus a S106 legal agreement ensuring provision of affordable housing and land donated to the heath in accordance with the requirements of the planning brief. In particular the brief and subsequent permission was predicated on the retention and restoration of the main House as a single family dwelling house.

- 6.8 The permission has partly been implemented in terms of building the new blocks of flats and demolition of all redundant postwar buildings. However the conversion of the 3 remaining cottages plus Athlone House itself has not taken place. The clauses of the S106 have been discharged in terms of delivery of affordable housing, donation of land to Hampstead heath, and educational financial contributions, but the 2 clauses on submission of a landscape management plan and restoration of the House are still outstanding.
- 6.9 As a key aspect of the scheme was the restoration of the main House, the S106 required 2 schemes of works to be carried out to the House itself. Phase 1 works involve making the House wind- and water-tight; however in reality only a minimal amount of maintenance works have been carried out to comply with this. Phase 2 works involve a more extensive programme of renovation works to restore the House back to a dwellinghouse (ie. to implement that part of the 2005 permission relating to the House), which should be completed by 42 months from commencement of development on site. This means that the period would expire on November 2010. No such works have yet taken place.
- 6.10 The current application is essentially identical to the schemes proposed before as part of the pre-application meetings held in 2006 and 2008 (see para 3.6 above). The key difference is that the tower has been reduced in height by one storey so that the highest point of the turret matches that of the existing House's turret, in order to comply with PPG2 criteria on rebuilding on MOL (see Landuse policy section below for discussion). The proposals for demolition and redevelopment of Athlone House clearly conflict with the legal agreement clauses as explained above. Furthermore the proposals conflict with guidance given in the adopted planning brief which states that buildings making a positive contribution to the conservation area, such as Athlone House, must be retained.
- 6.11 It can be seen from the tenor and number of public consultation responses (summarised above) that the new application has generated significant opposition from over 500 individuals (either neighbours or users of the heath), local amenity societies surrounding the heath, and many national heritage organisations, primarily for 4 reasons- demolition of an important building in the conservation area; its replacement by a new poorly designed and more intrusive building; inappropriate impact on MOL and heath; and disregard of legal requirements in the previous permission for restoration of the House. The demolition of the House in particular appears to go to the very heart of the principles established by the original planning brief and subsequent planning permission for redevelopment of this site which required the restoration of the house plus 3 cottages; furthermore the erection of new blocks of flats in the grounds was allowed on the basis of this restoration, alongside the contributions made to affordable housing and heath land, as part of an overall balanced and complete package for the whole estate.
- 6.12 It should be emphasised that officers have made it clear to the applicants, at both pre-application meetings held in 2006 and 2008 (see para 3.6 above), that the Council would resist demolition of the House which could not be justified according to the tests of PPG15. Officers have also repeatedly reminded the applicants the requirements of the S106 to maintain and ultimately restore the house, the deadline of which is now imminent in November 2010. Legal advice has also been sought on what action can be taken in the meantime to enforce such restoration works

pending the determination of this application.

### **Landuse policy issues**

#### **Metropolitan Open Land designations**

- 6.13 London Plan policy 3D.10 confirms that MOL has the same level of protection as Green Belt, and there is a presumption against inappropriate development. UDP policy N1 deals with Metropolitan Open Land (MOL). It lists appropriate uses, but only deals with dwellings in terms of "the limited extension, alteration or replacement of existing dwellings". Its accompanying paragraph refers to PPG2 for further guidance, which deals with Green Belts. No reference is made to *major developed sites in the Green Belt* (or *Metropolitan Open Land*). References in this report to Green Belt should be read as being to MOL since the Green Belt policies of PPG2 apply.
- 6.14 Athlone House was included in the UDP Schedule of Land Use Proposals as Site no. 1 in 2006, and this was saved as a policy in 2009. Although it has not been designated explicitly as such, Athlone House is/was *de facto* a major developed site. This was accepted by the officer report on the first application for development here, which assessed the proposal against PPG2 para 3.4 and annex C paras C3 and C4, which set out criteria for redevelopment of major developed sites. The applicants in their Planning Report have therefore assessed the scheme as an amendment to the previous planning permission (and indeed described it in their original application form as such), and analysed it against these tests.
- 6.15 However it can be argued (and this is the stance taken by local groups) that the site has now been developed by virtue of the previous permission (ie. the erection of new blocks of flats and demolition of all redundant postwar buildings) and this is no longer such a development site, thus the proposal should be assessed afresh as purely a proposal to demolish and replace a dwelling house. It is assumed that the House now has a lawful use as a Class C3 dwelling house by virtue of the partly implemented permission for change of use and redevelopment of the whole estate in C2 use. Hence the scheme should be assessed and determined against PPG2 para 3.6 on replacement dwellings (which was the criteria used for the Garden House High Court judgement). Furthermore it can be argued that the site cannot be assessed as a redevelopment site, as the application (despite its original description) has not been registered as an amendment to the previous planning permission for the whole site (nor could it be ever considered as such) as it is materially different from it, ie. it involves demolition of an important building in the conservation area specifically required to be retained in the planning brief. Also the application site plan shows its red line solely around the House, and the remaining part of the estate has been sold off to another party.
- 6.16 Given the difference in opinion between the applicants, Council and local groups, the scheme is assessed below against both interpretations of PPG2.
- 6.17 The Council considers that the scheme comes within the category of new/replacement buildings within Green Belts, and therefore it must meet the criteria in **paras 3.4 and 3.6 of PPG2** as follows.  
Paragraph 3.4 states that *the construction of new buildings in the Green Belt is*

