Dear Mr Thuaire

I would like to object in the strongest terms to the proposed destruction of Athlone House and redevelopment of the site.

I am shocked and appalled that the previous owner has not been compelled to keep to their obligation to restore the house. This, to me is typical of the soulless attitude of too many "business people." Once their profit is assured, they don't care too hoots for anyone else.

Thousands of people of every income bracket enjoy the views of Athlone House every day. It adds significantly to the beauty of the views of the Heath for everyone who visits this wonderful area. The notion that all its historical significance and beautiful detail should be swept away appals me.

I have also learned that the planned mansion that will replace it will be much larger and totally unsympathetic in its proposed detail and design. This contravenes the laws on building houses in Metropolitan Open Land such as the Heath. (As a side issue, I wonder who will buy such a place? Someone who actually lives in the area, loves it for all its shared splendour, someone who regularly takes walks up to Kenwood, thankful for all the care that has been taken to maintain Hampstead Heath for the last two hundred years? Or - as I feel is much more likely - an absent oligarch?)

I do hope this terrible plan can be stopped. No sane person objects in principle to the commercial development of land. But this MUST be tempered by the considerations of conservation of buildings and areas of a outstanding value to the community. Those who undertake to conserve protected buildings in return for permission to redevelop and profit MUST be compelled to honour their obligations.

I have every faith in your good sense on this matter.

Best wishes

[redacted]

Dear Mr Thuaire,

This email is to formally object to the current application to the demolition and redevelopment of Athlone House.

I am a relative near neighbour, and often see Athlone House on my travels both along Hampstead lane, and over the Heath.

I think the building has very good architectural merit, and should be carefully refurbished to its former glory. I find it extremely difficult to agree that the building should be demolished because it is too expensive to resolve all the difficulties as a reslut of leaving the building in disrepair over many years. The owners have considerable wealth I presume, so do not believe that this factor has much to do with it. It seems they deliberately allowed to let it fall into disrepair, and if I am correct, in breach of a planning agreement. From time to time some parts of a dilapidated building can be demolished, and reproduced in identical form-architects and designers are clever people-just look at the recent Kenwood refurbishment works!

So, no, I do not want this building to be demolished, but hope and trust Camden can find some compromise to keep Athlone House as it is , or with reconstruction in like form where the structure is in serious disrepair.

Please advise the Planning Committee of this email.

Best wishes

Derek Flack

Derek Flack
Omega Project Consultants Limited
35 Hampstead Lane
London N6 4RT
Tel 44 (0) 20 8374 7005

and do not disclose the contents to another person, use it for any purpose, or store, or copy the information in any medium. Please also destroy and delete the message from your computer. Copying, distributing or otherwise making unauthorised use of this email is prohibited - and is likely to be unlawful.

Mr Thuaire

Ref 2013/7242/P

I'm writing to express my concern over the proposal for the demolition of Athlone House in Hampstead.

The original agreement with the developers would have at least preserved and improved the house but the new proposal will demolish it entirely. Not only would it be sad to see such an impressive building be lost to the area, it is also going against the original agreement for its preservation.

As a local resident, it concerns me that you are willing to overlook the concerns of the community and dismiss the heritage of the area for commercial gain. I hope that you will reconsider the second proposal for the demolition of the House and make every attempt to support the preservation of this landmark building.

Yours sincerely

Bryony Watson

The proposed devt would spoil the area

Best wishes

Charles corman

24 Daleham gardns. NW3 5DA

Dear Mr Thuaire

With reference to the above planning application relating to Athlone House I wish to object in the strongest possible terms to the proposed demolition and rebuilding of a new house on the grounds that:

- Permission to erect the flats required the house to be retained and restored - an obligation that has to be honoured even if the house is sold.
- The house is rich in architectural detail both inside and out and is still in good enough condition to be restored as you can see from the photos on www.highatesociety.com
- The area of the new house would be over 60% larger than the existing house. This contravenes the rules on rebuilding houses in Metropolitan Open Land such as the Heath. These rules were upheld in 2008 by the Court of Appeal in respect of the Garden house site by Hampstead Heath as a result of local action.
- The new house would be intrusive in size, scale, colours, style and detail damaging the character of this popular area of the Heath immediately adjacent to the newly resorted Kenwood House.

I urge you to reject the application on the above grounds as a walker on Hampstead Heath it would be a great pity to see this beautiful vista destroyed.

regards
Kerin Conn (Mrs)
4 Priory Close
London
N20 8BB

[redacted]

Dear Mr Thuaire,

My husband, Professor Mark White, and I are strongly opposed to the demolition of Athlone House in Hampstead Lane, Hampstead, London NW3, and the erection of a new house, which the developer concerned has re-submitted.

Athlone House is a cherished, landmark Victorian building overlooking Hampstead Heath in North London, and one of London's finest Victorian houses. This should be reason enough for the Council to reject the planning application out of hand - to demolish Athlone House and erect in its place a larger monolith of a mansion in lighter coloured stone which would irrevocably damage the architectural and historic character of Hampstead and its environs and the views from the Heath.

Planning permission was given in 2005 to the then developer to construct flats in the grounds of Athlone House on the condition that he maintain and restore Athlone House within 3 1/2 years, which he agreed to but neglected to do. Irrespective of the fact that the house has a new owner/developer, the Council is obligated to enforce their decision for the developer to maintain and restore Athlone House. Should the Council neglect to uphold their original decision, this would surely be regarded by many residents and visitors as a travesty.

Hampstead is a jewel in the historic crown of the City of London and Athlone House is a part of our beloved and bejewelled City. The importance of preserving Britain's rich architectural and cultural heritage for current and future generations at the expense of someone who is seeking to profit by building a house that is 60% larger than the current house, and would be intrusive in scale, size, style, colour and detail, cannot be overstated. Quite apart from that, the proposed house would contravene the rules on rebuilding houses in metropolitan areas.

I believe it is my duty as a concerned citizen and beneficiary of Britain's rich architectural heritage to leave no stone unturned to ensure the preservation of Athlone House.

Yours Sincerely

Amanda Armstrong-White and Professor Mark White Hampstead, London NW3

Sent from my iPhone

[redacted]

Dear Mr Thuaire,

We understand that you are closely involved in the decision as to whether to allow developers to replace Athlone House with a new buiding.

Our understanding is that it was agreed,some years ago, that the Developers would be allowed to build flats in the grounds of Athlone House, on the clear understanding that, in exchange, they would be responsible for 'repairing and restoring the house, within an agreed time. This has not happened and it would make a mockery of this decision if a new developer, who must have known of these conditions when he/they purchased the property, is now allowed to knock down an important building, on the edge of Hampstead Heath, and put up an entirely different building, pocketing a vast profit in the process !

This apart, we understand that the proposal is for a far larger building which, we understand contravenes local laws. A decision in favour of this development would make a travesty of planning laws.

Yours sincerely,
Roger and Stella Reynolds.
(33 West Heath Drive, London NW11)

[redacted]

Subject: Athlone House 2013/7242/P

Dear Sir

I am writing as a local resident to object to the demolition of Athlone House and the proposed development of the site.
I am objecting on the following grounds

1) I have been told that the restoration of the house was a condition of allowing planning permission for the blocks of flat. The reasons for revoking this decision have not been made clear.

2) The building makes an important contribution to the quality of the local streetscape and is important for that reason.

3) The of exceptional quality architecturally and is important for that reason.

4) The proposed building is substantially larger and contravenes the regulations on building near the Heath.

5) The new house is intrusive on every level - its size, scale and colours and its design would damage the character and amenity of this sensitive area, which is proximal to Kenwood and a popular area of the Heath. In addition, it would be highly visible from many other areas of the Heath.

