
Planning and Heritage Statement

Site: 1 to 2,
The Terrace,
Jack Straw's Castle

April 2017 RevA



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1.0 INTRODUCTION

1.1 Montagu Evans is instructed by Albany Homes UK (the 'Applicant') to provide consultancy services and produce this Planning and Heritage Statement (the 'Statement') in support of proposals which are subject to applications for planning permission and listed building consent at 1 to 2, the Terrace, Jack Straw's Castle (the 'Site').

1.2 The Site is located in the London Borough of Camden (the 'Council'). **Figure 1** outlines the boundary of the Site and is described at **Section 3.0**.

1.3 A description of the proposals (the 'Proposed Development') is provided within the Design and Access Statement prepared by Quinlan Terry. The Proposed Development may, however, be summarised as:

The construction of two x four bedroom residential dwellings of three storeys plus basement, including associated landscaping and cycle storage. Listed building consent for underpinning of adjacent existing basement.

Purpose of the Report

1.4 The Site lies within the Hampstead Conservation Area and forms the car park to the adjacent Grade II listed Jack Straw's Castle. The Statement will consider the significance of all heritage assets identified and the impact of the Proposed Development upon that significance.

1.5 The Statement provides an explanation of the principles behind (and justification for) the Proposed Development, in conjunction with the Design and Access Statement. It provides an explanation of how the Proposed Development fits with the planning policies and supplementary planning documentation outlined in the development plan.

1.6 The assessment is in accordance with the statutory provisions of sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraph 128 of the National Planning Policy Framework (2012), and the applicable policies of the development plan.

Summary

1.7 Jack Straw's Castle is a very interesting Grade II building of the early 1960s, designed by the well-known traditional architect Raymond Erith. Now converted to residential use, it retains its landmark qualities in the local area. The main interest and significance of the building lies primarily in its front, east, façade, which has a distinctive twentieth century quality. Its north façade, where it is proposed to build 2 houses, is less successful and has been altered from Raymond Erith's original intentions. The significance of the

building is therefore also less on this side. The presence of a surface car park on the north side, with no landscape screening, reduces the sensitivity of this part of the Site. That car park is a detracting feature, too, in the Hampstead Conservation Area.

1.8 As this Statement demonstrates, the Proposed Development differs materially from earlier proposals for housing on the same site that were refused in 2003 and 2004. Unlike the earlier schemes, which attempted a pastiche extension to the listed building, the current scheme uses a distinctively different architectural style that is still in keeping with the style of the main building. It respects the form of the existing building, and does not encroach on its main elements on the north side. The design of the proposals responds to the historic Georgian terrace on the south side, albeit the proposals are set well back from the main frontage.

1.9 By retaining an open car parking area in front of the proposed new houses, the current proposals also preserve the sense of openness around the base of the listed building on this side, allowing it to be seen as Erith intended. It is proposed to improve the appearance of this car park through more appropriate surfaces and landscaping along its boundary.

1.10 Therefore, these proposals do not cause harm to the listed building but rather preserve its significance and its setting. This view is shared by several stakeholders who previously objected to the 2003 and 2004 proposals, including Lucy Archer, Ken Powell, Alan Powers, Twentieth Century Society and Historic England, all of whom we have now consulted in this pre-application process.

1.11 The application is supported by a suite of technical documents that demonstrate the Proposed Development's compliance with the development plan. The documents comprise:

- Design and Access Statement, prepared by Quinlan Terry;
- Planning and Heritage Statement (this Statement), prepared by Montagu Evans;
- Landscaping Proposals, prepared by EnPlan;
- Energy and Sustainability Statement, prepared by XCO2;
- Transport Assessment, prepared by WSP;
- Basement Impact Assessment, comprising:
 - Structural Methodology Statement, prepared by Richard Tant Associates;
 - Geotechnical Report, prepared by GEA
- Tree Survey Report, prepared by RGS Arboricultural Consultants;
- Sunlight/Daylight Report, prepared by Point2;
- Desktop Archaeology Report, prepared by MOLA; and
- Ecology Report, prepared by Greengage.



Figure 1 Site Location Plan (Not to Scale). Source: Quinlan Terry

2.0 PRE-APPLICATION CONSULTATION

2.1 The Applicant has proactively engaged in pre-application consultation with stakeholders to inform design development.

Council

2.2 Pre-application advice was sought from the Council in February 2016 (ref: 2016/0630/NEW). Two pre-application meetings have been held with the Council under this reference, on 22 March and 30 June 2016. Documents were prepared by Montagu Evans for each meeting, the Pre-Application Submission and the Pre-Application Submission: Addendum.

2.3 A Second Addendum provided additional information requested by the Council, comprising an assessment of significance of the adjacent Grade II former Jack Straw's Castle public house, now in residential use, and an assessment of the impact of the Proposed Development upon that significance. The Second Addendum also highlighted the fundamental differences between the Proposed Development and earlier proposals for development on the Site that subsequently failed at appeal.

2.4 The Council's formal pre-application advice dated 17 January 2017 is provided at **Appendix 9.0**. The letter states:

On balance, bearing in mind the Inspector's comments and the submitted analysis of design differences as well as subsequent stakeholder comments, officers consider that the principle of a residential development on this site can be now supported.

2.5 Based on officer feedback during pre-application discussions the proposals were changed from three to two houses adjacent to the north façade of the Grade II listed former pub. The discussions also informed the inclusion of a balcony to provide further amenity space and soften the appearance of the front elevation. In addition, the discussions were a catalyst for inclusion of detailed design drawings – prepared by Quinlan Terry – that demonstrate the high quality of the Proposed Development and would ensure a high quality of implementation.

Key Stakeholders

2.6 Mindful of the heritage sensitivities and planning history of the Site (see **Section 6.0**), heritage stakeholders have been formally engaged during the pre-application process. The Twentieth Century Society, Historic England, Ken Powell, Alan Powers and Lucy Archer (daughter of Raymond Erith) objected to the previous appeal schemes; all have written to express their support for the current proposals and consider they overcome the concerns of the previous schemes.

2.7 A letter of support from Lucy Archer dated 28 September 2016 is provided at **Appendix 4.0**. Lucy Archer is the daughter of Raymond Erith and has written several books on his works.

2.8 A letter of support from Ken Powell dated 5 October is provided at **Appendix 5.0**. Mr Powell is an architectural critic who has published several books on twentieth century architecture.

2.9 A letter of support from Alan Powers, a leading commentator on Twentieth Century architecture whom appeared as an expert witness for the Twentieth Century Society in the Public Inquiry over the change of use to residential in 2002, is provided at **Appendix 6.0**.

2.10 A letter setting out that the Twentieth Century Society have no objection to the proposals is provided at **Appendix 7.0**.

2.11 A letter setting out that Historic England have no objection to the proposals is provided at **Appendix 8.0**.

2.12 The Proposed Development was presented to members of the Heath and Hampstead Society Sub-Committee and Heath and Hampstead Society Planning Sub-Committee on Thursday 2nd March 2017 at the Site. No formal response was provided.

3.0 SITE AND CONTEXT

- 3.1 The existing Site is formed of 11 car parking spaces for permit holders of the abutting Jack Straw's Castle. The car park is accessed to the north via the Heath Brow slip road, located off North End Way (A502) running to the east of the Site. The car park sits below grade established by North End Way; accordingly, a 1.5m concrete bank bounds the Site to the east.
- 3.2 The lowered car parking originally facilitated vehicular access to the public house cellars. The building has subsequently been converted to residential dwelling units and the doors are used as access for refuse.
- 3.3 A low-rise wooden fence bounds the Site to the north and east at grade.
- 3.4 The northern elevation of the Castle presented to the Site comprises a one storey brick plinth (lower ground floor) with timber weatherboarding from ground through to second floor. The elevation is fenestrated with several sash windows of varying proportion. The rear (west) section of the elevation is rendered and fenestrated with a singular sash window.
- 3.5 To the rear (west) the car park is bounded by a low-rise brick wall and dense hedge, and mature trees. Immediately beyond is a pay and display public car park for Hampstead Heath. The car park opening hours are generally between 7am and 8:30pm.
- 3.6 Beyond the immediate boundary the Site is relatively enclosed. Dense woodland of Hampstead Heath lies to the north. The Grade II listed boundary wall of Heath House bounds the east side of North End Way. The Grade II* Listed Heath House is set back within its respective plot.
- 3.7 An aerial view of the Site from the north is provided at **Figure 2**, identifying the car park site, Jack Straw's Castle and the adjacent public car park. Figure 3 is taken from North End Way, showing Jack Straw's Castle with the car park in the foreground.



Figure 2 Aerial view from north



Figure 3 Jack Straw's Castle with car park in the foreground

4.0 SITE HISTORY

- 4.1 The Site boundary comprises the car park adjacent to Jack Straw's Castle, a Grade II listed building constructed in 1962-4 to designs by the well-respected architect Raymond Erith. Built as a pub, it replaced an earlier pub and hotel on the same site damaged in WWII. Jack Straw's Castle was listed Grade II in 1974. It was converted to residential use in the early 2000s.
- 4.2 The Site is also located within Hampstead Conservation Area. The Hampstead Conservation Area Statement was published in 2002 and identifies the Site to fall within sub-area 7: Whitestone Pond. The sub-area was one of the first parts of the Conservation Area to be designated on 1 February 1968, having later undergone further extensions.
- 4.3 The name, which was retained from the earlier pub, commemorates Jack Straw, Wat Tyler's second-in-command during the Peasants' Revolt of 1381, who is said to have camped on the site.
- 4.4 Jack Straw's Castle is located at the south end of North End Way, with a small terrace of houses formed from the former Old Court House to its south and two large villas to the north east. To the north and west is woodland, and to the east are the open spaces of the vale of Health and Hampstead Heath, although views to the east are largely blocked by vegetation at this point.
- 4.5 As well as the presence of the main part of the Heath to the east, the sense of openness and isolation around Jack Straw's Castle is largely a product of bombing during World War II that destroyed a number of buildings to the north and west of the site that have never been rebuilt. After the war, many of the bomb sites were cleared and incorporated into the Heath, including the land to the immediate north and west of the listed building.
- 4.6 Erith is said to have designed the building in the style of an early eighteenth-century coaching inn, with cream painted weatherboarding, Gothick-style windows and a pair of turrets at the rear. Nonetheless, it is also distinctively twentieth-century in its monumentality. It forms a prominent landmark and dominates the junction of Heath Street, North End Way and Spaniard's Road. It is an unusual example of a timber framed pub and reflects Erith's interest in vernacular as well as Classical styles.

Early History of the Site

- 4.7 There were already cottages in this area by the seventeenth century at the latest, when it was known as Littlewood. The former buildings at Jack Straw's Castle are said to have had sixteenth-century foundations. There was a pub on this site called Jack Straw's Castle by 1711. Already by that date, it appears to have been formed from three cottages. From the middle of the eighteenth century, the area changed its social character as the earlier small cottages were replaced by larger villas standing in generous grounds.
- 4.8 The 1st edition OS map of 1870-79 (**Figure 4**) shows the pub, by that date called the Castle Hotel, with an irregular plan form comprising a roughly square block, an arched entrance into a rear courtyard, and ranges of outbuildings to the west. To the north it had a large garden, probably a kitchen garden, with a range of outbuildings (possibly hot houses associated with a kitchen garden) along the road. Beyond

that was Heathlands, originally a large mid eighteenth-century house that was a reform school for approximately 100 girls from 1870s. Behind the pub to the west was a semi-detached pair of large villas, and to the south were the early eighteenth-century houses now known as the Old Court House (then called Heathview or Earlsmead) (listed Grade II), which stood in a generous garden with outbuildings or cottages attached to the south side of the pub. Heath House, another large early eighteenth-century villa now listed Grade II*, stood across the road.