*inappropriate unless it is for the following purposes...including limited extension, alteration or replacement of existing dwellings (subject to paragraph 3.6 below). Paragraph 3.6 states that... the replacement of existing dwellings need not be inappropriate, providing the new dwelling is not materially larger than the dwelling it replaces. Development plans should make clear the approach local planning authorities will take, including the circumstances (if any) under which the replacement dwellings are acceptable.*

- 6.18 Firstly, as noted already above, the UDP refers to the adopted planning brief which identifies which buildings should be retained on this site. Policy LU1 only permits alternative forms of development where it accords with other relevant UDP policies. Finally policy B7 states that consent shall not be granted for demolition of unlisted buildings that make a positive contribution to the character of the conservation area unless there are exceptional circumstances- Athlone House is identified in the Highgate CAAMS as a positive contributor. There are no identified circumstances which suggest that the replacement of Athlone House can be acceptable in principle.
- 6.19 Secondly, the UDP does not give a definition of the term “materially larger” or any general guidance on how much larger a replacement dwelling can be. However in the Garden House case in 2007, the High Court quashed the Council’s decision to grant a replacement house on the grounds that it was materially larger by being 3-4 times its original floorspace and therefore by definition “inappropriate”, irrespective of its visual impact on the openness or character of the MOL. The High Court judgement on the Garden House case concluded the following in relation to the exercise of assessing the relative size of the existing and replacement dwellinghouse. The most relevant dimensions used would be dependent on the nature of the case but could include floorspace, footprint, volume, height, width etc. to give an indication of size and bulk. However it was stated that *“in most cases floorspace will undoubtedly be the starting point, if indeed it is not the most important criterion”*.
- 6.20 It is significant to note that this Committee also more recently refused permission for a subsequent scheme for replacing the Garden House on grounds that a 10% increase in floorspace was still materially larger and thus inappropriate (ref 2008/5684/P).
- 6.21 In this case, the existing footprint of Athlone House as it currently stands is approx 853 sqm, whereas the proposed footprint is 1307 sqm, which represents an increase of 53%. In floorspace terms (GEA), the approved restored house itself is 2260 sqm, with an extra 283 sqm (totalling 2543 sqm) for the separate garage block. This contrasts with the new proposed house (with basement carparking and separate staff and guest quarters) which is 4131 sqm- this represents an increase of approx 83% over the existing house or 62.4% over the approved house with garage block. It is therefore readily apparent that the new scheme is materially and significantly larger, in both floorspace and footprint terms, than the existing house. Thus it fails to comply with the PPG2 test and is considered to be “inappropriate” development.

- 6.22 A comparison of volumes is almost impossible to calculate, due to the complicated profiles of both houses as existing and proposed, including various pitched roofs, gables, domes and canopies, and thus this dimensional criteria is not used.
- 6.23 If however one agrees with the applicant's interpretation that the scheme comes within the category of redevelopment of a major existing developed site, it must meet the criteria in **para C4 of PPG2** as follows-  
*Redevelopment should:*  
*a) have no greater impact than the existing development on the openness of the Green Belt and purposes of including land in it, and where possible have less;*  
*b) contribute to the achievement of the objectives for use of land in Green Belts;*  
*c) not exceed the height of existing buildings;*  
*d) not occupy a larger area of site than existing buildings.*
- 6.24 Officers consider that the scheme primarily fails to meet criteria (a) above: the new building with its greater bulk (both actual and perceived), design and use of materials is considered to have a greater and more intrusive impact on the surrounding MOL and Heath than the existing house and thus harms the open character of the heath and surrounding land as seen from several viewpoints. This issue is discussed further below under the design and landscape sections.
- 6.25 The previous permitted scheme contributed to the objectives of the MOL and in particular the heath by virtue of maintaining/enhancing its landscaped setting and donating part of the estate to the Heath; the new scheme does not alter this and thus it is considered that criteria (b) is satisfied. The new building does not exceed the height of the existing house (and indeed is slightly below its turret feature), which is the highest building now on the site, hence criteria (c) is satisfied.
- 6.26 Finally in relation to criteria (d), the footprint (in GEA) of the new building is 1307 sqm. This is considerably greater than that of the existing House as it stands now (853 sqm) as well as greater than that approved for the House (ie. existing building plus conservatory extension and separate garage block) which is 994.5 sqm. Thus the proposal contravenes this criteria. However if one includes all other and previously existing, but now demolished, buildings on the whole estate, officer's estimates show that the overall footprint is lower- ie. the "existing" total footprint (prior to redevelopment) was 4962 sqm according to the planning brief; the approved footprint (with demolition and new blocks of flats) is 3612.5 sqm, estimated from the approved plans; the now proposed footprint, taking account of this replacement building, is 3925 sqm- this total is still lower than the previously existing total.
- 6.27 It should be further noted that para C4 refers to the need for planning authorities to identify developed sites in their development plans and set out a policy for such redevelopment, by preparing a site brief. Furthermore para C7 refers to the need for proposals for partial redevelopment to be put forward in the context of comprehensive longterm plans for the whole site. In this case, a planning brief has been prepared and adopted and it identifies the need to retain and restore the 3 cottages and Athlone House itself. Finally para C11 confirms that reuse is preferred to redevelopment where buildings are of architectural or historic interest. This para refers to listed buildings and to advice in PPG15- para 4.27 of this PPG confirms



that positive contributors in a Conservation Area are treated in the same way as listed buildings where demolition is proposed.