Yours faithfully

Maxine Sacks
40 Woodsome Road
London NW5 1RZ

We strongly feel that Athlone House should not be demolished to make way for some large modern building eating once again into the Heath Sent from my iPad

[redacted]

Ref: 2013/7242/P

Dear Sir,

I am totally opposed to the demolition of this landmark.

There are all the obvious reasons but in addition the utter lack of compunction of the developers in breaching the obligation to maintain the property whilst profiting from the sale of the flats etc built on the grounds.

This application should be rejected.

Yours,

Neville Spencer-Lewis of 2 Hampstead Lane, N6 and 19 Lawn Road NW3.

A beautiful property that can not be destroyed. The developer should up hold his side of the deal and renovate and refurbish.

Many thanks

[redacted]

Dear Mr Thuaire,
I wish to protest most strongly against the proposed development of Athlone House.
The Heath is under threat more now than it has been since the mid nineteenth century through the greed of people who do not care bout the beauty or history of the area.
I appreciate that this is not enough reason to stop the application but I think the pure ugliness of what will replace Athlone House and the detrimental effect it will have on the Heath should.
The people who live here really have had enough of misery making developments and I think the time has come for those that do live here and pay their way to do so should be given some consideration at long last.
Yours sincerely,
Ken Pyne
15d Well walk
NW3 1BY

[redacted]

Dear Mr Thuaire,

I wish to register my deep concern at the recent suggestion that Athlone House will be demolished to make way for a new building. The basis on which planning permission was granted to the developer to build on the neighbouring site was that the house would be restored within 3 and half years. It has not been and the Council *must* enforce this agreement if they are to retain any honour at all. Certainly there will be no trust in any further planning decisions if this is allowed to proceed and this will make objections to each and every local development all the more vocal and well organised.

I look forward to your reply,

BWs
Gus

Gus Gazzard
4 Grove Terrace,
Dartmouth Park,
London NW5 1PH

[redacted]

As a resident of Hampstead for 70 years, I am appalled at the decision to pull down Athlone House. I strongly opposed the proposal when Middlesex Hospital left the site. Hampstead and Highgate have enough ugly eyesores on the landscape nowadays without adding further modern buildings. From what I recall the original owners left it on condition that the house itself was not demolished.
Alix Tsystad (Mrs)

Dear Sir

I wish to object strongly to any further development and/or demolition of Athlone House.
I live locally and have used The Heath for more than
40 years.

Martin Jones
15 St James Lane
Muswell Hill
London N10 3DA

Dear Charles Thuaire,

I write to oppose the renewed application from the developers to demolish Athlone House. I do so because:

1. The 2005 planning permission to develop the flats on the sure was dependant on the restoration of Athlone House within a period of three and a half years. There is no new reason to change the permission given.

2. Athlone House must be preserved as a striking example of late Victorian architecture, rich in its detailing and clear for millions of Heath users to see.

3. Not only would the loss of Athlone House be an inexcusable lapse in Camden's obligations, but also the proposed development would be an appalling example, and probably the worst so far, of the overdevelopment of sites around the Heath, which is eroding the extraordinary asset which so many have enjoyed and benefited from.

4. In addition, any change of the permission, as has been requested, would appear to be in direct contravention of the 2008 Court of Appeal ruling in respect of the Garden House site and Metropolitan Open Land.

Finally, I would like to repeat my request for Camden's assurance that it will not only stand firm in respect of the 2005 planning permission granted but also do whatever is within the Council's power to enforce the restoration of Athlone House. How else can we be confident that the developers will not simply continue to allow it to deteriorate to the point where it collapses or there is some unfortunate occurrence, such as a fire, as has happened elsewhere and thus conveniently enabled the developer to proceed with their requested development, in spite of widespread opposition?

Catherine Graham-Harrison,

22 St Albans Road,
London, NW5 1RD

[redacted]

Dear Mr Thuaire

Please take this email as our objection to the proposal to demolish Athlone House, ref 2013/7242/P.

We wish to associate ourselves with the arguments put forward by the Heath and Hampstead Society.

Please let us know the outcome of the application.

Regards

Anne, Stephen and Peter Hornsby

9 Hampstead Square NW31AB

[redacted]

Dear Mr Thuaire,

Athlone House has long been recognised as a building worthy of preservation and promises were made to preserve it. Developers benefitted from the decision which allowed new luxury flats to be built. Then came the pay-off requiring the restoration of Athlone House. The obligation was dodged by the builders of the flats through the simple device of selling Athlone House. Whether or not the current owner realised that the obligation existed is of no interest to the people who went along with the original decision. It seems that the latest owners are wearing down the conservation body at Camden Planning who may see giving in as an easy option.

Giving in is never an easy option when the weight of public opinion is against you.

Save Athlone House now and score a victory for the inhabitants and for our shared environment.

Yours sincerely,

Marcus Linell

intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the postmaster at postmaster@sothebys.com.

[redacted]

[redacted]

Dear Mr Thuaire,

Athlone House has long been recognised as a building worthy of preservation and promises were made to preserve it. Developers benefitted from the decision which allowed new luxury flats to be built. Then came the pay-off requiring the restoration of Athlone House. The obligation was dodged by the builders of the flats through the simple device of selling Athlone House. Whether or not the current owner realised that the obligation existed is of no interest to the people who went along with the original decision. It seems that the latest owners are wearing down the conservation body at Camden Planning who may see giving in as an easy option.

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Save Athlone House now and score a victory for the inhabitants and for our shared environment.

Yours sincerely,

Marcus Linell

[redacted]

84 North Road London N6 4AA

26 December 2013

For the attention of Mr Charles Thuaire
Case Officer
Camden Council

Dear Mr Thuaire

re. *Athlone House*

Despite the impressive Design and Access statement concerning the demolition of Athlone House, I should like to add my voice to the objections raised by the Highgate Society, English Heritage and the Victorian Society (of which I am a longstanding member).

First of all, the only reason that permission was given in 2005 for flats to be erected in the grounds of Athlone House was that the house itself should be restored. Contrary to the claims of the developers, this *is* feasible even though the house has been horribly neglected. Although it is not listed, it is not devoid of architectural merit, as Pevsner makes clear.

The current Victorian building sits well in the landscape as seen from Kenwood, whereas its proposed replacement, with its pale stone walls and green roofs would look totally inappropriate. Moreover, the scale of the proposed new house is larger than the existing one. This contravenes the rules on rebuilding houses in Metropolitan Open Land.

All this was gone into in 2011 when a previous application was refused. I trust that the current application will be thrown out and that the new owners can be made to renovate the existing Athlone House.

Yours sincerely

Dr Judith Bronkhurst

The appeal on Athlone House should not be allowed. The developers should be required to restore the house as promised.
Graham Laurie

[redacted]

Dear Mr Thuaire,

I am horrified to learn of the possibility that Athlone House may be demolished. I have looked at this building from Hampstead Heath for more than sixty years and consider it to be a part of my local heritage. The building has value as a landmark as well as being a piece of irreplaceable architecture and any decision made about its future should be decided through a democratic process and not because it now the property of an entrepreneur.

I am appalled that Camden may allow a developer to build a much larger modern building on this site which will be in conflict with the existing aesthetic of the landscape. I understand that the previous owner has reneged on an agreement made with Camden in 2005 to restore Athlone House but has been allowed to build private flats and make a profit. If the current developer is allowed to proceed with demolition we will loose a valuable Victorian building that should be given special care and conservation for the benefit of the public at large and I would urge you therefore to oppose this vandalism with all the powers available to you in the name of the people of Camden.

