



10A SOUTH GROVE
HIGHGATE
LONDON N6 6BS

Charles Thuaire,
Senior Planning Officer,
Regeneration and Planning,
London Borough of Camden,
Town Hall Extension,
Argyle Street, WC1H 8ND

2nd June, 2014

Dear Mr. Thuaire,

2013/7242/P – Athlone House, Hampstead Lane, Highgate N.6

Thank you for notifying us of the applicants' revised floor area calculations for the proposed redevelopment of this site. We concur with your observation that you consider the reduced basement is minor enough not to materially change the nature of the scheme. In order to avoid repetition, we would merely comment that we fully support the detailed analysis submitted on May 28th by the Heath and Hampstead Society, which clearly establishes that the applicants' reworking of their area figures, in an effort to establish that the new building would not be materially larger than the existing, is untenable.

We would underline this by adding that the applicants clearly rest their case on that part of para. 89 of the NPPF, which states that new building is inappropriate in Green Belt (equally applicable to Metropolitan Open Land) unless it is in the same use *and* not materially larger than the one it replaces. The abovementioned comments establish that it would be materially larger.

Given that the application fails that test, the applicants fail to take account of para. 90 of the NPPF, which states that appropriate forms of development in Green Belt include the **re-use of buildings**, and of the provisions of the NPPF with regard to the treatment of Heritage Assets (paras. 126 ff), which we have covered in detail in our letter of objection to you of January 8th, 2014. We consider that refusal of the application, followed by enforcement of the Section 106 Agreement to restore the house, would be fully consistent with Para. 90 of the NPPF, which post-dates the previous Inspector's decision.

We have also, in our above-mentioned letter of objection, written at length on the reasons why the application contravenes a range of other planning policies and guidance, which we summarise below:-

Demolition of Athlone House, even as a non-designated heritage asset, would cause harm to the character and significance of the Conservation Area - a designated heritage asset - which could not be outweighed by the benefits created from the development of the replacement building. Demolishing the building will destroy forever the social and physical history that the building represents. Whilst the applicants will argue that the replacement building has architectural merit, it could never enhance a well repaired and conserved original building, and the social value of the original can never be replaced. Accordingly, the proposal is contrary to the NPPF and the PPS5 (Planning for the Historic Environment Practice Guide) Revision Note June 2012.

A proposal for the demolition has to be determined in the light of the requirement in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Para. 17 of the NPPF states that great weight should be given to the conservation of heritage assets, and para. 132 states that 'any harm or loss should require clear and convincing justification'. Para.133 sets out tests against which the proposal can be assessed. It would seem that these tests have not been met with Athlone House, in that the building is eminently re-usable and that there is no substantial public benefit that would justify its loss.

NPPF Para. 129 states:- Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Para. 131 states that: In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Consideration of the demolition proposal has to be set against the benefits that redevelopment of the site would have. The challenge for the applicant is to prove that such benefit outweighs the conservation issues supporting retention of the building.

The Council must make judgement on the proposal, set against a very well defined policy framework and national policy and guidance set out in the NPPF. In particular, para. 133 states inter alia:

“Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use”.

The fact that the applicants willingly agreed to the S.106 agreement to restore the house, and implemented their planning permission for the blocks of flats prior to restoring the house, clearly demonstrates that they accepted that restoration of the house was viable.

Further, the NPPF states that, where a proposal for development would involve the demolition of an unlisted building in a conservation area, the council will have regard to the architectural and historic contribution of the existing building in considering whether the development proposal would preserve or enhance the character or appearance of the conservation area. Conservation Area consent for the demolition of a building in a Conservation Area will not be granted if the building makes a positive contribution to the character or appearance of the area. If a building makes no positive contribution, conservation area consent will be granted only if there are acceptable detailed proposals for the redevelopment of the site. It cannot be argued that Athlone House makes no positive contribution, since the Highgate Conservation Area Appraisal specifically states that the building makes a positive contribution. English Heritage themselves, in declining to List the building because of the extent of alterations, stated that they declined to list a building “of this quality with a heavy heart”, which itself demonstrates that the building still has substantial merit as a heritage asset.

The NPPF has retained the PPS5 “Planning for the Historic Environment: Historic Environment Practice Guide”. Paragraph 94 states that proposals for demolition or destruction of a designated heritage asset is very much a last resort after every option to secure a viable future for the asset has been exhausted. The fact that particular applicants or their advisers cannot conceive of a viable use for the asset, or do not want to accept a use that allows retention, does not mean that there is no such use. It is perfectly clear to any reasonable person that the building is capable of reuse.

NPPF Para. 133 states that proposals for demolition of historic assets should be tested against a set criteria which are outlined below. Some of the key questions the applicant would need to justify to achieve consent to demolish are:-

- The nature of the heritage asset prevents all reasonable uses of the site;
A. No evidence has been presented to show that Athlone House is incapable of reasonable reuse.
- There is no viable use of the heritage asset that can be found in the medium term including through appropriate marketing that will enable its conservation;

A. The applicant does not appear to have convinced the Council or demonstrated that the property has recently been advertised on the open market at a price realistic to local market conditions, and has not been receptive to exploration with others of ideas for retention and reuse as an alternative to demolition.

- The harm or loss is outweighed by the benefits of bringing the site back into use.

A. Demolition of Athlone House, as non-designated heritage asset, would cause substantial harm to the character and significance of the Conservation Area as a designated heritage asset which would not be outweighed by the benefits created by replacement with an alternative residential dwelling in the Conservation Area.

Finally, we would be grateful for your confirmation that this revision, which has not been put out to general public consultation, will in no way invalidate the 4,000+ objections which Camden have received, which were primarily on grounds of unacceptable design; of failure to abide by the S.106 Agreement after having benefitted from the consent; and the demonstrably overwhelming public wish to see the building preserved.

In conclusion, we urge Camden once again to refuse this inappropriate application as little changed from the scheme refused at appeal, and to take early steps to enforce the S.106 Agreement.

Yours sincerely,

Michael Hammerson
Planning Working Group,
The Highgate Society

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