- 6.28 The UDP Schedule of Land Use Proposals refers to the 1999 planning brief, and notes that "redevelopment of the site should be confined to the replacement of sub-standard buildings". The Brief explicitly listed constraints and opportunities by requiring the removal of all postwar hospital buildings and the retention of the positive contributor buildings, ie. 3 cottages and Athlone House. Thus the proposal is considered to contravene PPG2 advice in terms of ignoring the requirements of the planning brief.
- 6.29 In conclusion, it is considered that, whichever interpretation is taken from PPG2, the proposed development fails one or more tests of PPG2 for appropriateness of development on Metropolitan Open Land.

#### Open space designations

- 6.30 The site lies on Private Open Space and adjoins a Public Open Space, ie. Hampstead Heath. Thus UDP policy N2 is relevant.
- 6.31 Policy N2A resists development on open space unless it is ancillary to a use taking place on the land. This is consistent with the statement in the Schedule of Land Use Proposals that redevelopment of the site should be confined to the replacement of sub-standard buildings. No specific guidance is given in N2 on redevelopment. However in the justification, it states that development should be small in scale and not detract from the openness of the open space. Policy N2B also states that permission will not be granted for development bordering open space that is considered to cause harm to its wholeness, appearance and setting.
- 6.32 In this case, it is considered that the replacement house by virtue of its increased scale, bulk and bold design will be more intrusive than the existing house and will have a harmful impact on the open rural character of both the private open space on which the building sits and also of the adjoining private and public open spaces such as Highgate playing fields and the Heath. This is discussed further below in the Landscape section.
- 6.33 In relation to the provision of additional public open space and protection of the nature conservation importance of the site, in accordance with UDP policies N4 and N6, measures have already been taken to address this under the previous approved scheme. However there is concern at the possible harm to protected species- this is further discussed in the Biodiversity section below.

#### Density

- 6.34 The UDP gives criteria for considering density in policy SD4. It seeks to make full use of the potential of the site. Similarly, H1 seeks the fullest possible residential use of vacant and underused sites and buildings. Para 2.13 suggests that minimum density should be 50 dwellings per hectare. Para 1.38 refers to the London Plan's density matrix (now table 3A.2). Under the density matrix, the site would presumably fall into the cell representing the poorest PTAL rating for a suburban setting. This suggests 150 to 200 habitable rooms per hectare (HRH) as an

appropriate density, varying from a maximum of 75 units per hectare for small dwellings to a minimum of 35 units per hectare for larger dwellings.

- 6.35 The original approved scheme involved 27 dwellings (including converted buildings) on the entire 4.85 ha site, which amounted to 5.6 dwellings per hectare. The Committee report on this application stated that designations and proximity to Hampstead Heath rendered the site as one of special character and requiring exceptional design and sensitivity in redevelopment. It concluded that this proposal provided the maximum density appropriate for the site. The Committee report also notes "the proposal to return the building to its original single family residential use is to be welcomed and is likely to retain more of the original features and character than other possible uses". The GLA's report of 10.11.04 on this application did not address density, and did not identify density as a relevant strategic planning issue. The report welcomed the restoration of Athlone House.
- 6.36 The current proposal involves a single dwelling on a site of 2.74 ha, notionally 0.36 dwellings per ha. The number of habitable rooms of both the house and ancillary cottages is approx 26, although this is misleading as the rooms (especially the ballroom) are vast and cannot be meaningfully compared to an average dwelling house. The resulting density of 9.5 habitable rooms per hectare is extremely low as assessed against the density matrix figure of 150 - 200 HRH. Clearly, the density cannot be increased by increasing the height or footprint of the development – this would conflict with PPG2 para C4, and would be inconsistent with statements on density within the report on the original proposal. Furthermore, the Committee report on the original scheme has already welcomed the use of the refurbished Athlone House as a single dwelling on the basis of heritage benefits.
- 6.37 However, in the context of a new building in place of Athlone House, it would be physically possible to provide more dwellings within the same development envelope. It therefore necessary to assess whether a new single house (with ancillary accommodation) providing very much in excess of 3,000 sq m is more appropriate than an apartment block providing several flats. An apartment block at this scale could potentially be designed to provide up to 30 flats, assuming each flat has a modest floorspace. Even allowing for large apartments close to the scale of those in the new blocks adjacent, more than 10 flats could be accommodated. In each case, the density would still fall considerably below the lowest figure given in the London Plan density matrix.
- 6.38 A new single dwelling might be more appropriate if: (1) an apartment block would not be viable; (2) the location is not appropriate for additional housing development; or (3) the purpose of environmental designations would be better served by a single dwelling.
- 6.39 (1) Viability - in the current market, it is possible that an apartment block scheme would not be viable, given the difficulty with finance for development and mortgages. A single dwelling could potentially be sold in advance to a wealthy occupier.
- (2) Appropriateness for additional housing- the UDP does not give guidance on the location of new housing development. PPS3 identifies relevant factors as sustainability/ access by means other than the private car, potential for

decentralised energy, physical environmental and biodiversity issues, and accessibility to facilities and services, including public transport (para 38). PPG13 notes that housing should be accessible to jobs, shops and services by modes other than the car, but also avoid inefficient use of land (paras 14 and 16). In Camden terms, the Athlone House site does not perform highly against the PPS3 and PPG13 criteria for the location of additional housing, but the site has been allocated for residential development in the UDP Schedule of Land Use Proposals, and 22 new apartments have already been developed.

(3) Environmental designations - MOL, open space, SNCI and the Conservation Area. It is arguable that an apartment block scheme would be less able to protect and enhance the character of the area than a single dwelling.

- 6.40 On balance, officers consider that there may be a case for preferring a single dwelling to an apartment block, and therefore the exceedingly low density would not necessarily constitute a reason for refusal. However, it is also considered that the site has the capacity to accommodate an apartment block of more than 10 dwellings, especially given the precedent set by the development of 22 apartments adjacent under original permission.