Yours sincerely

Dr. Tim Megarry
43 Woodsome Road, London NW5 1SA

Dear Mr Thuaire

I am writing to oppose the destruction of Athlone House in Highgate on the following grounds:

permission to erect flats requires the house to be retained and restored

the house is so rich in architectural detail and it is in still in a good enough condition to be restored

the area of the new house would be over 60 % larger than the existing house

the new house would be intrusive in size, scale style and would destroy the character of the area particularly the amazing views of Athlone House from Kenwood

Regards

Susan McNally

[redacted]

Dear Mr Thuaire

I write in regard to planning application 2013/7242/P affecting Athlone House, and I hope that I am not too late to register an objection.

I understand that the permission granted in 2005 to construct new flats on the site was subject to the developer agreeing to maintain and restore Athlone House. Although the flats have now been completed, I gather that there has been no move to restore the House, and nor has this obligation been enforced. Instead the owner is now seeking to demolish the House and to build a large ostentatious new mansion in full view of the Heath.

Surely this application must be rejected? The original House is in keeping with the character of the area and the views from the Heath. It has period architectural detail and I gather is in good enough condition to be restored to useful purpose. Given the considerable effort and expense expended on restoring neighbouring Kenwood House, it would seem highly inappropriate to grant permission for this oversized intrusive construction with little relation to the character of the area.

I object strongly to this application.

Yours

Graham Taylor
23A Langdon Park Road
London N6 5PT

Charles,

as an avid user of the Heath, I would like to strongly object to the above proposal to Athlone House. Not only would it be an eyesore not in character with the surroundings but it would also be a great historical loss to the Heath. It needs to be restored as was agreed and the obligation to do this needs to be honoured even if the house is sold.

kind regards

John Mannion

Dear Mr.Thuaire,

As longtime local residents living near the Heath, we object in the strongest terms to the outrageous application by developers, yet again, to demolish Athlone House.

The House is one of London's finest Victorian landmarks, and is enjoyed by all who love the Heath.The promise to restore the House made by developers in 2005 must be honoured, and the current proposal by new owners to build a monstrosity in place of the House thrown out. That monstrosity would exceed the present area by over 60%, and wreck the view from the Heath. It would be most damaging visually; and a defeat for democracy at the hands of profiteering sharks.

The House is architecturally distinguished inside and out, and cries out for renewal.

Please save this vital landmark!

Keith Roberts, Architect

Jennifer Horne-Roberts, Barrister and writer.

Dear Mr.Thuaire,

As longtime local residents living near the Heath, we object in the strongest terms to the outrageous application by developers, yet again, to demolish Athlone House.

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The House is architecturally distinguished inside and out, and cries out for renewal.

Please save this vital landmark!

Keith Roberts, Architect

Jennifer Horne-Roberts, Barrister and writer.

Dear Sir,

I am not a local resident of the area but was walking there last weekend at Kenwood House and would like to add my voice to the appeal to save this beautiful house.

It would be sad indeed and the developer should be made to stand by the agreement.

Olivia Verbian

Dear Sir,

I am not a local resident of the area but was walking there last weekend at Kenwood House and would like to add my voice to the appeal to save this beautiful house.

It would be sad indeed and the developer should be made to stand by the agreement.

Olivia Verbian

[redacted]

Dear Mr Thuaire
I am writing to object to the proposed demolition of Athlone House. This beautiful building is an example of a fine Victorian house, and very attractive views of it can be seen by people visiting Hampstead Heath.
It would be a tragedy to demolish this in favour of the modern, much larger house proposed by developers.
Please take note of my objection to this when deciding whether to approve the application to demolish it.
Yours sincerely
Melanie Grange
(Frequent Hampstead heath visitor)

Dear Charles,

I just wanted to let you know my opposition to the proposed place to demolish Athlone House . I appreciate that the council must judge each case individually on its merits but i feel that enough concessions have already been made to the owners of this building . Now it is up to the council to represent all the people who use Hampstead Heath and do not want it spoilt by over development. It is surely wrong that these property developers are wiling to leave such a large and important property empty for years until they can realise what they think is the largest possible profit for themselves.

Pleas reject their proposal on our behalf

Many Thanks

John Moynihan

18 Christchurch Hill London NW3 1LG

[redacted]

Attn. Charles Thuaire / Planning Department. Re Planning Application 2013/7242/P

Dear Mr. Thuaire,

I strongly object to any proposal to demolish Athlone House overlooking Hampstead Heath. It is a landmark building and part of the heritage of Highgate and of London in general.

Not only is it a beautiful Victorian building which can be seen from many parts of Hampstead Heath, but it was also the site of the RAF Intelligence School during WW2 and is thusof considerable historical interest

The developers of the old hospital site have reneged on a previous promise to restore the property (on the basis of which a previous planning permission was given) and have allowed it to fall into disrepair, so they can use this as an excuse for its demolition and replaced.

This is blatant dishonesty and they should not be allowed to proceed.

Yours sincerely,

T.S. "Mitch" Michniewicz
Highgate Resident (and Londoner born and bred)

[redacted]

Attn. Charles Thuaire / Planning Department. Re Planning Application 2013/7242/P

I strongly oppose the plans to demolish Athlone House. It would be a crime to allow its destruction.
Furthermore, the notion that the building could be replaced if the new building had "a high standard of design' is absolutely misguided.

Many thanks,
Joscelyn Schmidt

Joscelyn Schmidt Conservation
281 Kent House Road
Beckenham
Kent BR3 1JQ
[redacted]

HIGHGATE SOCIETY
www.highgatesociety.com

10A SOUTH GROVE
HIGHGATE
LONDON N6 6BS

Charles Thuaire, Esq.,
Development Control Team,
London Borough of Camden,
Town Hall,
Argyle Street, London WC1D 8NH

January 8th, 2014

Athlone House, Hampstead Lane, Highgate, N6, Ref: 2013/7242/P
Demolition of existing house and replacement with new 8-bedroom house

I write on behalf of the Highgate Society and its 1,400 members to object in the strongest terms to this application, which appears to us to be, in effect, virtually identical to the application refused by Camden in 2010 and at appeal in 2011, merely being slightly smaller in area. However, the significant harm it will cause to the Highgate Conservation Area, the Metropolitan Open land of Hampstead Heath, and the heritage asset of Athlone House itself, will be the same.

The Highgate Society has, for the past fifteen years, been a member of the Athlone House Working Group (AHWG), which was formed to seek the best outcome for the Athlone House site. It was instrumental in achieving a Planning Brief for the site, and had frequent discussions with Camden and the developer up to the time that permission was granted in 2005 for a scheme which it supported, requiring restoration of the house as a fundamental condition of the consent. Without the developers' commitment, through a S.106 Agreement, to restore the house, AHWG would not have supported the application.

As you will be aware, from the many objections submitted and from the on-line petition of some 4,300 signatures, with many strong comments about the proposals, at **http://www.change.org/en-GB/petitions/camden-council-save-athlone-house-from-destruction-2** which is to be presented to Camden, it is clear that public outrage at the developers' intention not to fulfil their agreement, willingly entered into, to restore the house in return for a lucrative permission for which they have now benefitted, remains as high, or even higher than under the previous application. From talking to thousands of visitors to Hampstead Heath, we have no doubt that there is almost universal outrage at the proposals.

We have also seen the extremely strong submission from English Heritage urging refusal. The purpose and duty of the Planning System is to act in the public interest, and it is clear that the current application will bring public disbenefits of a scale and significance such that it must be refused.

The main areas of our objection relate to:

- Impact on Metropolitan Open Land –Policy CS15
- Impact on Hampstead Heath – Policy – Policy CS15
- Principle of demolition of an unlisted building on the character and appearance of Highgate Conservation Area – Policy DP25
- Design of the development – CS14 and DP24
- Sustainability – DP22

We discuss these matters further below.