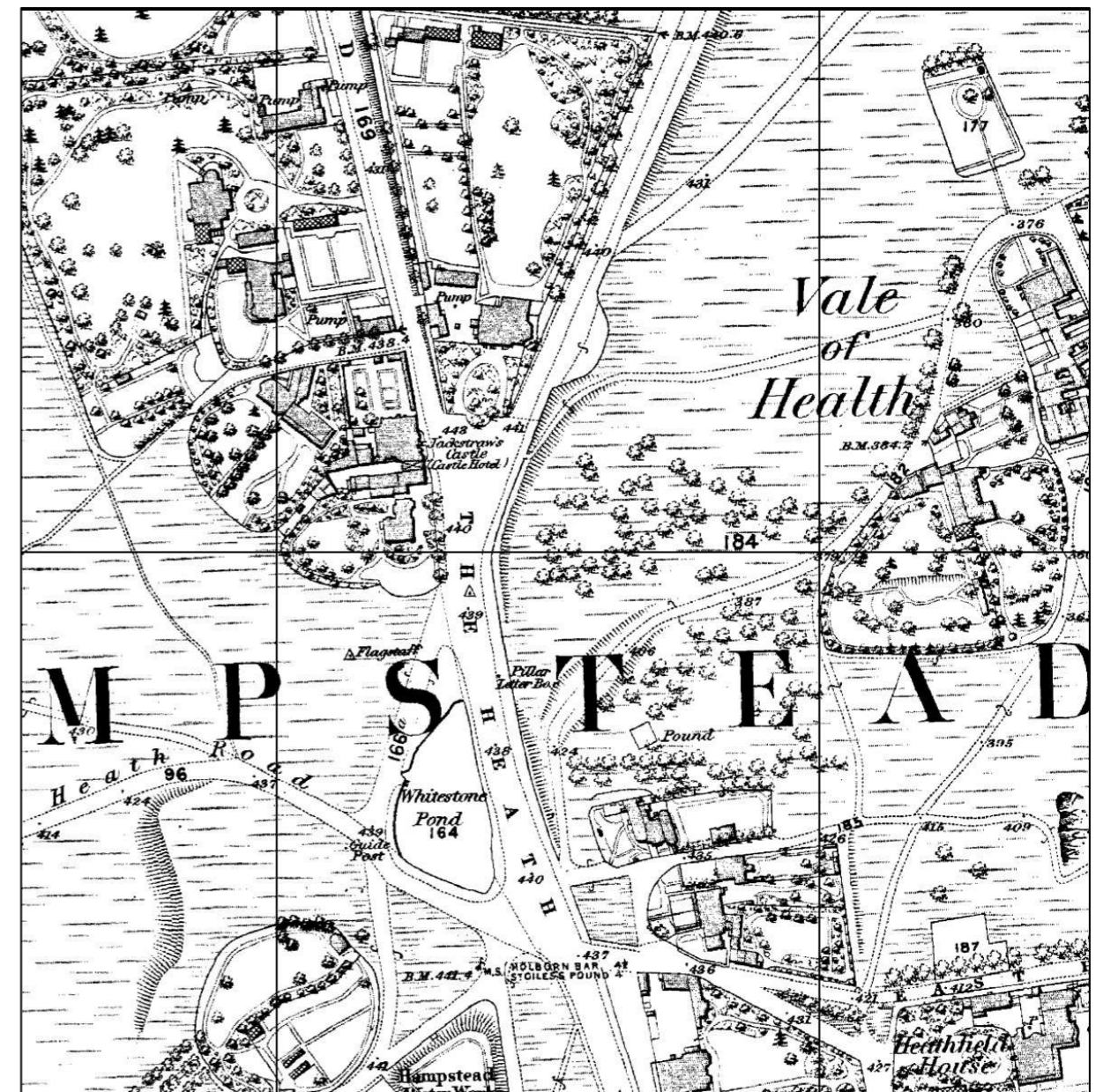


Figure 4 1870-79 OS Map

4.9 The 2nd edition OS map of 1896 (Figure 5) shows that the outbuildings attached to the south side of the pub and associated with the Old Court had been rebuilt as two separate buildings. These are shown in early twentieth-century photographs (Figure 6 and Figure 7) as a small two storey cottage, possibly of eighteenth-century date, that was set back from the road with a single storey building and wall adjacent to the road. This latter may have been a workshop or shop of some form as it is clearly shown with separate access to the street on the OS map of 1915 (Figure 8).

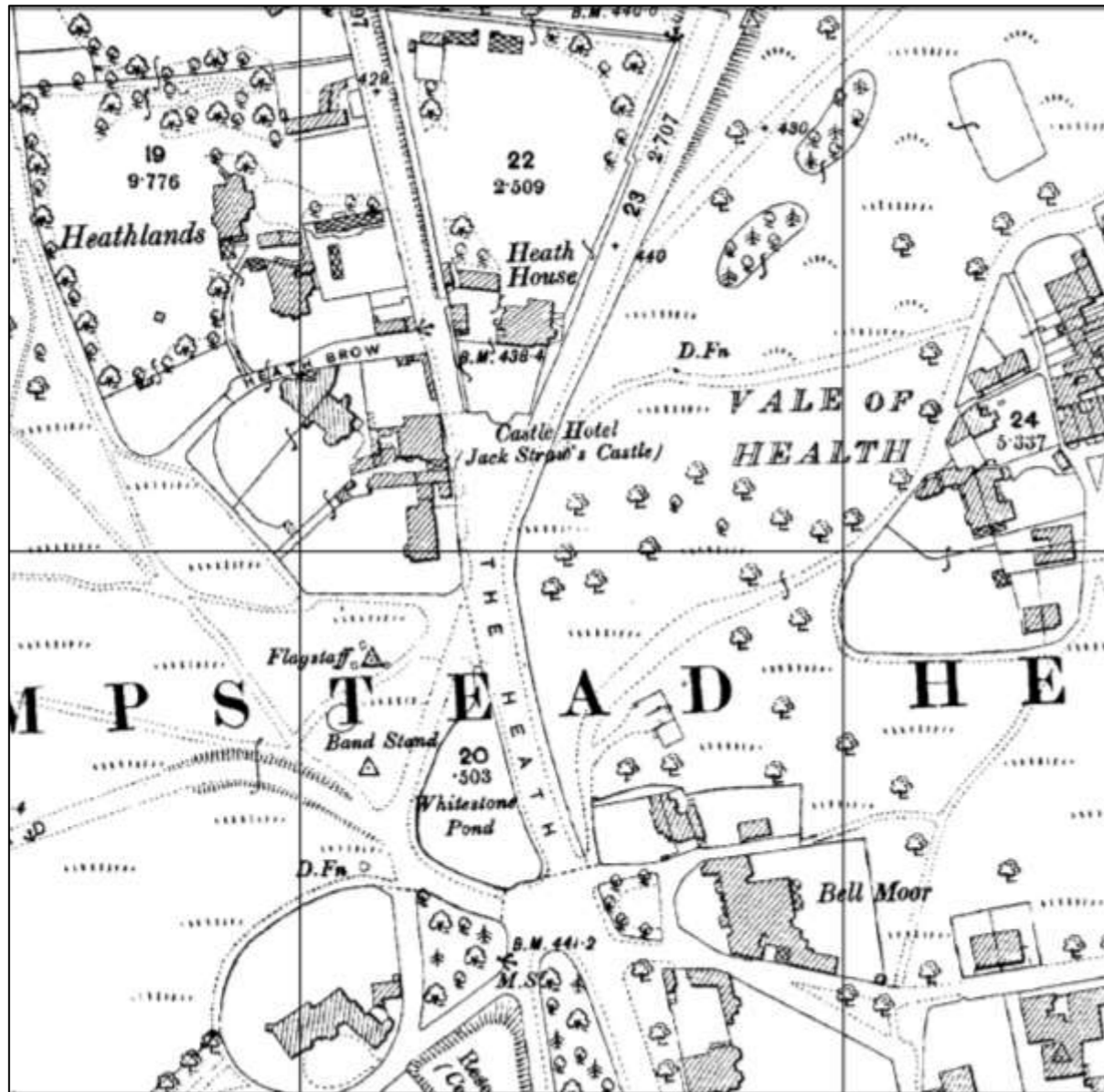


Figure 5 1896 OS Map



Figure 6 1907 image of former Jack Straw's Castle



Figure 7 1911 image of former Jack Straw's Castle

4.10 Early twentieth-century photographs of Jack Straw's Castle show it as having been converted from a terrace of three houses (presumably the three cottages recorded in 1711), all apparently refronted in the early nineteenth century. **Figure 7** shows part of the inner courtyard. **Figure 6** shows the back of the outbuildings in the pub's kitchen garden and some of the buildings at Heathlands to the north.

4.11 The 3rd edition OS map of 1915 (**Figure 8**) shows relatively little new development in the area.

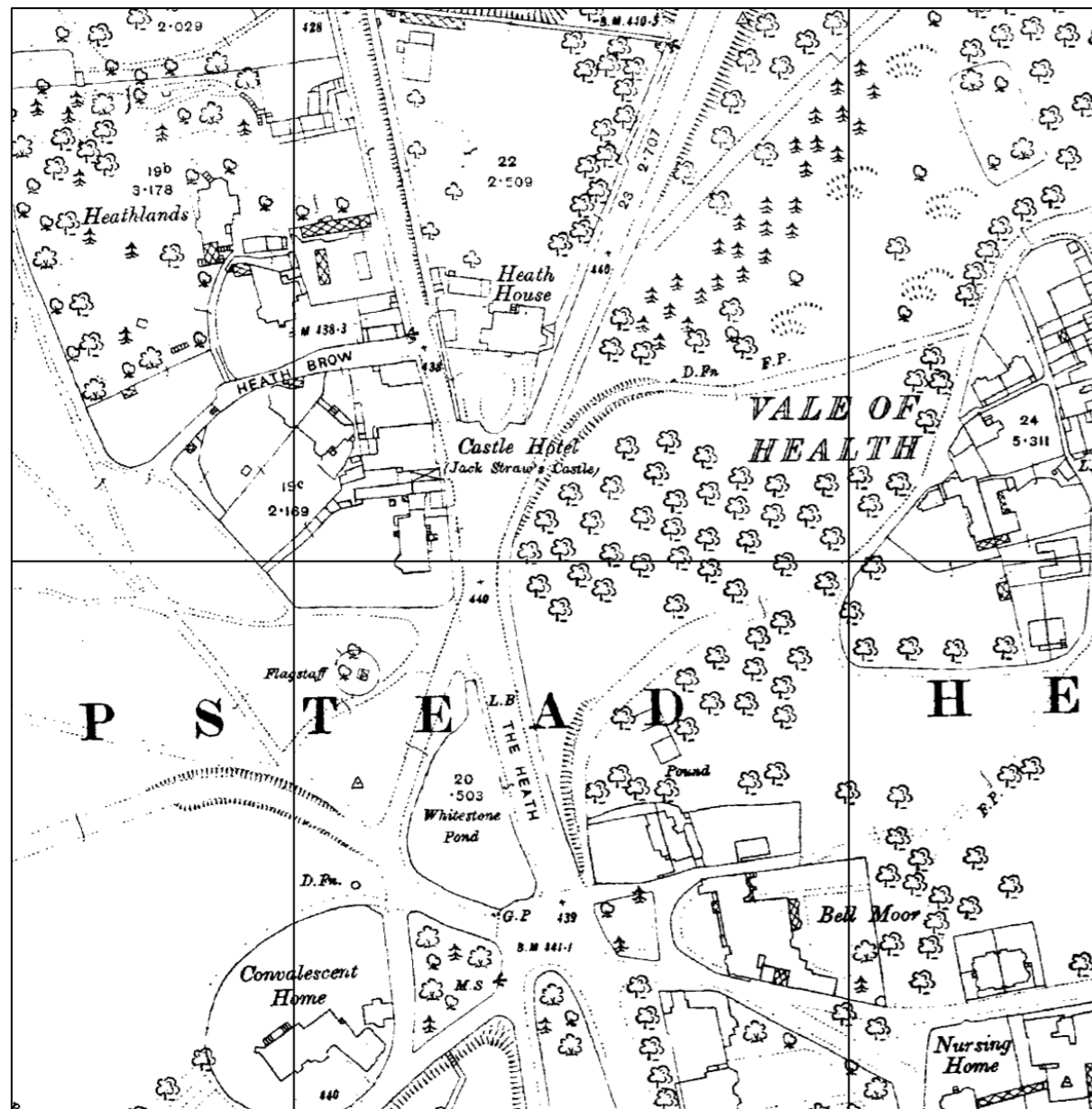


Figure 8 1915 OS Map

4.12 The 1934-36 OS map (**Figure 9**) shows that the outbuildings along the road to the north of the pub had been demolished and a house built on the edge of the garden by that date. It also shows that a large building had been built at the rear of one of the pair of villas immediately behind the pub. Interestingly, this latter building is not shown on the bomb damage map, see **Figure 10**, which was also based on 1930s OS mapping and shows a different structure in the garden of this house. The small workshop between the Old Court and the pub had been demolished by this date, but the cottage behind it remained as did the wall along the street frontage.