#### Affordable housing

- 6.41 The planning report submitted with this application argues that affordable housing has already been provided in line with the S106 for the development of the site as a whole, and concludes "since the remaining proposals do not materially alter the overall content of the permitted scheme in replacing the refurbishment of Athlone House as a dwelling house with a new purpose-designed dwelling house, it is not considered any additional provision for affordable housing is justified" (para 5.2.2).
- 6.42 It is accepted that affordable housing has been provided to the full extent that was justified in connection with 2003/2670/P, and that this includes an affordable housing contribution arising from the refurbishment of Athlone House. However, there are four considerations that would justify seeking additional affordable housing:
- 6.43 (1) The size of the development now proposed has capacity for 10 homes, and would trigger London Plan policy 3A.11 and UDP policy H2. An apartment block on the scale of the replacement Athlone House could accommodate up to 30 modest dwellings, and on the basis of the apartment blocks already on site could certainly accommodate more than 10.
- 6.44 (2) Given that an affordable housing contribution has already been made, it may be appropriate to consider the difference between the refurbishment scheme and the replacement scheme. The proposed floorspace (GIA) of the refurbished Athlone House was 1,769 sqm, compared with 3,792 sqm for the newly proposed replacement (albeit including 986 sqm basement). The additional floorspace (at 2,023 sqm) proposed exceeds 1,000 sq m and would still exceed 1,000 sqm if the basement was excluded.
- 6.45 (3) Even if 1,000 sqm is not sufficient floorspace for 10 dwellings in this location (where dwellings tend to be large), the demolition and replacement of Athlone

- 6.46 (4) The quantum of affordable housing agreed in connection with 2003/2670/P was assessed on the basis of an appraisal showing that the financial viability of the scheme was poor. Clearly, the original viability appraisal does not reflect the current proposal, and does not reflect the current economic situation.
- 6.47 If a viability appraisal was available, it might show that the current proposal was unable to make any further affordable housing contribution; however the applicant has not sought to demonstrate that this is the case. If the proposal was to be recommended for approval, a financial viability appraisal would be sought. If an affordable housing contribution was found to be viable, it is anticipated that an off-site contribution would be acceptable. In connection with the previous scheme, it was accepted that an off-site contribution was appropriate, given the poor financial viability of the development, high service charges arising from management of the estate, and the additional quantum that could be achieved off-site. In the context of the new proposal, it is doubted that on-site affordable housing would be an attractive solution in terms of service charges, the impact on the value of the market dwelling, and the relative remoteness of the site from jobs and services.
- 6.48 It is concluded that in the context of the previously approved scheme, the absence of either an additional affordable housing contribution, or a financial viability appraisal demonstrating that an additional affordable housing contribution is not possible, means that the scheme is unacceptable as it fails to make a contribution to the supply of affordable housing appropriate to the additional development proposed.

#### Residential standards

- 6.49 The new mansion amply complies with all CPG standards in terms of floorspace for a 16 person unit, sizes of rooms, adequate daylight and sunlight, outlook and ventilation. Adequate space is also available for refuse and recycling storage. Similarly the ancillary accommodation is acceptable.
- 6.50 The proposals are stated by the applicants to meet Lifetime Homes standards owing to meeting Part M plus inclusion of lifts to all floors and corridors and doors wide enough for wheelchairs. However no detailed statement or checklist has been provided to show how the scheme complies with all 16 individual Lifetime Homes criteria and parts of the scheme may not comply, eg. plans for the mansion do not appear to show a fully accessible entrance-level WC or a level threshold at the entrance in the mansion, and plans for the staff accommodation do not provide entrance-level WC's or entrance level spaces that could be used as bedspaces. However the mansion's internal spaces are generous enough for design adjustments to meet the criteria, and the ancillary accommodation is presumably not intended for permanent occupation.

#### Sustainability

- 6.51 For developments of 1000 sq m or more or 5+ dwellings (ie. not only for “major developments”), current UDP policy SD9 and CPG section 44 seek Code Level 3 under Code for Sustainable Homes, with at least 50% of available credits for energy, water and materials.
- 6.52 A Code for Sustainable Homes pre-assessment has been submitted. This predicts Code Level 3 overall. Credits would exceed 50% for energy and water, but only achieve around 20% for materials- the latter criteria should be improved in its performance. In the event of granting permission, it would be subject to a S106 to secure a design stage assessment and post-construction review achieving at least Level 3 plus at least 50% energy credits and at least 50% plus the highest practicable percentage of materials credits. The absence of a S106 agreement to secure level 3 of the Code for Sustainable Homes would constitute a reason for refusal.
- 6.53 The submitted Planning report states that the proposed replacement dwelling house would includes provision of a biomass boiler, solar heating panels and ground source heat pumps, which is to be welcomed. The Sustainability Strategy statement proposes a biomass boiler (to create a saving of 12.8%); it also considers ground source heat pumps (a further 5.9%) and refers to solar water panels (which could add 0.7%). Together, these measures could generate 19.4% of the estimated energy usage. This almost meets the London Plan policy 4A.7 which gives a target of 20% carbon reduction from on-site renewable energy, even though this scheme is not required to do so as it is not a “major” development.
- 6.54 These measures would be secured by a S106. However it is noted that renewable energy generation is needed to achieve the predicted energy credits in the Code for Sustainable Homes’ pre-assessment – on that basis, it would be appropriate to refer to on-site renewable energy generation within a reason for refusal referring to Code for Sustainable Homes.