1. METROPOLITAN OPEN LAND

The overriding reason for which the application should be immediately rejected is that it ignores the clear ruling established by the Court of Appeal in 2007 in the Garden House case, cited in the 2009 Appeal Decision as the main reason for dismissal.

The 2007 High Court and Court of Appeal judgements (Heath and Hampstead Society v. London Borough of Camden ; the Garden House case, ref CO/1454/2006) established that an increase in floor

area in Metropolitan Open Land must not be "materially larger". This is confirmed in para. 89 of the NPPF, which states that "A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are the replacement of a building, provided the new building is in the same use *and not materially larger than the one it replaces*" [our italics].

The previous application was well in excess of 100% larger in floor area. The applicants go to great lengths to demonstrate that the current application is much smaller than the previous, dismissed one. However, they appear not to have made clear that, as can be seen from the application documents, the new house is in fact still 68% larger in floor area than the existing one. According to their own figures,

- the existing house (Athlone House) is	1,990 sq m.
- the proposed new house is	3,336 sq m.
Increase in floor area, therefore	1,346 sq. m., or 67.6%

The applicants make strenuous efforts to argue that the basement area (totalling 2,751 sq.m.,) should be excluded as it is not visible. However
(a) even excluding the basement, the increase in floor area would be 38.2%;
(b) The Garden House decision made it clear that basement floor areas must be taken into account.

Not only, therefore, is the proposed new building still materially larger than the existing building, but it would be so whether or not the basement was taken into account. This is not being, and cannot be, proposed as enabling or optimising value to the Conservation Area or Heritage Asset.

.

Clearly, therefore, the application must be refused, on this ground alone, even before the other grounds on which we believe it should be refused are considered. Indeed, we consider that, by this clear disregarding of the Court of Appeal judgement in the Garden House case, the application should be rejected as vexatious and the S.106 Agreement enforced immediately, since any Appeal Inspector must reach the same conclusion and an appeal would therefore also be vexatious.

Not unexpectedly, the applicants place significant weight on the 2011 appeal decision. However, we consider that document to have been significantly flawed in the way it reached a number of its conclusions, and our expert advice is that these may be validly questioned under the decision in *R (Mid Counties Co Op Ltd) v Forest of Dean DC (2013) JPL 1551*, where the Court said:

"A previous appeal decision was capable of being a material consideration. A previous decision was material unless it was distinguishable. A decision maker in a subsequent case therefore should decide whether the earlier decision was distinguishable and, if not distinguishable, where there was disagreement, weigh the earlier decision and give reasons for departure from it."

2 (a). Impact on Hampstead Heath .

Visible from not only a wide area of Hampstead Heath but also one of the entrances to the Ken Wood Estate, which is one of the most intensively-used parts of the Heath, Athlone House is a much-loved feature of the landscape. Our canvassing of public opinion shows that it is Athlone House's very mellowness and modesty, causing it to blend into the Heath's rural background, which they particularly value, and at the loss of which they are appalled. Even visitors from abroad have been astonished at the possibility that such an obtrusively assertive building could be allowed to deface such an internationally important open space.

2 (b). Impact on the Highgate Conservation Area

The Highgate Conservation Area is one of the most important in London. It derives much of its importance and significance from the fact that its architecture honestly and genuinely illustrates its history over the past four hundred years, with a minimum of pastiche of, and misguided neo-tokenism to, earlier styles. Athlone House, as the sole example in the area of the 1870s Victorian Flemish-Jacobean genre so characteristic of that period, is a unique and irreplaceable element of that historical integrity.

While a developer seeking to demolish a historic property would of course seek to minimise its significance to justify their own development, their argument has clearly been comprehensively refuted by the objection submitted to Camden by English Heritage, and by the comments of the original project architect, cited elsewhere here, and of the historic buildings restoration expert, sent separately as an appendix to this letter, showing that restoration is fully feasible and must be insisted upon.

Camden's 2007 Highgate Conservation Area Appraisal states that *'This elaborate property is set into the hillside overlooking the Heath and is visible in long views .... As such, it is a positive contributor to the Conservation Area'.* This is reinforced in Camden's own 'Standing Building Assessment' commissioned

several years ago from the Museum of London, by a statement that *'the 19th-century buildings... are of local importance and they make a strongly positive contribution to the character and appearance of the Conservation Area'.* The NPPF is clear that such buildings must be retained unless there are overwhelming reasons, including public benefit, for demolition and replacement, and it is clear that there are no such reasons here. Even English Heritage's Listing Adviser's Report, declining to List the building, conceded that, although *'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...*** *'* [our emphasis]. This leaves no doubt that the house still makes a major contribution to the Conservation Area and is a heritage asset as defined by the NPPF which will benefit from the restoration which the applicants are committed to undertake.

3. Heritage and Design Matters

The previous application was made and appealed under the PPS15 regime. The relevant policy document is now the NPPF.

Camden's own policy is that *'The Council will not grant conservation area consent for the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area, unless exceptional circumstances are shown that outweigh the case for retention'* and *'...[the Council] has a general presumption in favour of retaining buildings that make a positive contribution to the character or appearance of a conservation area. ...replacement building should enhance the conservation area to an appreciably greater extent than the existing building'.*

In regard to the various criteria against which the merits of the existing and proposed houses must be judged, we would comments as follows:-

i) Importance, intrinsic historical interest and rarity, in both national and local terms. This 1870s house is undoubtedly the finest example of the High Victorian Italianate-Gothic style in Highgate and, probably, the surrounding area. Restored, it would be one of London's notable buildings, to which the original 1880s photograph album of its builder, industrialist Edward Brooke, held at the Highgate Literary and Scientific Institution, attests. The house's uniqueness in that respect makes it an integral part of the architectural history, character and historical integrity of Highgate. It is also the only surviving work in the London region of the significant Victorian architect Edward Salomons (1828-1906), noted for his architecture in the Gothic Revival and Italianate styles. From this viewpoint alone, it is an irreplaceable Heritage Asset the demolition of which would cause substantial harm to the national architectural heritage, and making its restoration – to which the developers long ago committed themselves in return for their lucrative planning consent – all the more imperative.

ii) The physical features of the building are well described by the Museum of London's original two reports to Camden. Though there has been loss of original external detail, this is to a considerable extent cosmetic and there is no doubt that this can be easily and sympathetically restored in matching materials while retaining the historical integrity of the building. There is also major detail surviving in the interior; the superb staircase and landing, with its church-style windows, cornices and plaster ceilings, and some original doors, wooden screens and partitions. We fully accept that considerable restoration will be necessary to restore the interior to a realistically acceptable modern standard – and, indeed, would welcome such adaptation - but these surviving features will make a significant contribution towards any new interior which would satisfy purchasers seeking the most opulent of interiors. The developer's newly-produced argument that the house is beyond restoration is little more than a cynical attempt to justify demolition in order to rebuild a vastly larger and more ostentatious house which can be sold for significantly more, ignoring the wider social and public cost of substantial harm to a Conservation Area and to Metropolitan Open Land. As also pointed out below, deterioration resulting from failure to maintain cannot be cited as a reason to demolish a heritage asset under the NPPF. Comments from the original project architect, Sir David Chipperfield, quoted elsewhere in this letter, leave no doubt that restoration is perfectly feasible and that the original permission was given only on the promise of this obligation.

iii) The building's setting and contribution to the local scene. The special distinctiveness and integrity of the Highgate Conservation Area lies in the fact that its buildings genuinely and honestly reflect its architectural history over the past four centuries, with relatively little modern effort at pastiche to give a false "historic" atmosphere. Not only is Athlone house a unique element of that character, in contrast to its proposed replacement, but it also occupies a uniquely critical site overlooking the north-eastern part of Hampstead Heath. Its predominantly red-brick construction, never assertive even when new, has mellowed to the extent where, whilst it is perfectly visible to visitors to Hampstead Heath, its colour and broken roofline enable it to blend unobtrusively into its background and its wider, predominantly green,

surroundings, to the extent that it has no appreciable impact on the rural qualities of the Heath, or of the adjoining Ken Wood estate, which we consider it presumptuously sets out to rival.