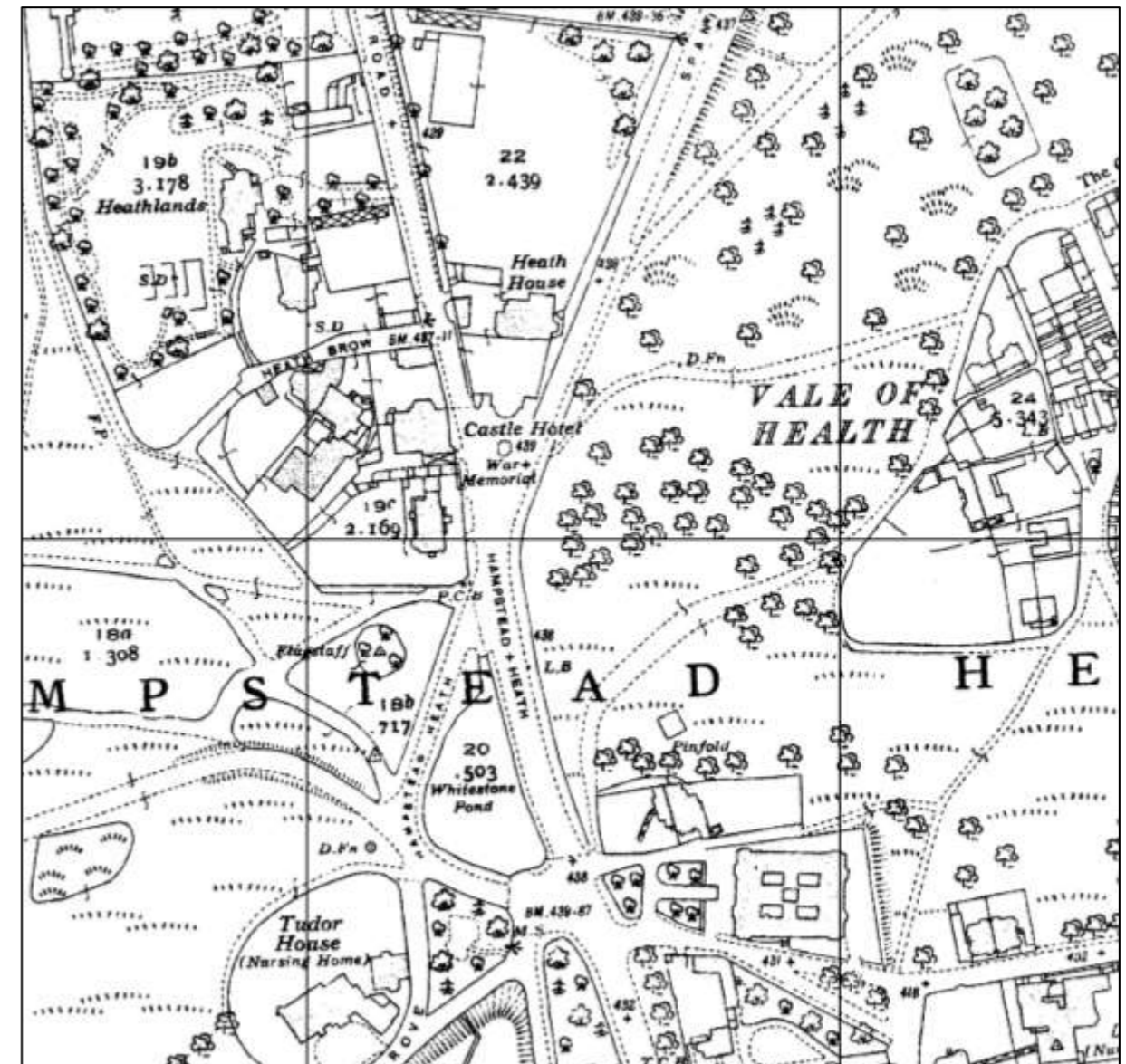


Figure 9 1934-36 OS Map



Figure 10 Bomb Damage Map

- 4.13 Jack Straw's Castle, the nearby Heathlands and its outbuildings, and the villas behind the pub were all very badly damaged or destroyed during bombing in WWII (**Figure 10**) when a landmine fell there in 1941. Heath House also sustained damage.
- 4.14 Post-war photographs show that part of Jack Straw's Castle survived and was restored in a much reduced form after the war, including the lower two floors of the southern section and the ground floor of the central section. The northern part was wholly demolished.
- 4.15 The wall associated with the cottage to the south of the pub survived, and at some point in the early 1950s, a weatherboarded building was built on the south side, filling in an L-shape between the pub and the Old Court House. This was probably done in connection with conversion of the Old Court House to flats for the elderly.
- 4.16 The sites of Heathlands and other nearby house to the north and west of the site, including the houses behind the pub, which had been destroyed or badly damaged in the Blitz, were incorporated into the Heath after the war, giving Jack Straw's Castle a more isolated setting than it had previously had. This effect has been increased by the growth of vegetation in the intervening 70 years. Comparison between the 1930s and 1954-55 OS maps (**Figure 9** and **Figure 11**) show the extent to the wartime damage and post war clearances opened up the area around the pub.

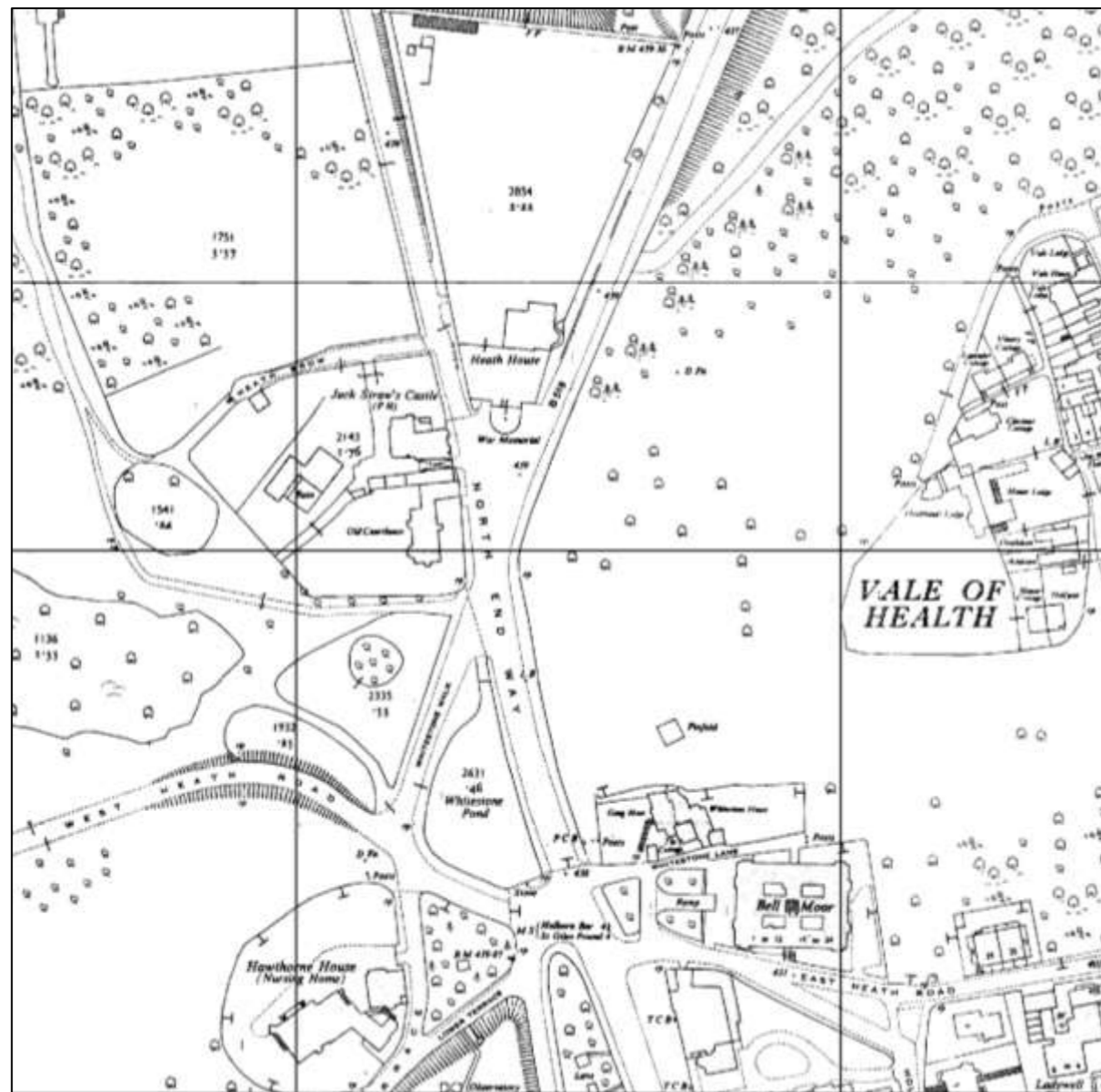


Figure 11 1954-55 OS Map

The Old Court House

- 4.17 In the 1950s or early 1960s, the Old Court House was converted to flats for the elderly. A weather boarded extension to this building is shown adjacent to the old Jack Straw's Castle pub in **Figure 12** and on the OS map of 1954-55 (**Figure 11**).



Figure 12 1950s photograph of Jack Straw's Castle

- 4.18 The Old Court House was converted to three houses c.2004 (2003/2777/P and 2003/2778/L). As part of this work, what had been a single house was altered to provide it with new doors and an extension was built between the historic building and Jack Straw's Castle, replacing the 1950s extension. This creates the appearance of an irregular terrace of three houses from what was once a single building.

Raymond Erith's Jack Straw's Castle

- 4.19 In 1962, planning permission was granted for the demolition of the remaining part of the early Jack Straw's Castle and its rebuilding to designs by Raymond Erith. The building was listed Grade II in 1974. Permission to convert it to residential use was granted in 2002 (PWX0102190 and LWX0102191).
- 4.20 Raymond Erith (1904-73), the architect of Jack Straw's Castle, was well known as a traditionalist and classicist in an age of functional modernists. He restored Nos 10 and 11 Downing Street in the late 1950s, designed a number of country houses, and worked on several Oxford Colleges. He also designed smaller country buildings and town houses, and restored a number of churches. About 30 buildings that he either designed or restored are listed, including several at high grades.
- 4.21 Timber framed, an unusual material for a pub of this date, Erith's Jack Straw's Castle has an extensive, broad east façade of three roughly evenly sized stories (a feature not characteristic of the early eighteenth century), and a strong horizontal emphasis created by the bands of closely spaced Gothick-style windows on the upper floors and the weatherboard cladding. The four bay windows on the ground floor and the square arch into the rear courtyard provide a nod to the early nineteenth-century façade of the earlier pub on the site. The horizontality of the building is further emphasised by the crenelated parapet; the twin towers at the rear, also with crenelated parapets, provide vertical punctuation.