### **Conservation and design issues**

#### **Value of existing building**

- 6.55 Athlone House was built as a single family house in 1871 by Edward Salomons for Edward Brooke, a prominent industrialist and MP. The house is a picturesque composition of red/brown brick with stone dressings. Its lively roofscape, characterised by a tower, gables and cupola, and well-modulated elevations create significant visual interest. Whilst the house is visible in long views from the Heath and Kenwood, its broken roofline, asymmetric form and the mellow tones of its facing materials allow it to sit comfortably amidst the tree cover.
- 6.56 The building remained as a single dwelling until WWII when it was converted to a hospital. After the war the building remained in institutional use and this period saw the addition of a series of unsightly structures to the north (now demolished) and a range of unsympathetic alterations to the fabric of the building, particularly its external elevations. These included the simplification of the original Dutch gables, the truncation of the prominent chimneys and the modification of the tower. Despite some loss of architectural detail, the building is identified within the Highgate

Conservation Area Statement (2007) as making a positive contribution to the character and appearance of the Highgate Conservation Area.

- 6.57 This status in the townscape is supported by “The Standing Building Assessment” by the Museum of London which states “the 19thC. buildings... are of local importance and make a strongly positive contribution to the character and appearance of the conservation area”. The value of this mansion is supported by English Heritage’s Listing Adviser’s Report (Sep 2009) which states “losses have subsequently been sustained by the exterior, which just tip it over the balance of being listable...One rejects a building of such character for listing with a heavy heart...”.
- 6.58 The applicants have submitted a report by Dr Mervyn Miller which assesses the contribution of the existing building to the character and appearance of the conservation area, with reference to the English Heritage criteria set out in their document ‘Guidance on Conservation Area Appraisals’ (2006). The conclusion reached is that it makes “...no more than a marginal positive contribution.”
- 6.59 In the officers’ view, when assessing these criteria, the author fails to take a balanced view or to concede the building’s positive attributes even where readily apparent. For example, in addressing criteria (iv) the report concludes that the building “...does not give any tangible reminder of the gradual growth of Highgate..” This overlooks any contribution the building makes to the area’s social and architectural history, or to the significance of this type of house in the capital’s long tradition of wealthy retreat from the city to the hills of Hampstead and Highgate. Furthermore, in answer to criteria (vi), the landmark quality of the building is glossed over, giving little weight to the long distance views of the building from the Heath and Kenwood. These are described as taking in only its roofscape and outline; however views 1 and 2 in the submitted Visual Impact Assessment studies clearly show the elevations of the building.
- 6.60 The report correctly draws attention to the proviso in the English Heritage criteria. This is clear that any one of the tests could provide the basis for considering that a building makes a positive contribution, provided its historic form and values have not been seriously eroded. However, once again the submitted report fails to acknowledge the building’s self evident qualities, and is emphatic that it is so debased, and its character so eroded that its contribution is marginal.
- 6.61 The Council fully appreciates that the building has suffered whilst in institutional use and that its interiors have been damaged. It is acknowledged that a number of its external decorative features such as the gables and chimney stacks have been crudely altered. However, the analysis submitted would suggest that the building is so altered that its character is no longer recognisable, stating that “...what remains is of greatly devalued intrinsic importance.” Whilst undoubtedly the visual variety and exuberance of the building has suffered, particularly with regard to the loss of decorative features at roof level, an authentic reinstatement of some or all of these items would be a relatively straightforward conservation exercise, particularly given the available photographic and illustrative evidence of the former appearance of the house.

- 6.62 Furthermore, although much is made of the loss of internal features and plan form, this is only significant in terms of the building's eligibility for statutory listing and has little bearing on the degree to which it makes a contribution to the conservation area. Indeed, the relatively plain interior would seem to suggest greater flexibility in terms of adapting the building to a new, modern family use.
- 6.63 As part of this previous permission, the retention and restoration of Athlone House as a single family dwelling was secured and its refurbishment linked to the new development by S106 agreement, thus recognising the significance of the building and potential for its reuse.
- 6.64 In conclusion therefore, officers disagree with the applicant's assessment and consider that the existing building, in terms of its external form, roofline, detailed design and materials, provides significant visual interest and consequently does make a positive contribution to the character and appearance of the Highgate conservation area.

#### Demolition

- 6.65 Applications for Conservation Area Consent to demolish an unlisted building must be assessed in terms of the criteria contained at para 3.19 of PPG15 – it is acknowledged that these 3 tests should be applied proportionately with regard to the relative importance of the building.

#### (1) *The condition of the building, the cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use*

- 6.66 No detailed condition survey has been submitted to support the applicant's view that to refurbish the building back to a large family dwelling would "require virtual rebuilding." It is acknowledged that the building would require an extensive programme of refurbishment. A preliminary Budget Estimate has been submitted that estimates the refurbishment cost at £12m. However, no details have been submitted to demonstrate the value of the house once refurbished, thus allowing no comparative judgement to be made as to viability. Nonetheless, PPG15 is clear that consent for demolition should not simply be given because redevelopment is economically more attractive to the developer than the repair and re-use of the building nor because the site was acquired at a price that reflects the redevelopment potential rather than the condition and constraints of the existing building.
- 6.67 The submitted documents consistently adopt the position that the refurbishment of the building would be so extensive that the result would be a pastiche of the original and would not be proportionate to the benefit derived from the retention of the building. In the absence of a full condition survey, the true amount of restoration cannot be confirmed. However, it is considered that the submitted documents significantly over-state the scope of the renovation. For example, it is claimed that the north elevation would need to be rebuilt due to the damage caused by the removal of the post-war structures. However, from viewing the building on site, it is clear that only the ground floor elevation is seriously compromised and the works to the upper floors would be limited to the reinstatement of appropriate fenestration.