The exceptionally large number of objections submitted to Camden, together with the large volume of comments accompanying the public petition presented to Camden urging them to refuse the application, shows that it is this quality and character which is most valued by Heath users and Londoners, and makes clear the public's disapproval of its proposed replacement. The impact for visitors leaving the Ken Wood estate, recently beautifully restored by English Heritage, would be the marring of the current green slopes of the Athlone House estate, which appear almost to be a continuation of Hampstead Heath and the Ken Wood estate, with a mansion in glaring white stone reminiscent more of Disneyland than of the natural complement to London's priceless relict countryside of Hampstead Heath, which Athlone House currently provides.

Loss, therefore, of such an important historic building, acknowledged as making a positive contribution to the character and appearance of the Conservation Area, and the design of its proposed replacement – over-prominent and unsympathetic to its setting whilst providing no public benefit - would cause substantial harm to the Conservation Area and the Metropolitan Open Land.

(iv) Historical associations. Apart from being the sole surviving example of the work of a noted Victorian architect (see (i) above), and being owned at one time by Sir Robert Waley-Cohen, the last in a long line of prominent industrialists whop built and owned Athlone House, whose generosity helped to save Kenwood House for the nation, as well as the Cohen's Fields area (formerly part of the Athlone House gardens), the house was the UK headquarters of RAF Intelligence training during and after the Second World War; the RAF Historian has expressed the view that this gives the house a historical significance not far removed from that of Bletchley Park. This further reinforces the house's role as a heritage asset.

A document expanding on the building's historical significance as a heritage asset is being sent to yo from the Society as a separate appendix to this letter.

(*v) The extent to which the proposed replacement dwelling would bring substantial benefits to the local community, and whether this outweighs the positive attributes of Athlone House.*

Despite the previous Appeal Inspector's statement that the new house would be of economic value to London, he provides no credible evidence to support this.

(vi) The claimed architectural qualities of the replacement building, and the significant harm it will cause:

Not unexpectedly, the applicant argues that the claimed architectural excellence of his building provides very special or exceptional circumstances that could justify demolition of Athlone House.

Firstly, however, this can only be argued where the existing building "*makes no positive contribution to, or indeed detracts from, the character or appearance of the area*". We have endeavoured to show throughout this submission that this is definitely not the case with Athlone House.

Secondly, we fully appreciate the often-held argument that opinions on design can be subjective and should not hold great weight without more objective evidence. This is inevitable in any such debate; but we also suggest that it is easier to agree on what is bad design than what is good design. The proposed design has met widespread disapproval. It is therefore difficult to understand why the previous Appeal Inspector made no mention of the objections from many nationally eminent experts, including English Heritage.

Our own study of the application drawings leads us to conclude that the proposed new mansion is an assertive structure, based on no original concept but on neo-classical pastiche which contributes nothing to the architectural or historical integrity of the Highgate Conservation Area but, on the contrary, is uninspired, derivative and, arguably, ugly. Of palatial proportions, it clearly aspires to rival Kenwood House itself. It is an unconvincing hybrid genuflection to the great 17th and 18th century country houses, further devalued by 21st-century oligarchal-grandiose overtones. It is devoid of sensitivity to its context, or of respect for its low-scale rural setting or for the Conservation Area. The publicly-accessible website https://www.facebook.com/Terry.Gilliam, set up by a nationally-known supporter of people's aims to resist the application, describes it somewhat more uncompromisingly, if appropriately, as "a pile of oversized, over-blown, ostentatious mediocrity".

The proposed new house would therefore, in our view, be significantly damaging and harmful to a heritage asset, a Conservation Area and Metropolitan Open Land. We consider that to allow such a building to dominate Hampstead Heath, and to intrude in the Highgate Conservation Area, would be a travesty of good planning and design. Our thorough canvassing of pubic opinion shows this viewpoint to

be shared almost without exception by the visiting public of Hampstead Heath. Indeed, enshrined in the 1871 Hampstead Heath Act is the provision that its managers should forever protect "the wild and natural character" of the Heath; if this development were to be permitted, that obligation would be harder to fulfil.

vii. The Athlone House proposals in the context of the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)
[Italics = relevant sections of the NPPF; plain font = our comments]

We consider that the application is in significant disregard of many of the requirements of the NPPF, but will confine our comments to those points which we consider fundamental.

Para. 17 states that a core principle of planning is that it *should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.* English Heritage's reasons for declining to List the building, cited above, concedes that, although '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**...' [our emphasis].

Far from suggesting that, because the building is not, in their view, Listable, it should not be retained, English Heritage's comments are, on the contrary, clear evidence that they consider it an important heritage asset. Listing is not intended to apply to every important building, but to flag up the most important examples, or groups, of a genre. English Heritage's comments therefore show that the building unarguably retains great importance as a heritage asset, and the public response to proposals to demolish it shows that it is possibly the most valued building in the public mind in the area, after Ken Wood House itself. Indeed our canvassing of the public's views revealed public incredulity that the house was not Listed, and English Heritage's reasons for not adding Athlone House to the statutory list make clear that the building still retains considerable significance as a heritage asset.

PROTECTING GREEN BELT LAND
Metropolitan Open Land MOL) has the urban status of Green Belt Land, and must be afforded the same consideration. Para. *87* states that *inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.* We demonstrate here that the proposed development would cause significant harm to the MOL, the Conservation Area and the heritage asset. Similarly, para. *88* states that *When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm... by reason of appropriateness, and any other harm, is clearly outweighed by other considerations.* We show here that there will be substantial harm to the MOL of Hampstead Heath, which is not outweighed by any other factors, and we consider that we are supported in this respect by the objections from the City of London, as owners of Hampstead Heath.

Para. 89 states that *A local planning authority should regard the construction of new buildings as inappropriate in Green Belt.* A relevant exception is *the replacement of a building, providing the new building is.... not materially larger than the one it replaces* (and subject to the comments on para. 88 on appropriateness). The currently application is incontrovertibly materially larger than the one it replaces.

Para. *126* emphasises that *heritage assets are an irreplaceable resource [and should be conserved] in a manner appropriate to their significance.* It also requires that *local planning authorities should take into account:- the desirability of new development making a positive contribution to local character and distinctiveness* - in this case, it is clear that no-one, other than the applicants, believes that the proposed house will do this.

Para. 130 stipulates that *Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.* At the time the S.106 Agreement was signed, it was accepted that the condition of the building was such that restoration was feasible, yet a reason cited for demolition is that it has deteriorated to the point where restoration is not "viable". For reasons given elsewhere here, we suggest that there can have been no deterioration in the period since the S.106 Agreement was signed and that "deteriorating" is untenable as a reason for demolition.

Para. 131 states that, *In determining planning applications, local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness.* Para. *133* states that *The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having any regard to the*

scale of any harm or loss and the significance of the heritage asset. There are no substantial public benefits that outweigh the harm resulting from demolition – indeed, there are no public benefits whatever, and we have demonstrated elsewhere here, as have other objectors, including English Heritage, that the new development will not make a positive contribution to local character and distinctiveness, but will, on the contrary, cause substantial harm. The NPPF therefore requires that the application should be refused.