- 4.22 Erith is the subject of a monograph and features in numerous academic and popular studies of twentieth century architecture. He represents a transition between traditions of nineteenth century design and the revival of traditional designers. Erith both encouraged and trained a new cohort of traditional British architects including Quinlan Terry, the architect of these proposals. Mr Terry was in Erith's Office when Jack Straw's Castle was being designed.
- 4.23 The building is overclad in weatherboarding and it has a clay tiled roofs, and sash windows on the lower two floors. There is a Gothick style gallery of windows on the upper floor with a crenelated parapet. It sits on a low black painted plinth at the front which extends to become an unpainted rendered masonry lower ground floor at the sides. It is three stories, with a pair of four storey turrets at the rear at either end of the main block. The rear is arranged around a courtyard. Erith's design for the building is said to have been inspired by early eighteenth-century coaching inns, but it is much larger and grander than most of its historic precedents and is clearly mid twentieth-century in character rather than early Georgian.
- 4.24 It is a witty interpretation of the vernacular applied to the whimsical language of the 'Gothick' garden folly, or an example of creative eclecticism in the traditions of the eighteenth and nineteenth century.
- 4.25 On the south, the façade was not designed to be seen as it was adjacent to the Old Court House. It incorporates a brick wall on this side, retained from the former 1960s extension to the Old Court House, with a blocked door that may relate to the earlier buildings on the site. The rear range on the south is long and low, and has a weatherboarded façade with a continuous range of windows towards the former pub courtyard and a brick façade with only two windows overlooking a small open area adjacent to the Old Court House.
- 4.26 The ground slopes steeply down to the west behind the building, and the upper part of the rear west façade, which has continuous bands of windows similar to those on the front and a cast iron balcony, is clearly seen in views looking up from the public carpark. When the pub was in use, these windows would have provided far reaching views to the west from the restaurant and function rooms on the upper floors.
- 4.27 On the north, the ground of the former kitchen garden, which slopes steeply down to towards the north, was excavated, with a retaining wall to the street, so that there is a full height lower ground floor and a surface car park on this side. The north facade continues the weatherboarding and crenelated parapet from the main façade. A single storey extension at the base of the tower on this side has a door into the tower from the front, with the tower itself designed to house the lift and stairs. Behind the tower, the fenestration is less regular than elsewhere on the building. On the second floor there is a continuous band of Gothick windows on the upper storey that originally lit a bar at this level. At the rear is a two storey above basement extension that was enlarged from a single storey c.2002 and also has a crenelated parapet.
- 4.28 This façade has been described as "cliff-like" (see 2004 appeal decision below), and its relatively short length compared to its height, the presence of the tower, and the additional, lower storey, rendered in a pale cement, gives it a much more vertical appearance than the strongly horizontal east façade. However, this was not Erith's original intention as early designs for this façade demonstrate.

Development of the North Façade

- 4.29 The north façade merits further, detailed consideration as it has been significantly altered after its construction and was also the subject of several design changes before its construction.
- 4.30 As the drawings in **Figure 13** to **Figure 15** demonstrate, the north side of the building was subject to several earlier design changes following planning consent. These different designs demonstrate that Erith experimented with different treatments for the lower floor on this side, apparently including weatherboarding and what was probably render, before settling on the final brick (which was in turn rendered c.2002). He also altered the design for the lower, rear part of this side, removing first a castellated parapet and then changing the weatherboarding to render.
- 4.31 The effect, and presumably also the intention, of these changes was to isolate the main part of the building as a single, clearly defined, rectilinear mass that was visually separated both from the lower storey and also from the lower range at the rear. This effect is still noticeable to an extent when approaching the building from the north, as the weather boarded upper storey slightly appears to float above, rather than sit on, the lower storey, although the use of a natural colour render makes this effect less obvious.



Figure 13 March 1962 (ref: 385/6). North elevation as designed, but not implemented.

- 4.32 The March 1962 drawing shows what appears to be a rendered lower storey and the weatherboarding and crenelated parapet continued onto the lower, north-west corner.



Figure 14 November 1962 (ref: 385/6/R1). North elevation as designed, but not implemented.

- 4.33 The November 1962 drawings shows a weatherboarded lower ground floor, probably intended to be painted in a dark colour to contrast with the white above, and the crenelations removed on the rear section.

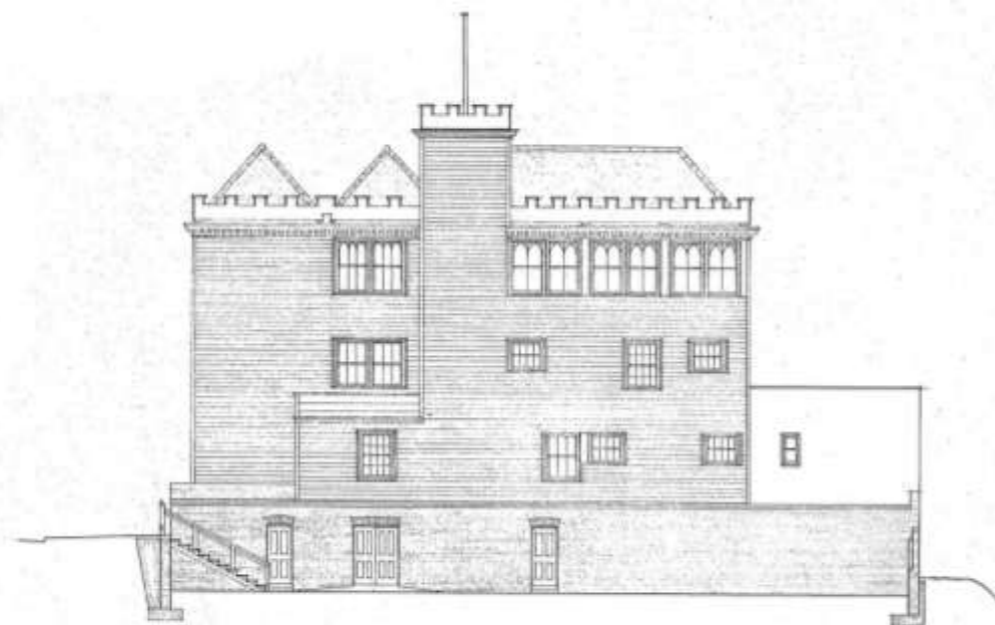


Figure 15 April 1964 (ref: 385/6/R1). North elevation largely as implemented.

- 4.34 The April 1964 drawing shows the implemented building, with a brick lower storey and the single storey rear section rendered. Figure 16 illustrates the 1970s garages prior to demolition and the contrast between the upper and lower parts of the main building. Although it is not wholly obvious in this drawing,

these differences in materials created a clear visual disconnection between the main body of the building and the lower north-west section, and also between the upper part of the building and the lower storey. This meant that the three stories of the end of the main body of the building read as a horizontal, weatherboarded mass that strongly horizontal mass of the main east façade.

- 4.35 This effect has been diluted by later changes on this side.

New Garages in the Car Park

- 4.36 In July 1972 planning permission was granted by the Council (ref: 14121) for the erection of a combined garages, dustbin store and bottle store in the car park of Jack Straw's Castle. The garages were constructed and are shown in Figure 16.
- 4.37 Figure 16 demonstrates the garages were wider than the low rear range (at that date only a single storey) and sat under the westernmost bay of the main part of the north façade.



Figure 16 Garages to north-west corner of Jack Straw's Castle

- 4.38 In August 1977 planning permission was granted by the Council (ref: 1696) for alterations in connection with the change of use of the existing retail shop and garage to residential accommodation. The planning permission was not implemented and the garages were not converted.
- 4.39 The garages remained until 2002 when planning permission and listed building consent was granted by the Council (PWX0102190 / LWX0102191) for the conversion of the main building for residential use, including the erection of a two storey rear extension to the main building.

- 4.40 The garages were demolished to facilitate the implementation of the 2002 scheme. However, as the approved drawing for the 2002 scheme demonstrates, consent was also granted for the garages' retention or rebuilding (**Figure 17**).
- 4.41 As the planning permission and listed building consent PWX0102190 / LWX0102191 has been lawfully implemented, the garages may be reconstructed, reinstating a structure in this location. As was the case before, the garages would cut across the divide between the rear section of the building and the main building clad in weatherboard (see **Figure 16**), thus diluting their separation. This decision is a material consideration of weight.

Creation of the Existing North Elevation

- 4.42 The planning permission and listed building consent PWX0102190 / LWX0102191 allowed the conversion of the building to residential use including the 'erection of a 2 storey rear extension to the main building to provide 1 dwelling house with roof terrace above'.
- 4.43 This new two storey extension raised the rear bay of the north façade by a storey and added the crenelations that Erith had abandoned as shown in **Figure 17**. In addition, the lower storey was rendered.



Figure 18 Jack Straw's Castle from the north



Figure 17 2002 approved drawing 107H

- 4.44 As **Figure 18** shows, the enlarged rear part has been painted to match the rest of the building, while the render on the lower storey is also light in colour. This similarity in colour dilutes the clear contrasts that Erith had intended between the main, upper part of the building, the rear range and the lower storey. These changes make the whole of this façade both more massive and more irregular than Erith had intended.

5.0 STATEMENT OF SIGNIFICANCE

5.1 Significance (for heritage policy) is defined in the National Planning Policy Framework (2012) as:

the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.

5.2 Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (2015) set out a framework of four inter-related key values for assessing the significance of historic buildings and places. The significance of a heritage asset is the sum of its archaeological, architectural, historic, and artistic interest.

Jack Straw's Castle

5.3 Jack Straw's Castle has considerable artistic and architectural significance as an important building by Raymond Erith. The main east façade is handsome and well balanced, with vernacular style detailing that echoes an early eighteenth-century coaching inn but executed with a scale and confidence that is typically mid twentieth century.

5.4 The upper part of the west façade, with its bands of windows and balcony, is also well considered and again echoes architectural themes drawn from earlier eras. The south façade is plain and was never intended to be seen in any detail.

5.5 The arrangement of windows on the northern façade follows in part the functional needs of the internal spaces, and as a result this elevation does not have the clarity of expression as the main one. It has also been altered and its design was never complete as intended. This is not surprising given it faces land always intended as a car park.

5.6 Its artistic and architectural interest is its primary significance.

5.7 Jack Straw's Castle also has historic value, both as a former pub and as an important local landmark. Although it is no longer a pub, parts of the building are still in commercial use as a gym. Its landmark character has not been diminished by its conversion to residential use.

5.8 The building does also help to illustrate the post-war history of the area and its continued popularity as a destination for leisure visitors, albeit a more limited number than intended.

Setting

5.9 Setting is defined in Annex 2 of the NPPF as:

the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative

contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

5.10 The 2015 Historic England guidance note *The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning: 3 (GPA3)* provides an approach to assessing whether, how and to what degree setting contributes to the significance of heritage assets.

5.11 GPA3 sets out a staged process that identifies the contribution made by setting to the significance of the heritage asset(s), and then assesses the effects of the proposed development on that significance (p.6).

5.12 For assessing the contribution made by setting to significance, GPA3 focuses on the key attributes of the asset itself, including (p.8):

- The physical surroundings of the asset, including its relationship with other heritage assets;
- The way the asset is appreciated, and
- The asset's associations and patterns of use.

5.13 Thanks to the destruction in the Blitz, and the decision not to rebuild many of the surrounding buildings, the present-day setting of Jack Straw's Castle is more open than it would have been before the war. Nonetheless, as the building itself is also post-war, it was designed to be seen in this more open setting and Erith took advantage of this openness to create a monumental, landmark building. Nonetheless, the varying treatment of the facades demonstrates that he placed the most emphasis on the main, east façade. The south façade, which was largely covered by other buildings at the time of its construction was plain, and was intended to relate to the existing buildings of the Old Court House.

5.14 On the west, the windows in the upper storeys were intended not so much to be seen as to see from, providing long views over west London from the public spaces on the upper floors. In this context, the falling ground, the rear courtyard, and the open spaces of West Heath were an important part of the building's setting on this side, as they facilitated these views.

5.15 On the north, Erith's intention appears to have been that the end of the main body of the building should be seen as a mass that was isolated from the lower storey and the rear range in views looking south towards the building from North End Way. The views on this side are facilitated by the open spaces created by the inclusion of the former Heathfields site within Hampstead Heath. Nonetheless, the relatively functional treatment of the window placement and the asymmetrical massing even within the main body of the building on this side suggest that Erith did not consider this view to be the primary element of the building's significance and setting. It also faces a car park, and there is an implemented consent for two car garages.