- 6.68 Furthermore, it is asserted that as an unlisted building there would be no waiver from the requirement to upgrade the building to satisfy Part L (Conservation of fuel and power) of the Building Regulations, and that these works would “..have a profound impact on the historic intrinsic character of the building”, thus detracting from the inherent value of refurbishment. However, document L1B states that buildings within a conservation area can also benefit from exemptions where compliance would “unacceptably alter their character or appearance.”
- 6.69 This section of PPG 15 is also clear that where a building has been deliberately neglected, less weight should be given to the costs of repair. Although some elements of the required Phase 1 Renovation Plan have been implemented, several site visits have confirmed the extensive evidence of pigeons within the building, rainwater goods, gutters and valleys that are blocked with vegetation and dry rot and decayed timber members that have not been addressed.

*(2) The adequacy of efforts made to retain the building in use*

- 6.70 The application includes a report from DTZ describing the qualities and specification expected by buyers at the high end of the London domestic property market. The deficiencies in the quality of the accommodation that would be provided by a retained and refurbished Athlone House are outlined. However, no marketing information has been submitted to demonstrate that there has been a concerted effort to find a compatible use for the property in line with the requirements of PPG15 (unrestricted freehold, open market, realistic price). The Historic Building Appraisal comments that “I do not consider that there are any realistic alternative uses for the building.” However, little weight can be given to this assessment in the absence of any sound justification or evidence.

*(3) The merits of alternative proposals for the site*

- 6.71 There is significant emphasis within the submission upon the architectural merits of the replacement scheme. However, PPG15 is clear that whilst the merits of alternative proposals for the site are a material consideration, subjective claims for the architectural merits of proposed replacement building should not in themselves be held to justify demolition. See the section below for an assessment of the merits of the replacement building. The applicant's submission concludes that the proposed new house and restored grounds would bring substantial benefits for the community. Where demolition would facilitate the wider regeneration of an area or the delivery of community facilities or services, this statement may be tenable. However, it is not clear how the replacement of a well-loved local landmark that contributes to the social and architectural history of the area could achieve such benefits. On the contrary, the retention of historic buildings, especially those that form part of the cherished local scene, is a sustainable means of preserving local distinctiveness - factors which are of significant benefit to the community. The substantial public opinion in favour of retaining this building, as evidenced by the consultation response, is testament to its perceived value by the local community.

Bulk/design of new building

- 6.72 The key consideration in assessing the proposed new building is its impact on the Highgate Village Conservation Area and the character of the Heath and its fringes.



The most significant views of the site are from Hampstead Heath, notably those from the west around Kenwood estate and from the north along Hampstead Lane.

- 6.73 The proposed house broadly follows the footprint of the existing building, although it is 4m wider running east/west and 2m wider north/south. Overlaid drawings have been submitted which seek to demonstrate that the new building is of a similar height and bulk to the existing. However, these make a misleading comparison between the ridge height of the existing building and the 2<sup>nd</sup> floor parapet height of the proposed. Although the tower of the proposed building is of a similar height to the existing, the area of significant concern is the increase in bulk created by the replacement of the current steeply pitched roof with a new entire storey of accommodation. Furthermore, on its west elevation, the basement floor is expressed, creating the impression of a four storey elevation and of significantly increased bulk.
- 6.74 The new building is designed using classical forms and motifs – the influences and sources referenced in the Design and Access Statement span over 400 years of classical architecture. Its square plan is broadly symmetrical with domed cubes to each corner and a tower rising above a porte-cochere on the north elevation. In contrast to the existing picturesque and visually varied composition, it is considered that the palatial scale, relentlessly repetitive fenestration and grandiose symmetry of the proposed building results in a composition that is clearly designed to assert itself within its context. The applicant considers that the proposed new building is ‘appropriate to its setting’. However, the use of Bath stone cladding and prominent copper domes are considered significantly more visually intrusive than the existing palette of materials which are mellowed by the patina of age and allow the existing building to sit comfortably within its wider context. Furthermore, the proposed building’s distillation of classical influences lacks any sense of its immediate architectural context or the specific character and appearance of the Highgate Conservation Area.
- 6.75 The new building will be readily apparent within the overall estate including Kenwood Place flats to the east and within the public realm of Hampstead Lane to the north, where it will be more visible and prominent than the existing House. It will also be more visible across the Highgate School playing fields within the Borough of Haringey. The new mansion, in particular its west elevation, roofscape and tower, will be viewed from the west and southwest on the Heath and edge of Kenwood estate, where it will appear as a more intrusive feature due to its bulkier roofline and lighter stone materials. However 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 views of the new building. In more distant views further south from the Heath and Parliament Hill Fields, only the tower will be visible but arguably more so, due to the lighter materials used.
- 6.76 In conclusion, the policy presumption is in favour of retaining buildings that make a positive contribution to the conservation area and the onus is on the applicant to demonstrate why, with reference to all of the tests, that this is not possible or desirable. Policy B7 of the UDP is also clear that consent to demolish positive contributors will only be granted in ‘exceptional’ circumstances. It is considered that this proposal fails to satisfy both of these policy tests.

- 6.77 In terms of the proposed replacement dwelling, this is considered inappropriate in terms of its design, materials and monolithic scale, thus failing to preserve or enhance the character and appearance of this part of the Highgate Conservation Area and of the streetscene along Hampstead Lane. More discussion of its impact on the surrounding landscape such as the heath and other open spaces is given in the Landscape section below.