Para. 138 states that *... Loss of a building... which makes a positive contribution to the significance of the Conservation Area... should be treated either as substantial harm under para. 133 or less than substantial harm under para. 134 [harm to be weighed against the public benefits of the proposal, including securing its optimum viable use], as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area... as a whole.* Therefore, even if it were to be decided that the harm were to be 'less than substantial', then Para. 134 applies, since there are no public benefits that outweigh the harm.

The still-valid PPS5 practice guide, from where this clause originates, offers guidance:

Para. 77 states that *Finding the optimum viable use for an asset may require the local planning authority to apply other development control policies flexibly and imaginatively* ***to achieve long-term conservation****. For example to realise the benefits of bringing an abandoned listed building on the Heritage at Risk register back into viable use it may be necessary to make an exception to a policy that restricts residential use on employment land.* [our highlighting] We see no evidence that any such approach has been considered by the applicants.

Para. 78 states that *Local authorities are advised to take into account the likely longevity of any public benefits claimed for a proposed scheme. Speculative, ill-conceived or short-term projects will not compare so favourably when considering an irreversible harm to the significance of a heritage asset.* There are no public benefits from this development; only destruction of a valued heritage asset.

Para. 79 states that *There are a number of potential heritage benefits that could weigh in favour of a proposed scheme:*
1. It sustains or enhances the significance of a heritage asset and the contribution of its setting.
2. It reduces or removes risks to a heritage asset.
3. It secures the optimum viable use of a heritage asset in support of its long term conservation.
4. It makes a positive contribution to economic vitality and sustainable communities.
5. It is an appropriate design for its context and makes a positive contribution to the appearance, character, quality and local distinctiveness of the historic environment.
6. It better reveals the significance of a heritage asset and therefore enhances our enjoyment of it and the sense of place.
The current application signally fails on all these matters, and has clearly made no effort to comply.

It is clear that the optimum viable use must secure the future of the heritage asset, and that will be the public benefit. 'Optimum' does not mean maximisation of profits, and 'viability' cannot therefore be used by the applicants in this way to argue for demolition. They have, in any case, already achieved a substantial profit by the implementation of the first part of their planning consent.

It is therefore clear that the proposals would cause significant harm to Hampstead Heath, by intruding an over-dominant and intrusive building into views from it, and to the Highgate Conservation area, through destroying a unique heritage asset which is an integral and established element of its character, and regarded by English Heritage as an important element of that Conservation Area.

DECISION-TAKING
Para. 187 states that *Local Planning authorities should look for solutions rather than problems, and decision-takers... should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.* The local planning authority can justifiably consider in considering that this aim was achieved when it negotiated the development of three blocks of luxury flats in the grounds of Athlone House, in return for a freely and willingly-signed S.106 agreement by the developers to restore the house.

189. Local planning authorities ... cannot require that a developer engages with them before submitting a planning application, but .... They should also, where they think this would be beneficial, encourage any applicants... to engage with the local community before submitting their applications. The local groups represented by the Athlone House Working Group were, from 1996 to 2005, when the original permission was granted, closely involved in the original discussions to secure the restoration of the house

under the S.106 Agreement. As Sir David Chipperfield rightly observed in his letter to the 2010 Appeal, they would not have supported the previous application for three blocks of flats without the reassurance that the house would be restored as a part of the original permission. During those years of discussions with the developers, it was at no time indicated that the house was not capable of restoration, and all discussions were predicated on the undertaking that it would be restored.

Para. 203 states that *Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.* Again, this was achieved by the local authority, through the S.106 agreement to restore the house in return for planning permission, which was accepted by the developers. Further, *Para. 204* states that *Planning obligations should only be sought where they meet all of the following tests:*
- necessary to make the development acceptable in planning terms; We can state unequivocally that the permission to build three blocks of flats on this Metropolitan Open Land was only acceptable to Camden and to the local community, through AHWG, because of the condition to restore the house.
- directly related to the development, which cannot be denied, *and*
- fairly and reasonably related in scale and kind to the development. Since the developers freely accepted the condition in return for a lucrative planning consent, they must consequently have accepted the S.106 Agreement as fair, reasonable, and relevant.

(vii) In addition to the NPPF, the NPPG is now an additional important material consideration which did not exist at the time of the previous appeal decision, and must be given weight. This new guidance provides clear advice on what constitutes harm to heritage assets, and therefore justifies a reassessment of harm since the last appeal decision.

It advises that *What matters in assessing if a proposal causes substantial harm is the impact on the significance of the asset. As the NPPF makes clear, significance derives not only from a heritage asset's physical presence, but also from its setting... the impact of total destruction is obvious.... A key factor in determining whether the works constitute substantial (i.e.. serious) harm is if the adverse impact goes to the heart of why the place is worthy of designation - why it is important enough to justify special protection. This has to be assessed at the time of the decision in all cases."*

Clearly, from the evidence submitted in this letter, and from other objectors, including leading national authorities, the asset has great significance, not only as an element of the Conservation Area and the Metropolitan Open Land, but as a universally valued feature both to local residents and to the users of Hampstead Heath. It is shown in Camden's Conservation Area Appraisal as a positive contributor, and English Heritage have vigorously opposed its demolition. Demolition will unarguably cause significant harm to a valued local heritage asset, and its replacement appears to have effectively no public support.

The implications of the loss of Athlone House, a unique element of the character of the area of which has been an established feature for nearly 150 years, therefore indeed "goes to the heart" of why the Conservation Area itself is worthy of designation; it is designated for its historic buildings and quality of green space on the edge of the Conservation Area. The existing house and its gardens are also an established and integral element of the setting of Hampstead Heath. Its replacement by a much more visually obtrusive and architecturally confrontational structure, which pays no regard to the historical integrity or high sensitivity of its setting, would cause substantial harm.

4. Sustainability

According to the application, the aim for the project is to achieve Code Level 4 of the Code for Sustainable Homes. This is not an ambitious target, considering that the applicants can well afford to set an example in this respect.

Specified building elements are to exceed minimum Building Regulations 2010 by 25%. Again, this is not an ambitious target. We had expected this in the 2013 update to Part L of the Code, but in the event the U values were kept at the same level and various other 'paperwork' measures were improved.

Energy Performance Certificates (projected) creep into 'B'(81-91) at B81 for Energy efficiency (fabric) and B83 for CO2 emissions. These projected scores are so very marginally above C ratings that the building when measured on completion may fall into the C category.

We comment as follows:

1. The thrust of policy is to take a 'fabric first' approach and then to add renewables. The proposed strategy for this application is not 'fabric first (see notes on CSH below)
2. A building which clearly aims to emulate buildings which are over 200 years old should surely seek to include measures which would mitigate climate change more comprehensively, assuming

a wish on the architect's part that their building would stand for at least 200 years. The approach which the applicants have taken to CSH and building Regulations suggests that they ought not to aspire to their building standing for more than 60 years.