5.16 The setting of Jack Straw's Castle makes a positive contribution to its significance. This is especially the case on the east, where the openness of the surroundings allows the building to be seen as a monumental construction deliberately intended to create a local landmark. On the west, the building and the setting work together to facilitate the views from the upper storeys. On the south, the building was always designed to be part of a terrace and is plain and uneffacing on this side. On the north, the openness of the former Heathlands site allows views of the side of the building down North End Way,

but it is clear from Erith's drawings and the changes he made to them, that the emphasis on this side was on seeing the main front body of the building. The rear part of this side and the lower portion were deliberately deemphasised.

Hampstead Conservation Area

5.17 The Site is also located within Hampstead Conservation Area. The Hampstead Conservation Area Statement was published in 2002 and identifies the Site to fall within sub-area 7: Whitestone Pond. The sub-area was one of the first parts of the Conservation Area to be designated on 1 February 1968, having later undergone further extensions.

5.18 The Statement states that the sub-area forms the "open summit of the Heath". It is "*dominated by traffic but several landmarks nearby record the history of the area*". "*The pond itself was used to refresh horses after the long climb up Hampstead Hill*".

5.19 At page 3 the Statement states:

A range of factors and attributes come together to create its special character. These are principally; its topography; the Heath; the range, excellence and mix of buildings; the street pattern and Hampstead's historical association with clean water and fresh air. The Conservation Area stretches beyond the village itself to include South End Green, Frognal and Rosslyn Hill and offers many fine and interesting examples of the architectural development of London

5.20 Section 72 (General duty as respects conservation areas in exercise of planning functions) of the 1990 Act requires that, in the exercise of all planning functions, special attention be paid to the desirability of preserving or enhancing the character or appearance of the area.

Listed Building Setting

5.21 The Proposed Development has also considered the setting of adjacent listed buildings, including:

- Heath House (Grade II*)
- Heath House Garden Wall and Railings (Grade II)
- Old Court House (Grade II)
- Hampstead War Memorial (Grade II)

5.22 Section 66 (for planning permission when required) of the 1990 Act, when determining applications, the local planning authority or the Secretary of State, 'shall have special regard to the desirability of preserving the building or its setting of any features of special architectural or historic interest which it possesses.'

6.0 THE REFUSED 2003 AND 2004 SCHEMES

- 6.1 In 2003 and 2004 two successive schemes to build first two, then one house on the site of the car park, roughly in the location of the present proposals, were refused by the Council. Both schemes went to appeal, where the refusals were upheld.
- 6.2 Despite the updating of local and national planning policy since 2003, the statutory context within which the decisions taken by the Inspectors in both cases remains the same now as it was then. In particular, the Inspectors gave special regard to the desirability of preserving the listed building, or its setting or any features of special architectural or historic interest it possesses. The Inspector also gave special attention to preserving or enhancing the character or appearance of the Hampstead Conservation Area. These provisions are set out in sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Here we suggest that if the setting of the listed building is not harmed, then the Conservation Area test would be met. In any application we would of course carry out a full Conservation Area assessment.
- 6.3 This section looks in some detail at both of these schemes and at the Inspector's comments in their decision letters. In particular, it highlights the key elements of both schemes that caused difficulties, notably the treatment of the proposed house as an "extension" to the listed building in a pastiche style and the construction of a brick car park enclosure that would have blocked views of the listed buildings from Heath Brown and North End Way.

2003 Scheme

- 6.4 In 2003, permission was refused for the "Erection of roofed enclosure over existing car park, and erection of 2 two storey houses with rooftop conservatories and paved roof terrace above this enclosure" (Council Ref: PWX0302151 / LWX0302156 (April 2003) and 2003/1396/P / 2003/1397/L (September 2003)). The design-related Reason for Refusal stated that

The combined proposal for houses and car park enclosure, by reason of its size, height, bulk, location and detailed design, and the infilling of an open space adjoining a listed building, would be harmful to the setting and appearance of the adjoining building, to local views in the streetscene and from the Heath, and to the character and appearance of this part of the conservation area. The proposal thus fails to comply with policies EN1, 13, 14, 16, 31, 38, 22, 52 and HR1, 2, 3, 4, 7, 8 of the London Borough of Camden Unitary Development Plan 2000, and supporting advice in the Hampstead Conservation Area Statement.

- 6.5 An appeal on the scheme was also rejected (Appeal Ref: APP/X5210/A/03/1124778/ APP/X5210/E/03/1124779 (April 2003) and APP/X5210/A/03/1124780/ APP/X5210/E/03/1124781 (September 2003)). The 2003 appeal decision is provided at **Appendix 2.0**.
- 6.6 The Inspector considered there were two main issues relating to the appeals:
- The effect of the proposed development on the character and appearance of the listed building and its setting within the conservation area.

- Whether the servicing arrangements would be detrimental to highway safety and the free flow of traffic.

6.7 **Figure 19** demonstrates the 2003 scheme was conceived of as an extension to the listed building. It was designed in a similar style to the main part of the building, with a crenelated parapet, and a similar hierarchy of windows, with sash windows on the ground floors and Gothick windows with pointed lights above. The proposals would also have raised the level of the car park so that the ground floor of the houses was level with the ground floor of the main building. On the north side a new enclosed car parking area in the new podium was proposed to have a terrace above it.

6.8 The 2003 proposed elements of the composition of the building on this side would have been similar, in three dimensions, the effect of these proposals would have been to enclose this side of the listed building in new structures. In particular, the topography of the Site would have led to the proposals being perceived as development covering the entire car park. Moreover, the depth of the two houses encroached across the line of main building clad in weatherboard (see Figure 19), thus diluting the separation from the rear section of the building and exaggerating the bulk of the proposals.



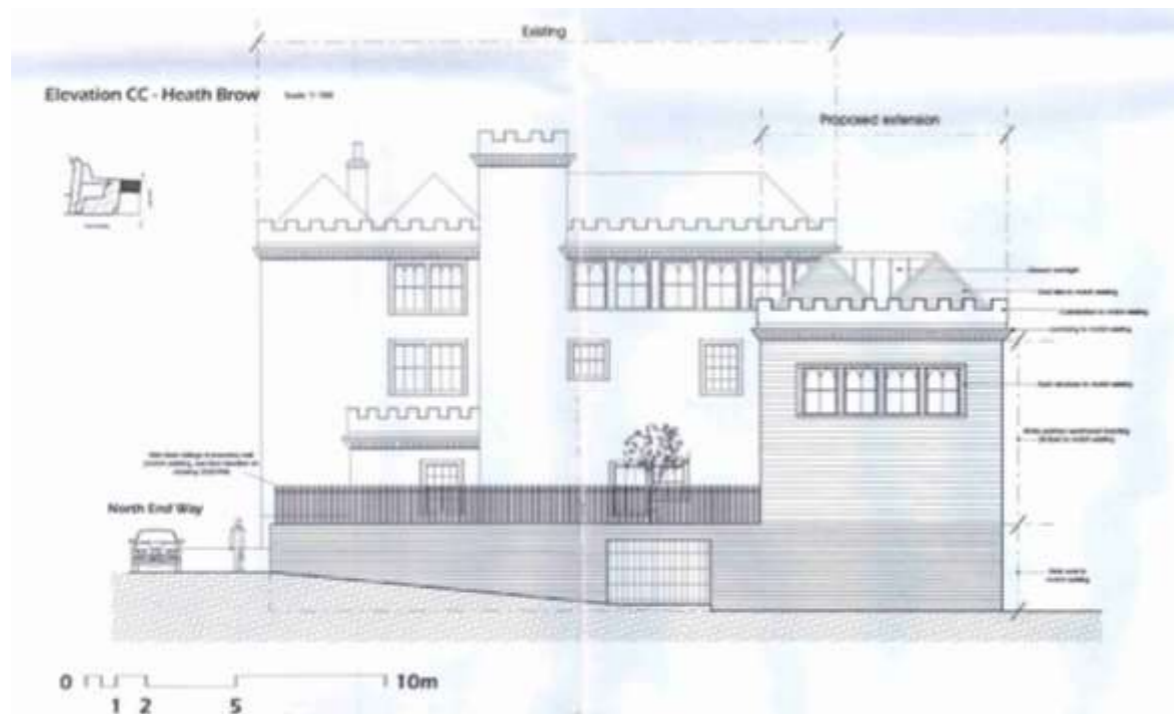


Figure 19 Proposal 2003/1396/P / 2003/1397/L

- 6.9 In considering the proposals the 2003 Inspector primarily considered the approach views from the north and the adjacent public car park, stating:

I am concerned that the proposed extension would appear as a substantial addition to the listed building, protruding into the openness of the surrounding area and unduly intensifying the amount and scale of development

- 6.10 The Inspector chose to refer to the proposals as an “extension” and an “addition to the listed building”. We draw the conclusion that his objections lay largely in the pastiche architectural treatment of the proposals, which were clearly intended to be read as an extension and enlargement to the main building, as opposed to a standalone development that would be visually distinguished from its neighbour.

- 6.11 The Inspector moved on to discuss the approach views of the listed building in greater detail.

I recognise that as the building is set back from the road and at a significantly lower level, its impact when seen approaching the crest of the hill on North End Way would be minimised. However, whilst the new extension would have lower eaves than the existing building and has been carefully designed to mimic the architectural style and appearance of the listed building, I consider that it would appear bulky and unduly obtrusive when seen from the lower levels.

- 6.12 The Inspector went on to state that:

Notwithstanding the benefits that would be derived from the use of the new terrace and the outlook from the proposed dwellings, I consider that the new wall would create a high and hard edge alongside Heath Brow that would be out of character with the more informal and semi-rural character of that road, the entrance into the car park and beyond down into Hampstead Heath.

- 6.13 Due to the pastiche architectural treatment this would have read as a monolithic continuation of the listed building across the back and side of the car park boundary. No landscaping details were submitted with the 2003 proposals to mitigate the impact of the development on the openness of the Heath in views from the west or from the north.

2004 Application and Appeal

- 6.14 Following the 2003 appeal, a revised scheme was submitted in 2004 for the “erection of a 2 storey dwelling house with associated garden and forecourt car space in rear part of car park, and new boundary railings/walls and relocated entrance to remaining car park at front of site” (Council Ref: 2004/0705/P / 2004/0707/L).

- 6.15 This scheme (see **Figure 20**) removed the raised podium for car parking but retained part of its side wall as an enclosure for a ground level car park. It lowered the level of the proposed new house so that from the front its upper storey was level with the ground floor of the main building. From the side, it would have sat over and slightly in front of the line of the extended rear range. Architecturally, it was in a vernacular style that drew its inspiration from the main building, with weather boarding and Gothick style windows, but in a simpler manner and without the crenelated parapet.

- 6.16 This was also refused, and the Council’s design related reason for refusal stated that

The proposal for a house and associated boundary walls, by reason of its size, height, bulk, location and detailed design, and the consequent partial enclosure of an open space adjoining a listed building, would be harmful to the setting and appearance of the adjoining building, to local views in the streetscene and from the Heath, and to the character and appearance of this part of the conservation area. The proposal thus fails to comply with policies EN1,13,14,16,31,38,22,52 and HR1,2,3,4,7,8 of the London Borough of Camden Unitary Development Plan 2000, and supporting advice in the Hampstead Conservation Area Statement.



Figure 20 Proposal 2004/0705/P / 2004/0707/L

6.17 This scheme was also rejected at appeal (Appeal Ref: APP/X5210/E/04/115128). The 2004 appeal decision is provided at **Appendix 3.0**.

6.18 The Inspector considered there were two main issues relating to the appeals:

- Whether the proposed works would preserve the special architectural and historic interest of the listed building;
- The effect of the proposed development on the character and appearance of the conservation area.

6.19 We discuss the discursive part of the appeal decision below. The statutory context for the Inspector, again, remains the same now as it was then.