#### Landscape/trees

- 6.78 The aim of the landscape proposals is to restore historic features with the existing gardens and to provide a setting for the building. The various elements which make up the landscape proposals comprise the following:
- the area of woodland to the north of the site is to be rejuvenated with a woodland walk and planting;
  - the pond, associated rockery and fernery are to be restored;
  - additional tree planting is proposed to the south western corner of the site to thicken the woodland boundary and provide screening to the building from view from the Heath;
  - plant espaliered trees to screen a 1.8m hedge on the south western boundary;
  - to plant an area of the garden terraces with fruit trees to redesign the sunken garden as a formal parterre with small ponds;
  - establish an area of acid grassland and also provide additional planting suitable for an acid soil;
  - create a pond for rainwater retention as part of a suitable urban drainage scheme for the site;
  - plant a row of trees along the boundary with Kenwood Place to screen the adjacent development;
  - plant a group of new trees to the north eastern corner of the building to screen views from Hampstead Lane.
- 6.79 These elements are generally considered to enhance the landscape character of the site. No trees would be removed as a result of these proposals.
- 6.80 The proposals are also accompanied with a Visual Impact Assessment of the proposed new building to demonstrate the impact of the proposed new building on the site and its surroundings, notably its visual impact in views from the Heath and adjacent Conservation Areas. The report seems to conclude that, because most views are distant and screened, the heath has a low sensitivity to change “where most types of development of the type envisaged could be accommodated without negatively affecting landscape/townscape character and sense of place or valued views or visual receptors”. This evaluation seems to overlook the impact of views 1 and 2 identified below.
- 6.81 It is clear from Visual Impact Assessment Photomontage Views 1 and 2 (particularly in the winter) that the proposed building will be more prominent in views from the Heath to the west, ie. the Kenwood gazebo and Caen Wood Farm Fields. View 9 shows the increased impact on views from Hampstead Lane to the north. These 3 views are considered to be detrimental to the character and appearance of the Heath and the conservation areas. In the photomontages for views much further south from Parliament Hill (View 8) and High Ground above the Men’s Bathing Pond (View 7), the tower appears more distant and less visible;

however this contrasts with what is actually apparent from the Heath where the tower seems closer and more prominent. It is also considered that the lighter bathstone materials proposed on the entire building could make the tower and roofline more visible and intrusive on the skyline, as a result of the greater contrast with the darker tree cover below, in comparison to the existing buildings' use of stone, brick and tile: this would create a further detrimental impact on the landscape.

- 6.82 It is worth noting that the selection of materials was an important aspect of the Kenwood Place development to ensure these buildings harmonised with their setting and to limit their visibility from the Heath (for information, details of sample panel of stone were approved 3.1.08, ref 2007/6041/P).
- 6.83 In conclusion, it is considered that the greater bulk, different form and brighter materials would make the building more prominent and intrusive in the landscape and thus harm the character and setting of adjoining conservation areas and open spaces such as the heath, contrary to UDP policies N2 and B7.

#### Biodiversity

- 6.84 It is noted that the site is categorised as a Site of Metropolitan Nature Conservation Importance (SNCI) in the UDP. Accordingly ecological surveys have been undertaken by the applicant and submitted as part of the current proposal to assess the scheme's impact on this. However it is considered that bat activity surveys of the property in 2007 did not meet the minimum recommendations in terms of timing, duration and visitor frequency (see Bat Conservation Trust 2007 "*Bat Surveys- Good Practice Guidelines*"). It is recognised that an internal survey has been undertaken. ODPM Circular 06/2005 states that "it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development is established before planning permission is granted, otherwise all relevant material considerations may not be addressed". Bats are mobile and it is possible for them to occupy new roosts. As it has been 2 years since the survey was completed, this does raise concerns. Bats are also identified as priority species group in the London Biodiversity Action Plan (BAP) and draft revised Camden BAP.
- 6.85 A data trawl would appear to have been carried out in 2003/04, but has not been updated. The data trawl would also have identified if there are other priority species, habitats being adequately identified in the habitat survey. It must be recognised that the details of the data search are only as good as recording onsite. It would have been desirable to also have an invertebrate survey submitted, due to the presence of priority UK BAP habitats such as acid grassland. The London Bat Group have commented to the Council's Nature Conservation officer that the Coach House is recorded on their database as having a brown long-eared bat roost in 2007. One of the key principles of PPS9 is that planning decisions should be based upon up-to-date information about the environmental characteristics of their areas. Thus, in line with best practice, if an ecological survey of the site has not been carried out in the past year, then it should be repeated. Ecological surveys should not normally be conditioned as sufficient information should be provided at the application stage.

- 6.86 Bearing in mind that this is part of an important site for protected species (bats), and that appropriate weight should be attached to protected species, it is considered that the survey undertaken is insufficient to characterise the protected species' (ie. bats') usage of the site. Thus in the absence of adequate and up to date information to demonstrate otherwise, it is likely that the new development may have a harmful impact on existing bat roosts, contrary to UDP policy N7 which seeks to safeguard protected species and their habitats.
- 6.87 The methodology employed in the reptile and habitat survey is acceptable.
- 6.88 The potential effects of a development on habitats and species listed as priorities in the UK Biodiversity Action Plan (BAP), and by Local Biodiversity Partnerships are capable of being a material consideration in the making of planning decisions. Acid grassland is a nationally, regionally and locally important habitat. The acid grassland component should be maintained and ideally increased in area. For the habitat to continue its priority status, appropriate conservation management must be implemented. It would be desirable to have details of the existing area of acid grassland in hectares/square metres, and this area after development. In addition, once the area is clarified, it would be necessary to have details of the area of acid grassland to be managed specifically for conservation purposes. Offsite mitigation should be considered where this habitat will be lost or degraded. Existing features such as acid grassland should be protected during redevelopment.
- 6.89 Further advice is given by the Council's Nature Conservation officer in the event that the scheme would be otherwise acceptable, in terms of seeking appropriate surveys, management plans, demolition methodology, and bat roost provision.