3. It is quite possible that refurbishment of Athlone House could achieve the unambitious energy conservation targets set out for the proposed house, which only achieves Code Level 4.
4. What is proposed is described as 'cutting edge of sustainable design'. This is simply not the case.
5. It is the aim of Government to introduce zero carbon standards for new homes by 2016. Although they have flagged that this standard will not be implemented in 2016 as expected, consultation has recently been undertaken on how zero-carbon should be implemented and the processes of planning and building control simplified with a view to early adoption of zero-carbon standards. , Within a few months of completion of this project, therefore - were it be granted planning permission - the standard for energy performance of the fabric and renewables is likely to have been introduced. A white elephant would have been built.
6. Emerging Neighbourhood Development Plan policy will seek to require that embodied energy arising from demolition of an existing building must be included in Energy Statements and given a weighting in SAP or BREEAM calculations.
7. Our evaluation of the SAP calculation is as follows:

Athlone House : SAP calculations							
Category	**Issues assessed**	**Max credit value**	**Credits achieved**	**Total credits available**	**% achieved**	**% claimed**	
Energy/CO2							
Ene 1	Improvement of CO2 emissions rates over baseline target	1.26	4	10	40%		
Ene 2	Insulation/ energy efficiency of fabric		3	9	33.30%	58.77%	
Ene 7	Percentage of renewable energy to offset grid energy		1	2	50%		
	Price & Myers state 9% offset will be achieved						
Not included							
Ene 3	Energy display device						
Ene 4	Drying space or washing line						
Ene 5	Labelling of white goods						
Ene 6	Energy efficient lighting (Building Regs requirement)						
Total fabric score			8	21	38%		0.380952
Camden require 60% scores for energy and water credits						60%	
Materials		0.3					
Mat 1	Use of materials to build the house lisyed in the Green Guide 2007		8	15	53.33%		0.533333
Mat 2	Responsible sourcing of materials for key elements		3	6	50%		
Mat 3	Responsible sourcing of materials for finishes		1	1	33.33%		
			12	22	54.50%	approx 50%	0.545455

We therefore consider that the application does not meet adequate long-term Sustainability requirements.

5. Other reasons for Refusal

A. The Section 106 Agreement

In his letter to AHWG's Expert Witness at the 2011 Appeal, internationally-renowned architect Sir David Chipperfield, the project architect for the original scheme which was strongly supported by AHWG, expressed his view that not only was Athlone House eminently restorable but that, if demolition was allowed, it would be ***"a betrayal of the local residents and amenity groups, with whom I worked long and constructively on the project, who were assured that it would be restored."***

The Appeal Inspector stated, in regard to enforcement of the S.106 agreement, that "there was nothing in the agreement to prevent the new flats being completed and occupied without completing the refurbishment and nothing to prevent the sale of part of the site." This is, however, irrelevant to the status of the Section 106 obligation to restore the house. The Inspector was well aware that the S.106 obligation passes with the land to any purchaser. Moreover the S.106 Agreement was entered into freely, in return for a lucrative planning consent from which the developers have now profited substantially. Had they considered, at the time, that the house was unrestorable, and that a purchaser willing to observe the S.106 could not be found within a reasonable period of time, they would have argued at the time that the S.106 was unreasonable. By willingly signing it, they agreed that it was reasonable, and their proceeding with the development and sale of the flats before undertaking the restoration leaves little doubt that they accepted the S.106 as a condition of their permission.

An inspector has no powers to ignore or set aside such an obligation and agreement, which was not even being appealed. It is, further, our understanding that the ability to re-negotiate S.106 obligations applies only to affordable housing, and not to such an unusual obligation as this.

There will be no difficulty in finding many examples of the successful restoration of heritage assets in worse condition across the country, as shown in the restoration specialist's report being

submitted separately by us. A conveniently close example is Morven House, in North Hill, Highgate, a large mid-Victorian mansion which had been allowed to fall into serious disrepair by its previous owners, yet has now been successfully restored and converted into three houses. Another, Strawberry Hill in Twickenham, is an example of a Gothic-style building which has been superbly restored after having fallen into disrepair, and after it was greatly altered by previous owners.

B. Refurbishment costs and condition of the existing house

The applicants have commissioned a lengthy report from Savills to show that the house has deteriorated to the point where restoration is not possible. We will be sending separately, as an appendix, a report from an experienced Conservation Architect with an impressive c.v. of restoring heritage properties in similar or worse condition, which puts forward the counter-argument that the applicants' arguments that the property is beyond restoration are untenable.

In the *Hampstead and Highgate* Express for December 12th, 2013 (page 11), the applicants asserted that "It is unrealistic to expect the new owner to implement the existing planning consent, given the very poor condition of the building and *the need to provide a very high quality living environment to meet today's standards"* [our italics].

We would respond as follows:

(i) Far from it being unreasonable "to expect the new owner to implement the existing planning consent", the new owner can have been under no illusions as to either the condition of the house, or the S.106 Agreement to restore it – which, of course, passes with the land and remains valid and enforceable against any future owner.

(ii) "the very poor condition of the building":

- when the original S.106 Agreement was freely and willingly signed, it was clearly fully accepted that the house was in a condition which would allow of restoration.

- with the permission of the owners, AHWG visited the house on three occasions between 2009 and 2011, inspected it internally and externally, and were permitted to take many hundreds of photographs showing its condition at the time. These show that the house was then dry, secure, and while showing signs of neglect and some deterioration over the period (suggesting failure to observe the condition to maintain the house in good repair), they also show that the house remained, at the time, in sufficiently sound structural condition to allow any competent architect to carry out a magnificent restoration and modernisation of the interior of this historic building to "meet today's standards".

- the planning permission included an obligation to maintain the house in a secure and watertight condition until the S.106 agreement was implemented. Camden themselves have advised us that they inspected the house at regular intervals to satisfy themselves that this condition was being observed. Since Camden have not reported any significant deterioration since the original permission was given, it must be in substantially the same condition as when the S.106 Agreement was accepted and signed.

(iii) "the need to provide a very high quality living environment to meet today's standards": It is clear – and was accepted by the owners under the original permission – that it is perfectly possible to restore the house and upgrade it to meet today's standards.

(iv) In their "Heritage Statement", the applicants go to great lengths to emphasise the "degraded" character of the interior of the house. However, the house still retains much of its historic detail and integrity, and a substantial element of the architectural detail which has been lost over the decades can be replaced. Much of the interior does, indeed, need remodelling "to provide a very high quality living environment to meet today's standards". We also accept that the owners cannot be required to restore the interior, as it is not a Listed Building, though they undertook to do so by accepting the S.106 agreement. Ideally, however, important interior features can and should be restored and we would encourage such works, and we consider that, within those parameters, the interior and exterior can undoubtedly be successfully restored. Where we remain adamant is on adherence to the S.106 Agreement, which was accepted by the developers at the time of the original permission.

(v) Finally, we would cite the comments of the original project architect, Sir David Chipperfield, all in the pubic realm, in his letter of 11th January, 2011 to Professor Joseph Rykwert, AHWG's expert witness at the 2011 appeal, supporting of his objections to the redevelopment of Athlone House (italics are ours):

"... The negotiations with the planners and with the residents were based upon two commitments. Firstly the refurbishment of Athlone House itself and secondly [landscaping]...

"In all of our meetings with the planners and residents, *the client and his advisers assured everyone that the existing house would be protected and restored. I very much doubt that permission for the new development would have been granted without this commitment.*

"As you know, the developer removed us from the project as soon as permission was granted. By his actions *it is clear that I was used cynically to obtain permission and I have no doubt that it was always the developer's intention to redevelop Athlone House.*

"... *There can be no justification for the demolition of Athlone House based on the supposed quality of the replacement.... I believe that its replacement would be a mistake, and more* ***importantly it would be a betrayal of the local residents and amenity groups****, with whom I worked long and constructively on the project, who were assured that it would be restored when they were asked to support the previous planning application...*"

C. The 2011 Appeal Decision: further comments

The applicants place great reliance on the 2011 Inspector's report, which dismisses the previous application mainly on Metropolitan Open Land grounds. However, in assessing his conclusions against the large number of detailed objections, we note that he appears, in the main, to have completely ignored them all, including those from national experts and national organisations such as English Heritage, Save Britain's Heritage and the Victorian Society, without commenting on the strength or validity of their arguments. We therefore comment further as follows:

(a) Impact on Hampstead Heath Metropolitan Open Land and the 1871 Hampstead Heath Act
The Inspector appeared not to have regarded Hampstead Heath as an internationally-important open space, established by Act of Parliament with the statutory duty on its owners to protect its "wild and natural character", but as an ordinary public park. The green slopes and gardens surrounding Hampstead Heath, and particularly the grounds of Athlone House - themselves designated Metropolitan Open Land, like Hampstead Heath - are for that very reason a critical element of that character. A statutory obligation to take all precautions in the management of the Heath to avoid degrading its amenities must also be applicable to those with responsibility for land abutting it, particularly in such a dominant position as Athlone House; indeed, parts of the Athlone House gardens are subject to covenants prohibiting any building on them for the protection of the Heath.