6.20 The 2004 appeal was relating to the application for the development of one house, together with associated car parking on the site of the car park adjacent to Jack Straw's Castle. The crux of the decision is set out in paragraph 7 which states:

"I am informed that Erith turned the fact that the land to the north is lower to his advantage by designing this front to provide vehicular access to the cellars with the added benefit of keeping parked cars out of site. Architecturally this allowed the designer to play up the idea of a castle with battlements and a tower (incorporating a lift) producing a cliff-like wall facing over the car park. I accept that this is a rational explanation of the design concept and an important part of the special interest of the building. To my mind the proposed extension would intrude into the car park and space and dilute the drama of this space and the sheer wall to the north elevation." (our emphasis)

6.21 The concise statement outlines the salient point of concern for the Inspector; primarily, the dilution of the "cliff-like wall facing over the car park". **Figure 20** demonstrates three contributing factors to this dilution which we discuss below.

6.22 Firstly, the building line of the proposals again encroaches across the divide between the rear section of the building and the main building clad in weatherboard. This denies the observer clear views of the main building and the "drama" of the sheer elevation.

6.23 Secondly, the car park boundary wall was, again, proposed as a one storey brick elevation to Heath Brow even though it was now reduced in length. As a consequence, this obscured the topography to the Site and truncated views of the listed building's sheer, north elevation.

6.24 Finally, the proposals were, once again, conceived of as an 'extension' to the principal building in a pastiche architectural treatment. As such, rather than being perceived as a standalone building visually distinguished from the listed building, the proposals diluted the overall composition and perception of sheer scale. This is also reflected in the closing remark in paragraph 7 that states "*respect it would be a poor imitation*".

6.25 With regard to any future proposals for the Site the Inspector concluded:

"As with the previous decision it would be wrong of me to suggest that no further development should take place in the car park as I can never know what ideas an imaginative architect, perhaps one as skilled as Erith, might dream up. However, it is evident to me that to arrive at an acceptable solution for an extension to the north of this remarkable building would require exceptional skills."

6.26 Thus the Inspector did not discount the possibility for future development, subject to good design.

7.0 HERITAGE IMPACT

7.1 The present proposals take a wholly different approach to development of this Site than the previous schemes discussed above.

7.2 There are four key differences between the present scheme and those refused in 2003 and 2004.

A Standalone Design

7.3 Firstly, and most importantly, although still physically abutting the listed building, the proposed new houses are not designed to be read as an extension to the building but rather structures with their own identity, albeit one complementing the eighteenth century period which inspired the listed building. There is precedent for this arrangement in the terrace of three houses formed from the Old Court House on the other side of the listed building.

7.4 The Proposed Development forms a standalone design, allowing the principal listed building to be read as a single entity. This is particularly notable when viewing the proposals from the front elevation (**Figure 22**), where Jack Straw's Castle may be seen as a large castle with battlements, flanked by existing (south) and proposed (north) developments of varying architectural style.

Different Architectural Style and Building Materials

7.5 Secondly, the proposed new houses are in a wholly different architectural style to the listed building, in contrast to the older proposals, which attempted to ape the existing building in a pastiche style. This use of a classical architectural language clearly distinguishes them from the listed building and provides a contextual response to the wider area.

7.6 In particular, the design of the proposed new houses responds both the fine Georgian architecture of nearby villas such as Heath House and also to lost eighteenth-century houses such as Heathfields, as well responding to the characteristic Georgian development found across the wider Hampstead area. A more detailed discussion of the design development is presented below.

7.7 The previous schemes, as well as using similar style to the main building, also adopted similar building materials including timber weather board cladding. The proposed new houses, which are brick, make use of a different building material that will provide a clear contrast with the weather boarding of the main building. Combined with the obviously different architectural style, this difference in materials will identify the new houses as something separate from the listed building, but still in keeping with it.

Building Line and Relationship to the Main Building

7.8 Thirdly, both of the appeal schemes sat on the footprint of the 1970s garages, and in consequence both encroached beyond the line of the altered north-west bay of the listed building so that they sat partly over the elevation of the north end of the main building.

7.9 In contrast, the Proposed Development steps back from the main body of the listed building, sitting only over the line of the altered north-bay. Thus it retains and preserves the integrity of the end of the main building, which in turn can still be read as a distinctly separate mass as Erith intended (**Figure 21**).



Figure 21 Proposed North Elevation

Car Park

7.10 Fourth, and finally, both the 2003 and 2004 appeal schemes incorporated the complete or part-covering of the existing car park, raising it from lower ground to ground floor level and introducing a new brick wall much further north than the existing lower ground floor of the listed building's facade. These proposals would have partially or entirely blocked views of the lower ground floor of the listed building, and in consequence, they would have diminished or eliminated Erith's intended effect of the north end of the main range floating above the lower ground floor as a distinct mass.

7.11 In contrast, the Proposed Development retains the existing car park levels and the open views towards the building across this space, the scale of this return wall and its relationship visually with the east, main frontage.

Architectural Treatment

7.12 Some further justification for what might be considered an overly formal architectural treatment of the facades of the proposed new houses in what is an otherwise relatively open and green location was requested by the Council in the pre-application meeting on 22 March 2016. In particular, there was concern about formal regularity of the façade, which draws inspiration from eighteenth-century terraces, might be seen to be as too urban for its context. It should be noted that none of the heritage stakeholders consulted during the pre-application process made this same judgement.

7.13 Firstly, it should be noted that while the area around Jack Straw's Castle is undoubtedly open, it is not rural. It is a gap in an otherwise entirely urban fabric that has been created by urban parkland. The edges

- of the dense development Hampstead are less than 200m to the south down Heath Street and only about 250m to the west across West Heath. To the north, the edge of development at North End is less than 500m away and beyond that is the rest of North London beginning with Hampstead Garden Suburb and Golders Green. To the east, the settlement at the Vale of Health is also less than 200m away, albeit that this is an isolated pocket within the Heath.
- 7.14 Nonetheless, the raised topography of the Site on the top of a hill and surrounding open spaces, means that there are open and far reaching views especially to the east and west from the surrounding areas, and to a lesser extent also to the north and south. Even these views, however, look out over the metropolis beyond the Heath and not over open countryside.
- 7.15 Within the central areas of London and Westminster, the London Building Acts passed from 1700 to 1774 helped to both create and to enshrine standardised layouts for domestic buildings. They also standardised the use of brick and of certain types of architectural detailing such as sash windows with concealed frames and brick party walls rising through the height of the buildings within terraces.
- 7.16 The Acts were initially designed to address the risk of fires occurring in the Cities of London and Westminster. From 1724, however, they were extended outside of the core area of the Cities of London and Westminster to the Marylebone, Paddington, Chelsea and St Pancras areas. As a distinct metropolitan architectural language developed, forms created in response because of the Building Acts continued to spread further afield, helping to create the distinctive “Georgian” style that characterised residential development the length and breadth of Britain in the eighteenth and early nineteenth centuries. It could be found everywhere from large cities to small towns, and often even in villages.
- 7.17 The propensity of Georgian builders was also to put green space at the front of the houses, usually in the form of a communal square, rather than in private gardens at the back as would be the case from mid to late Victorian period onwards. Within the growing metropolis, development of the urban fringes frequently provided the opportunity for creating formal architectural compositions within open settings. There were many similar developments elsewhere, again especially on the edges of towns and in suburban or semi-rural situations.
- 7.18 A series of case studies presented in **Appendix 10.0** illustrates some of the “urbs in rure” compositions, which took the formal architectural language of the Georgian period that characterised inner urban development, notably the terrace, and placed it in more open semi-rural contexts.
- 7.19 These case studies include:
- Downshire Hill, within close proximity to Hampstead Heath.;
 - 158-160 Lower Clapton Road, overlooking Clapton Pond; and
 - Montpelier Row (late eighteenth-century) overlooking Blackheath.
- 7.20 To these might be added many others such as the Royal Crescent in Bath (1767-74) overlooking what is now Royal Victoria Park; the early nineteenth-century Royal Terrace in Edinburgh overlooking Regent Gardens, and also of the early nineteenth-century the Nash terraces around Regent’s Park.
- 7.21 Thus there is a clear context for building what might, at first glance, appear to be overly urban forms in more open contexts. In particular, the placement such architectural compositions adjoining pre-existing open spaces such as Blackheath or Richmond Green, as well as designed spaces like Royal Victoria Park in Bath or Regent Gardens in Edinburgh, has many well-established and successful precedents.
- 7.22 It is within this context that the Proposed Development forms an appropriate response in the wider street scene and the setting of the adjacent Heath House and nearby Old Court House, the setting of which is coterminous with this part of the Hampstead Conservation Area. The Proposed Development would be setback from the road and subservient in style and size to the adjacent listed building. It would form an attractive part of the townscape, preserving its setting and that of the wider area.
- 7.23 Notwithstanding the above, the Applicant and design team has sought to ‘soften’ the principal elevation by applying an ornamental balcony. Particularly if adorned with climbing plants this would soften the perceived formal architecture.
- Summary of the Differences between the 2003/4 Schemes and the Proposed Development**
- 7.24 As discussed above, the present proposals are wholly different in character to the previous proposals. They use a different architectural style and different materials to distinguish themselves from the existing listed building.
- 7.25 Although physically attached to the listed building, visually they will present a clear, strong separation from it. The visual integrity of the listed building will therefore be retained
- 7.26 When seen from the north, the proposed houses will cover only the line of the altered north bay, leaving the entire north end of main range visible and clearly understandable.
- 7.27 The open space of the existing car park area is also retained and will be left open to view without a high wall around it, thus retaining the existing views of the north end of the listed building.
- 7.28 The architect of the proposals is Mr Quinlan Terry, one of the country’s leading classical architects, one who is internationally known. More to the point, Mr Terry was trained by Erith himself and was in the office at the time Erith had Jack Straw’s Castle on the drawing board. The proposals, thus, tell a story about the continuing tradition of new classical architecture. This is an unusual case, we believe, where the architect’s identity is a material consideration of weight.

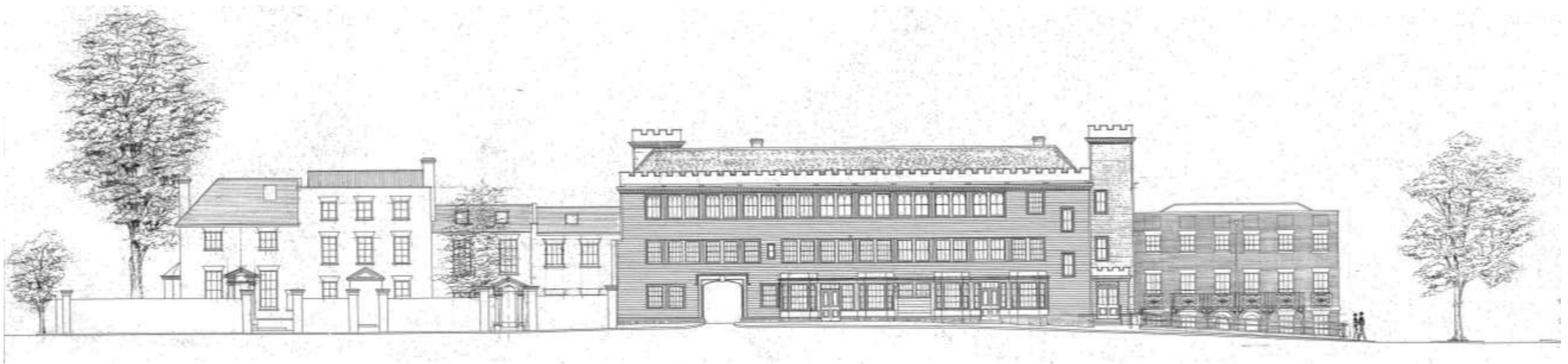


Figure 22 Proposed Front Elevation in Context

8.0 PLANNING POLICY ASSESSMENT

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 stipulates that where in making any determination under the Planning Acts, regard is to be had to the development plan, and the determination must be made in accordance with that plan unless material considerations indicate otherwise. Relevant documents of the statutory development plan is identified for this assessment as follows:

- London Plan (2016)
- Camden Core Strategy (2010)
- Camden Development Policies (2010)

8.2 We discuss relevant policies below under relevant sub-headings. The development plan is supplemented by the following guidance that has informed the Proposed Development:

- Camden Planning Guidance 1: Design (2014)
- Camden Planning Guidance 2: Housing (2013)
- Camden Planning Guidance 3: Sustainability (2013)
- Camden Planning Guidance 4: Basements & Lightwells (2013)
- Camden Planning Guidance 6: Amenity (2011)
- Camden Planning Guidance 7: Transport (2011)

8.3 We have also had regard to the Camden Local Plan that will replace the Local Development Framework (LDF) Core Strategy and Development Policies in 2017. The Local Plan is emerging and public hearings for the Examination were held at the Camden Town Hall during October 2016.