### **Transport issues**

- 6.90 Adequate space for cycle parking is available in the basement. The provision of 18 carspaces in the basement as well as additional scope for them in the ground floor courtyard is excessively over the UDP standard for 1 space per dwelling. However, even if no basement carpark was provided, it would be possible to park numerous cars in the courtyard as well as generally on this large estate. As a result, it would be very difficult to control substantial carparking on the estate. Furthermore it is unlikely that all 18 carspaces would actually be used in terms of generating that many traffic movements on a daily basis, bearing in mind that they will be serving only one family plus 3-6 resident members of staff. Finally it should be noted that the previous permission involved 15 carspaces, 6 within a garage, and thus the new scheme is not materially different from this. The advantage over the previous scheme is also that the spaces will be now at basement level thus ensuring the parking does not visually dominate the ground level and landscape. It is thus considered in the circumstances that this amount of carparking is acceptable.
- 6.91 The site only has a PTAL of 1b (very poor) as it is not within any Controlled Parking Zone. Therefore it is not appropriate to require this development to be car-free as there is no viable transport alternative to the use of private vehicles parking on-site.
- 6.92 The site is extremely large and access to the site is very good from Hampstead Lane. Therefore construction vehicles will be able to stop on site and will cause little traffic disruption. Given these points, it is considered that the scheme does not

warrant a Construction Management Plan.

### **Other issues**

#### **Archaeology**

- 6.93 English Heritage advises that the site lies in an area where archaeological remains are anticipated dating from the prehistoric and post-medieval periods. The new house with basement as well as garden landscaping has the potential to affect remains of archaeological importance. EH thus recommends that a condition be placed on any permission to secure the implementation of a programme of archaeological work.

#### **Amenity**

- 6.94 The new house will not result in any impacts on neighbouring residential amenity, due to the distances involved from other dwellings, the nearest one being the new flats in Kenwood Place over 45 metres away to the east. There will be no loss of daylight, sunlight, outlook or privacy from the new house's windows and terraces, especially bearing in mind the existing situation. The proposed plant at basement level will also not result in harming local amenity and has the potential to comply with the Council standard of being 5 decibels below background noise levels.

#### **Hydrology**

- 6.95 In response to concerns raised by the City of London, the applicants have provided further reports to address the issues of impact of development on local hydrology and ground water. These involve a desktop analysis but no further borehole investigations.
- 6.96 The report states that the construction will include a basement with a founding depth of approx 108m OD. The basement will be constructed of reinforced concrete in an open cut excavation with the soil battered back during construction. Free-draining material will be installed immediately around and below the basement to ensure any ground water reaching the basement structure will be diverted around and below it. Even at the highest level of groundwater found, the proposed basement only encroaches into it by approx 1m. The report concludes that the groundwater would simply flow around and below the basement.
- 6.97 The documents have been reviewed by the Environment Agency. They comment as follows: the reports have correctly identified that there is a definite risk of unwanted impact on groundwater flow and groundwater contribution to surface water flow in the area. In view of this the proposal suggests making provision in the design to incorporate a drainage system that would allow the through-flow of groundwater to continue to support the existing flows to the surrounding ponds. They believe that, if the suggested measure of providing an effective drainage system is properly implemented, this should minimise the level of impact to groundwater flow and also reduce the risk of groundwater flooding.
- 6.98 It is thus concluded that the development should not adversely affect local groundwater conditions provided that the measures outlined above are

implemented.

## **7. CONCLUSION**

- 7.1 This application has generated substantial opposition from residents, users of the heath, local groups and national organisations in terms of both the loss of an existing building of merit and the erection of a new larger and more prominent dwelling. The key concerns of the Council regarding the proposal can be summarised as follows.
- 7.2 Demolition of the existing building that makes a positive contribution to the character and appearance of the conservation area is unacceptable and also fails to satisfy the tests of PPG15 for demolition of unlisted buildings in conservation areas. It also is contrary to the guidance in the adopted Planning Brief for the site and also to the clauses of the S106 legal agreement attached to the previous planning permission which required the building to be retained and restored as a dwelling house.
- 7.3 The replacement house is considered inappropriate in terms of bulk, form, design and materials and is more intrusive in views from both within the conservation area and from the surrounding landscape and Heath and thus harmful to the character, appearance and setting of the conservation area and surrounding open spaces.
- 7.4 The replacement building is materially larger than the existing house and is thus considered to be 'inappropriate' development according to the test of PPG2 for new dwellings on Metropolitan Open Land. Even if the scheme is considered to be an amendment to the previous permission for a 'major existing developed site', it still fails to satisfy one or more of the PPG2 tests.
- 7.5 In the absence of adequate survey information to demonstrate otherwise, it is likely that the new development may have a harmful impact on existing bat roosts, contrary to policies to safeguard protected species and their habitats.
- 7.6 In the context of the previously approved scheme, the absence of either an additional affordable housing contribution, or a financial viability appraisal demonstrating that an additional affordable housing contribution is not possible, means that the scheme fails to make a contribution to the supply of affordable housing appropriate to the additional development proposed.
- 7.7 In the context of a refusal, the proposal is also unacceptable due to the absence of a S106 agreement securing the scheme's sustainable construction with renewable energy facilities.

## **7.8 LEGAL COMMENTS**

- 7.9 Members are referred to the note from the Legal Division at the start of the Agenda