To permit the construction of a building of the type proposed, and described elsewhere here, in one of the most prominent positions overlooking Hampstead Heath, would be so damaging to its amenities that it must be inferred that the 1871 Hampstead Heath Act, imposing a statutory duty to protect the "wild and natural" character of Hampstead Heath, should therefore carry weight with the local authority when considering applications likely to impact on it. The Inspector should clearly have considered the impact of the development in the light of the 1871 Hampstead Heath Act.

In para. 40 of his decision, the Inspector stated that "the building would contrast strongly with the existing house and I do not doubt that this would be apparent to most observers looking at the building from the Heath". This reveals a lack of awareness of the 1871 Act, and a signal lack of understanding of why Londoners value the Heath.

In paragraph 39 of his report, the Inspector also erred in asserting that "There is also an acknowledgement by all of the quality of the design proposed here, if not its suitability for this particular site." This appears to have entirely dismissed the views submitted by the hundreds of objectors, including AHWG (represented at the Inquiry by a barrister calling on several national architecture and architectural history experts), the Highgate Society, the Heath and Hampstead Society, English Heritage, the Victorian Society, SAVE Britain's Heritage, and other national amenity societies, as well as the 1,200 objections sent to Camden and himself, all condemning the proposals.

The Inspector also made contradictory statements, in first stating (para. 32) that the newly-built flats of Caenwood Court contribute to the open character of this part of the Conservation as they are "unassertive and subdued" and, in para. 38, that it "sits comfortably between Beechwood and Athlone House"; but then stating (para. 40) that the new house "would contrast strongly with the existing house and I do not doubt that this would be apparent to most observers... from the Heath".

The Inspector stated (para. 54) that "...the roof profile would not display the same eclectic variety or interest as Athlone House.. I do not consider that the differences amount to a reason to conclude that users of the Heath would find their enjoyment compromised...". Thousands of people, mainly users of Hampstead Heath, have made it very clear, through letters to Camden objecting to this

application, and in signatures on and comments to the on-line petition which will be presented to Camden, that their enjoyment of the Heath would be damagingly compromised. It was beyond the Inspector's remit to judge what Heath users would or would not like without any evidence.

The Inspector asserted (para. 51) that the proposed Bath stone facades would "darken in time". Reference to any building in Bath stone – even the magnificent and much-loved Georgian terraces of urban Bath itself – shows that it still stands out prominently, after several centuries. It would therefore cause substantial long-term substantial harm to the setting of Hampstead Heath, and would be a very significant public disbenefit, and significantly harmful to public enjoyment of Hampstead Heath and its statutorily-protected amenities.

The Inspector also conceded, in para. 35, that Athlone House "is still of heritage interest and is a heritage asset; it holds meaning for society over and above its functional quality. The representations strongly support this."

We also draw attention to the Inspector's statement in para. 43 that "the implications for the existing fabric of the necessary repair and modernisation to suit a new occupier would not be effectively controlled because it is not listed." This is no valid argument for the demolition of a heritage asset that the work "cannot be effectively controlled", particularly when, as in this case, the developer signed a legal agreement to restore it.

D. Statement of Community Consultation *(see also our comments above under community consultation elements of the NPPF)*

The developers' last contact with AHWG was a meeting on 21st October, 2011, at the request of their solicitors, Withers, to discuss their future intentions. No plans were shown to AHWG, though it was told at the meeting that a new application for demolition and rebuilding would be made in about two months. None was in fact submitted for some two years.

Their only token gesture towards community engagement has been the mounting in July 2012 of a "public exhibition" in the Highgate United Reformed Church. The applicants' own data show that this was extremely poorly attended, by only 56 people, and of those, only 11 left comments supporting the proposals. Of the other 45, 32 sent comments, but the only ones quoted by the applicants are, not unexpectedly, those supporting the scheme.

9. In conclusion, we consider there to be overwhelming reasons why the proposed new building would cause substantial harm to the Highgate Conservation Area and to the Metropolitan Open Land of Hampstead Heath, and why the application should therefore be refused as not only inappropriate but vexatious and immediate steps taken to enforce the S.106 Agreement, after five years of procrastination on the part of the owners.

Yours faithfully,

The Highgate Society

Appendices being sent under separate cover:
- Document expanding in detail on the building's historical significance as a heritage asset;
- Report from Conservation Architect demonstrating that the applicants' arguments that the property is beyond restoration are untenable.

Hi Charles

The conditions for building the flats was the restoration of Athlone House. Camden should insist that this is fulfilled. The rich should not be allowed to ride rough shod over Camden and this historic house still has much to offer Camden.

SAVE ATHLONE HOUSE.

Sheila Armstrong
85 Brackenbury Road
N2 0SS

[redacted]

Dear Mr Thuaire

I am writing to express my objections to the destruction of Athlone House in Highgate.
I am sure you are already aware of the reasons for these objections from other local residents.
I just wanted to add my voice to those you have already heard.

Yours sincerely

Dawn Cremin

[redacted]

Dear Mr Thuaire

Please be kind enough to add my name to the Petition for ATHLONE HOUSE. I sincerely wish that this venerable building may be saved for our generation and for posterity, rather than be replaced by a larger/higher building, which would seriously spoil the ambiance and view.

Yours truly

Ruth Koopman
53 Aberdare Gardens
London NW6 3AL

[redacted]

Dear Charles

I am very opposed to there being any change whatsoever to Atholone House which has great merit as an interesting landmark from Kenwood and Hampstead Heath. As it has already been refused on appeal, I assume that it will be refused by you once more.

Yours

Jennie Dunn

MA, DTp

[redacted]

Dear Charles Thuaire,

Athlone House

It is not a building of such great architectural that it would merit saving if the new proposals were less ostentatious. On design grounds alone, I would not object, but the new property's visibility needs to be scaled back so it wouldn't intrude on Heath views.

Where I have a big problem is the reneging on a deal - to restore Athlone House in exchange for building the flats. In retrospect that was a dumb deal. If the developers were given a massive fine, I mean, really massive, that might be a way out. Like the banks get when they step out of line. The danger is it all sets a precedent for other development on the Heath's (or any park's) fringes. For that reason I object.

Regards
Vanessa Whinney
[redacted]
92 Southwood Lane, Highgate, London N6 5SY

Sent from my iPad

[redacted]

I am emailing to object strongly to the proposed demolition of Athlone House, on the grounds that permission to erect the new flats required the house to be retained and restored - an obligation that has to be honoured even if the house is sold.

I understand that the area of the new house would be over 60% larger than the existing house, which contravenes rules on rebuilding houses in Metropolitan Open Land such as the Heath.

I also understand that the new house would be intrusive in size, scale, style, colours and detail, damaging the character of this popular area of the Heath immediately adjacent to the newly restored Kenwood House.

A a Finchley resident and user of the Heath, I consider that this application must be stopped.

Regards,
Sharon Schamroth