Principle of Development

8.4 Pre-application discussions with the Council confirmed they consider the principle of residential development is acceptable, subject to high quality design and the findings of technical reports.

8.5 The Proposed Development comprises a lawful C3 use class as two single dwelling houses on the Site. Policy CS1 (Distribution of Growth) and CS5 (Managing the impact of growth and development) seek to promote the most efficient use of land and buildings in Camden by seeking development that makes full use of its site, taking into account quality of design, its surroundings, sustainability, amenity, heritage, transport accessibility and any other considerations relevant to the site. This Statement, supplemented by technical reports, demonstrates that the Proposed Development is a particularly efficient use of land that meets these additional considerations and, by doing so, make a contribution towards the need for housing in the Borough in accordance with Policy CS6 (Providing quality homes) and DP2 (Making full use of Camden's capacity for housing).

8.6 The provision of 2 family sized units is considered a 'medium' priority in the Dwelling Size Priorities Table in policy DP5. Given the constraints of the Site and heritage designations, it is considered that this is acceptable in this context.

Housing Standards

8.7 Camden Planning Guidance 2: Housing (2013) specifies (inter alia) that all habitable rooms should have minimum headroom of 2.3 metres and a minimum floorspace of 93sqm for a 6 person dwelling (excluding communal lobbies and staircase). Bedrooms should meet or exceed 11sqm for first / double bedrooms and 6.5sqm for single bedrooms.

8.8 Policy 3.5 of the London Plan states the minimum GIA for a three storey house with four bedrooms and six bed spaces is 112sqm.

8.9 The Proposed Development exceeds internal space standards set by both the Council and GLA.

8.10 Policy DP6 (Lifetime homes and wheelchair housing) states all housing development should meet lifetime homes standards. **Table 1** provides a summary of the Lifetime Homes Assessment.

8.11 Policy DP24 requires proposals to consider "the provision of appropriate amenity space". The Camden Housing CPG states that "*outdoor residential amenity space can be provided in the form of private garden space, balconies terraces, roof gardens or as communal amenity space*". The Proposed Development incorporates private amenity, in the form of balconies and lower ground floor lightwells. Both areas of private amenity space have level access from the home. The balcony is set one bay in from each end of the property to ensure it does not result in the loss of privacy to the adjacent JSC. The provision of private amenity space is supplemented by the proximity to the public open space of the Heath behind.

Amenity

8.12 Policy DP26 (Managing the impact of development on occupiers and neighbours) states the quality of life of occupiers and neighbours should be considered as part of the Proposed Development. In accordance with the Housing CPG it is recommended that a Daylight and Sunlight Report be prepared in accordance with British Research Establishment's Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice (1991).

8.13 A Sunlight and Daylight Report prepared by Point2 is submitted with the application which concludes the "*scheme demonstrates a good level of compliance with BRE Guidance in terms of internal daylight amenity with 100% of the proposed residential units receiving the requisite ADF target values for primary living areas. The scheme has been designed well to allow good levels of daylight to penetrate into the proposed units and distribute throughout the rooms efficiently*".

	Lifetime Homes Standards	Comment
1	1a. 'On plot' (non-communal) Parking: Where a dwelling has car parking within its individual plot (or title) boundary, at least one parking space length should be capable of enlargement to achieve a minimum width of 3300mm. 1b Communal or Shared Parking: Where parking is provided by communal or shared bays, spaces with a width of 3300mm, in accordance with the specification below, should be provided.	Not applicable
2	Approach to Dwelling from Parking: The distance from the car parking space (above) to the dwelling entrance (or relevant block entrance or lift core), should be kept to a minimum and be level or gently sloping. The distance from visitors parking to relevant entrances should be as short as practicable and be level or gently sloping.	Not applicable
3	Approach to all Entrances: The approach to all entrances should preferably be level or gently sloping, and in accordance with the specification provided	Compliant
4	Entrances: All entrances should : a) Be illuminated; b) Have level access over the threshold; and c) Have effective clear opening widths and nibs. In addition, main entrances should also: d) Have adequate weather protection* ; e) Have a level external landing.* *Note: Main entrances are deemed to be: the front door to an individual dwelling, the main communal entrance door to a block of dwellings, plus any other entrance door associated with the approach route from parking required by Criterion 2.	Compliant – part A may be installed subject to client requirement
5	5a Communal Stairs: Principal access stairs should provide easy access in accordance with the specification, regardless of whether or not a lift is provided. 5b Communal Lifts : Where a dwelling is reached by a lift, it should be fully accessible in accordance with the specification	Compliant – part B not applicable.
6	Internal Doorways and Hallways: Movement in hallways and through doorways should be as convenient to the widest range of people, including those using mobility aids or wheelchairs, and those moving furniture or other objects. As a general principle, narrower hallways and landings will need wider doorways in their side walls. The width of doorways and hallways should conform to the specification.	Compliant
7	Circulation Space: There should be space for turning a wheelchair in dining areas and living rooms and basic circulation space for wheelchair users elsewhere	Compliant
8	Entrance level living space: A living room / living space should be provided on the entrance level of every dwelling	Compliant
9	Potential for Entrance Level Bed-space: In dwellings with two or more storeys, with no permanent bedroom on the entrance level, there should be space on the entrance level that could be used as a convenient temporary bed-space.	Compliant – Living Room
10	Entrance Level WC and Shower Drainage: Where an accessible bathroom, in accordance with Criterion 14, is not provided on the entrance level of a dwelling, the entrance level should have an accessible WC compartment, with potential for a shower to be installed – as detailed in the specification.	Compliant – WC Ground Floor
11	WC and Bathroom Walls: Walls in all bathrooms and WC compartments should be capable of firm fixing and support for adaptations such as grab rails.	Compliant
12	Stairs and Potential through-floor Lift in Dwellings: The design within a dwelling of two or more storeys should incorporate both: a) Potential for stair lift installation; and, b) A suitable identified space for a through-the-floor lift from the entrance level to a storey containing a main bedroom and a bathroom satisfying Criterion 14.	Compliant
13	Potential for Future Fitting of Hoists and Bedroom / Bathroom relationship: Structure above a main bedroom and bathroom ceilings should be capable of supporting ceiling hoists and the design should provide a reasonable route between this bedroom and the bathroom.	Compliant
14	Bathrooms: An accessible bathroom, providing ease of access in accordance with the specification, should be provided in every dwelling on the same storey as a main bedroom.	Compliant
15	Glazing and Window Handle Heights: Windows in the principal living space (typically the living room), should allow people to see out when seated. In addition, at least one opening light in each habitable room should be approachable and usable by a wide range of people – including those with restricted movement and reach.	Compliant
16	Location of Service Controls: Service controls should be within a height band of 450mm to 1200mm from the floor and at least 300mm away from any internal room corner.	To Be Provided Upon Implementation

Table 1 Lifetime Homes Standards

Basement Impact Assessment

- 8.14 Policy DP27: (Basements and lightwells) requires all new basements to be assessed to ensure they maintain the structural stability of the building and any neighbouring properties. The Basement Impact Assessment submitted for the Proposed Development comprises a Ground Investigation and BIA Report (prepared by GEA) and a Structural Methodology Report (prepared by Richard Tant Associates).
- 8.15 The proposed basement development comprises a kitchen / dining space. The basement does not extend beyond the above ground building footprint and is no deeper than one full storey below ground level.
- 8.16 The BIA Screening and Scoping has not indicated any concerns with regard to the effects of the proposed basement on the site and surrounding area, although a ground movement analysis and building damage assessment will need to be provided in order to determine the effects of the ground movements generated through the basement construction on neighbouring properties. It has been concluded that the impacts identified in the Screening and Scoping process can be mitigated by appropriate design and standard construction practice.

Transport and Car Parking

- 8.17 The Site is located in the North End Controlled Parking Zone (CA-V) which operates between 1100 and 1300 hours on Monday to Friday. In addition, the site has a PTAL rating of 3 which means it is moderately accessible by public transport.
- 8.18 Policy DP18 (Parking standards and limiting the availability of car parking) states there should be a maximum of 1 car parking space per dwelling. Part K of Policy CS11 (Promoting sustainable and efficient travel) states proposals should “*minimise provision for private parking in new developments, in particular through car free developments in the borough’s most accessible locations and car capped developments*”.
- 8.19 The Proposed Development is car free.
- 8.20 The landscape plan prepared by EnPlan demonstrates the provision of seven car parking spaces for the adjacent Jack Straw’s Castle, designed in accordance with the standards set at Appendix 2 of the Development Policies document and Table 4 of the Camden Planning Guidance 7: Transport (2011). This will result in the loss of four existing resident car parking spaces from the Site. The Applicant is the freeholder of the Site and is willing to enter into a legal agreement to reduce these spaces. A condition may secure details of the forecourt parking arrangements, to control the use and layout of car spaces and to ensure it is acceptable in landscaping and heritage terms.
- 8.21 The Transport Statement prepared by WSP Parsons Brinckerhoff assesses the Proposed Development in transport terms, including the loss of existing car parking spaces, the reconfigured layout and suitability of the new units being car free.

8.22 The report concludes that the Site is within a sustainable and accessible location, and therefore considered suitable for car free. The report considers the Site is close to a number of high frequency bus and underground services, and, the loss of car parking spaces for residents of Jack Straw’s Castle is acceptable.

8.23 Policy DP18 also requires one cycling storage space per unit, although Appendix 2 of the Development Policies document provides specific parking standards. The Proposed Development provides secure and accessible cycle parking within storage contained within both of the residential dwellings. Sufficient space is provided to allow the storage of two bicycles in vertical storage racks. This approach is detailed in the London Cycling Design Standards (2016).

8.24 Waste and Recycling

The provision of external storage for mixed (commingled) recyclables, organic kitchen waste and non-recyclable waste is identified on the landscape plan prepared by EnPlan. This follows the dimensions specified in the Camden Planning Guidance 1: Design (2014) and is compliant with Policy CS18 (Dealing with our waste and encouraging recycling).

8.25 The Transport Assessment confirms the existing service vehicle access arrangement will be retained with vehicles reversing into Heath Brow. Refuse vehicles parked on Heath Brow still provide sufficient room for cars to pass, therefore retaining general access along Heath Brow when the refuse bins are collected from and returned to the Site.

8.26 Energy and Sustainability

Policy 5.2 (Minimising Carbon Dioxide Emissions) and 5.3 (Sustainable Design and Construction) of the London Plan relate to sustainable design. Local policies DP22 (Promoting sustainable design and construction) and Policy CS13 (Tackling climate change through promoting higher environmental standards) require development to incorporate sustainable design and construction measures.

8.27 An Energy and Sustainability Statement has been produced by XCO2 which assesses the predicted energy performance and carbon dioxide emissions of the Proposed Development, against relevant policy and guidance.

8.28 The report demonstrates that the building is expected to achieve regulated CO2 savings of 0.3% which has been achieved through the maximisation of fabric efficiency. CO2 emissions have been reduced as far as possible and the project team are committed to incorporating sustainability measures throughout the project.

8.29 Design and Heritage

Policy 7.4 (Local Character), 7.6 (Architecture) and 7.8 (Heritage Assets and Archaeology) relate to heritage and design. These principles are reiterated in Council documents under Policy CS14 (Promoting high quality places and conserving our heritage), DP24 (Securing high quality design) and DP25 (Conserving Camden’s heritage).

- 8.30 The contextual design approach is assessed at **Section 7.0** of this Statement and supported by coincides the Design and Access Statement, prepared by Quinlan Terry CBE FRIBA. The Design and Access Statement explains the background to the Proposed Development, including an explanation of the proposed design approach of the proposed design and how the building has developed architecturally during recent discussions with key stakeholders. Details on the proposed materials are explained, in conjunction with the proposed drawings.
- 8.31 The documents demonstrate that the Proposed Development is of the highest architectural quality, responds sensitively to its context and has no adverse impact on sensitive land.
- 8.32 The Site lies within an Archaeology Priority area of Hampstead Heath. The Archaeological Desk Based Assessment prepared by Archaeology South East demonstrates that the Site has a low potential for deposits of prehistoric to medieval date and a high potential for later structural remains (from the 19th Century onwards). The proposed works (i.e. subterranean development) are likely to impact upon any surviving post-medieval deposits, although past development, bombing and clearance activity has exposed the site to significant truncation and has potentially had substantial impacts upon any buried deposits. Excavation works may be monitored through condition.

Metropolitan Open Land / Ecology

- 8.33 The Site falls outside the Hampstead Heath boundary and is not designated as Metropolitan Open Land. The Site is separated from the MOL by a strip of tree planted land to the west.
- 8.34 It is considered that, given the proposed building will be set back from the front behind the carpark and will be mainly screened from the rear by trees, the scheme will not harm the open character and setting of the adjacent Heath open space and it will preserve the openness of this MOL.
- 8.35 The site adjoins Hampstead Heath, a Site of Nature Conservation Importance (SNCI). Greengage Environmental has undertaken a Preliminary Ecological Appraisal to establish the ecological value of the site and its potential to support protected species. The survey concluded that the Site has low value for nesting birds and low to moderate value for roosting bats in Jack Straws Castle, itself. The report recommends that an additional assessment for bats is undertaken prior to works taking place, and some forms of construction works should be minimised.

Arboricultural

- 8.36 The Tree Survey Report, prepared by RGS Arboricultural Consultants identifies 10 trees to the west of the Site, all of which were categorised as either 'low quality' (Cat C) or 'unsuitable for retention' (Cat U). The two Cat U trees are recommended to be removed for sound arboricultural practice or health and safety, irrespective of development proposals. Three Cat C trees will be pruned and those which are to be retained are recommended to be afforded temporary protection in the form of barriers or fencing for the duration of construction.

Landscaping

- 8.37 EnPlan has produced a drawing (ref. 06-681-200-01), which details the proposed hard and soft landscaping for the Site, which should be read alongside the application drawings. The plan provides

details of the proposed paving, bin store and cycle stands, as well as the proposed planting schedule. Permeable paving and Sustainable Urban Drainage systems are used on the car park surface.

- 8.38 The proposals have been developed mindful of the surrounding context, including the setting of heritage assets. The perimeter boundary treatment is not enclosed by solid structures such as walls and fences. As a consequence, the observer is still able to observe the flank elevation of Jack Straw's Castle in approach views from the north. A yew hedge is proposed on the eastern border to soften and screen car parking, refuse stores etc. from public views.

9.0 CONCLUSIONS

9.1 Jack Straw's Castle is an exceptional building of the early 1960s by the well known classicising architect Raymond Erith. Now converted to residential use, it retains its landmark qualities in the local area.

9.2 The main interest and significance of the building lies primarily in its front, east, façade, which has a monumental quality that is both timeless and clearly twentieth-century. Its north façade is less successful and has been altered in ways that diminish Raymond Erith's original intentions for the building. Its significance is therefore also less.

9.3 The earlier, rejected proposals of 2003 and 2004 were poorly considered, with little appreciation of context or of the significance of the listed building to which they were attached. In particular, both refused appeal schemes were conceived as extensions to the listed building in an approximation of the same style as Erith's building, thus diluting the integrity of the existing building. They encroached on the principal parts of the building and sought to copy some details in a way that showed no real appreciation for the site or its context. They also did not include any landscape improvements.

9.4 The present proposals are distinctly different and seek to address the shortcomings of the earlier schemes through the use of a distinctively different architectural treatment that is still in keeping with the style of the main building. They respect the form of the existing building, and do not encroach on its main elements on the north side.

9.5 By retaining an open car parking area in front of the proposed new houses, they also preserve the sense of openness around the base of the listed building on this side, allowing it to be seen as Erith intended.

9.6 The 2004 Appeal Inspector noted "*it would be wrong of me to suggest that no further development should take place in the car park as I can never know what ideas an imaginative architect, perhaps one a (sic) skilled as Erith, might dream up. However, it is evident to me that to arrive at an acceptable solution for an extension to the north of this remarkable building would require exceptional skills*". It is considered that the Proposed Development – designed by Quinlan Terry – provides such an acceptable design solution.

9.7 In summarising the current proposal Quinlan Terry stated that

One of the reasons I left London to work with Erith was not only that he was the only serious classical architect practising at that time, but he was an impressive man to work with. He was always reasonable and practical, giving reasons why and how a building should be put together and how traditional materials and principles incorporate the classical Orders and are relevant today. He discussed – endlessly – the virtues of traditional building and how we should carry out our projects to restore and repair old buildings or build new ones. He frequently concluded a discussion with the commendation that we had made a breakthrough when we did "the simplest and most obvious thing".

When one applies his rationale and logic to this project of a new building on the north side of Jack Straw's Castle, I would expect him to start by standing back from the building and take note

of the traditional brick buildings of the Old Court House on the south side and "do the simplest and most obvious thing" which would be to build something similar in scale and materials and detail on the north side. The highest praise in his view was when someone said that his buildings "look as if they have always been there", and I have always felt the same.

For that reason I seriously doubt whether Erith would have been happy with the earlier proposals which "mimic" his work, and I know he would not have been happy with a Modernist style building. But I am fairly sure that if he were still around and commissioned for a project of this sort he would suggest a simple three storey traditional brick building similar to buildings on the south side, as shown on drawing 1370/2 which also has some similarity to his houses in Canonbury Place and Aubrey Walk.

9.8 Thus the classical, formal Georgian design of the proposed new houses is appropriate for its context. The design of the proposals are not strictly urban, but follow historical precedent for new development in locations on the edge of developed parts of London. Quinlan and Francis Terry LLP have considerable experience of achieving successful designs in similar contexts.

9.9 Acknowledging the difference between the refused appeals schemes and the superior design of the emerging proposals, the Proposed Development has received general support from the key stakeholders. The Pre-Application Submission included letters of support from key stakeholders prepared by Lucy Archer, the daughter of Raymond Erith, who had opposed the previous appeal schemes. The Submission also included a letter of support prepared by Alan Powers, a leading commentator on Twentieth Century architecture whom appeared as an expert witness for the Twentieth Century Society in the Public Inquiry over the change of use to residential in 2002.

9.10 The application is supported by a suite of technical documents that demonstrate the Proposed Development's compliance with the development plan.

SOURCES

T F T Baker, Diane K Bolton and Patricia E C Croot, A History of the County of Middlesex: Volume 9, Hampstead, Paddington, ed. C R Elrington (London, 1989), British History Online <http://www.british-history.ac.uk/vch/middx/vol9>

Cherry A, O'Brien C and Pevsner N, London: North Volume 4 - Pevsner Architectural Guides: Buildings of England (2005)

Edward Walford, Old and New London: Volume 5 (London, 1878), British History Online <http://www.british-history.ac.uk/old-new-london/vol5>



Appendix 1

Jack Straw's Castle drawings prepared by

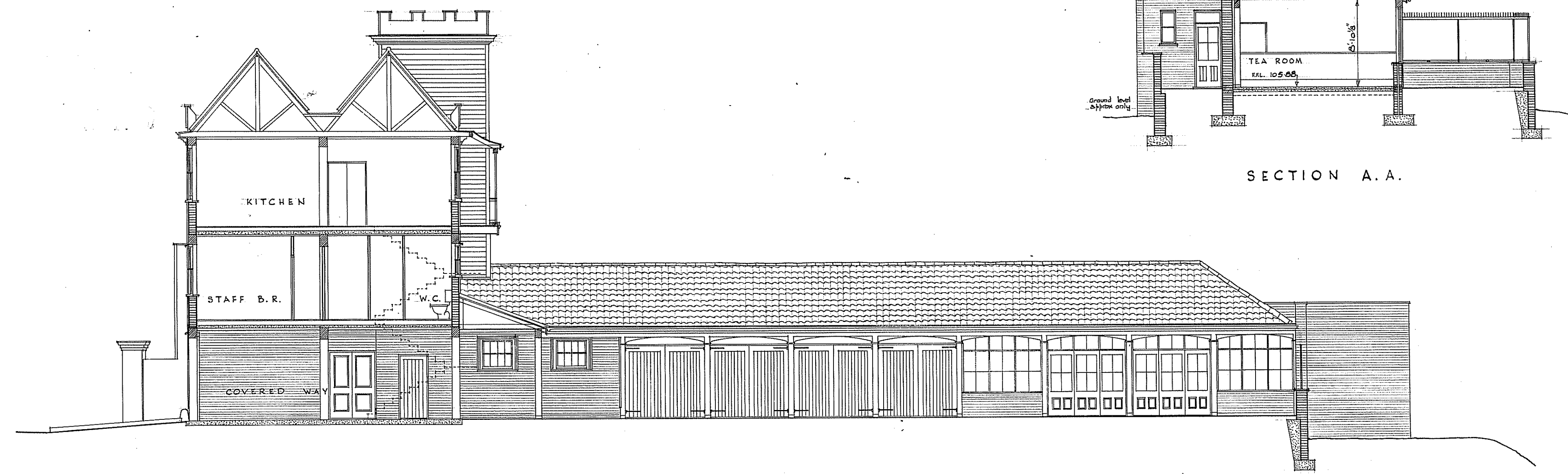
Raymond Erith (March 1962 to April 1964)



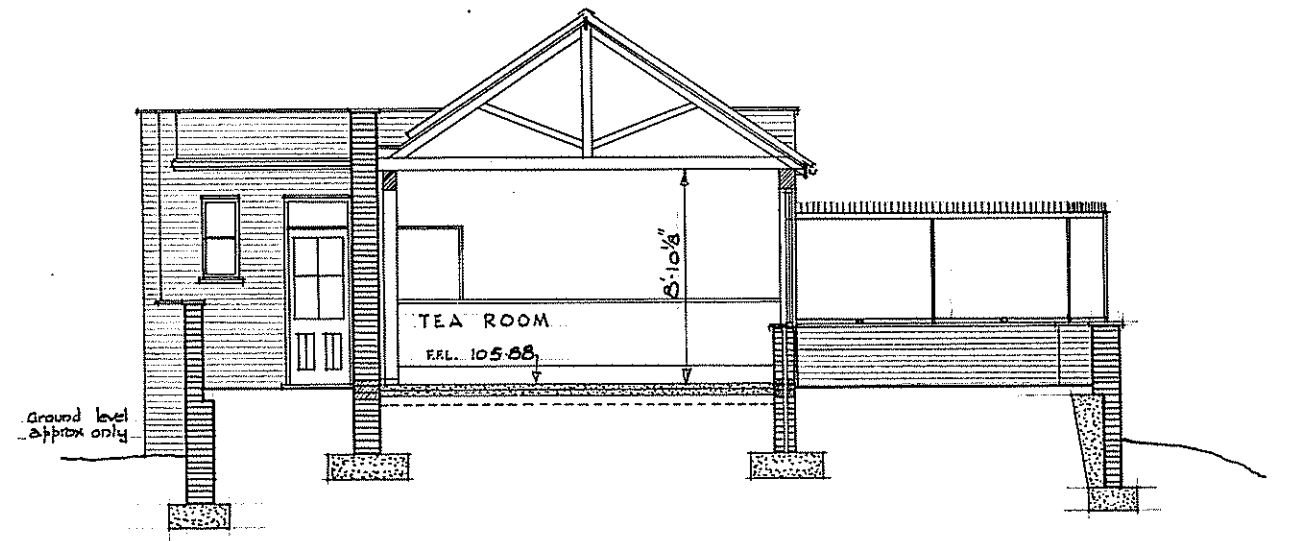
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SECTIONAL ELEVATION C.C.



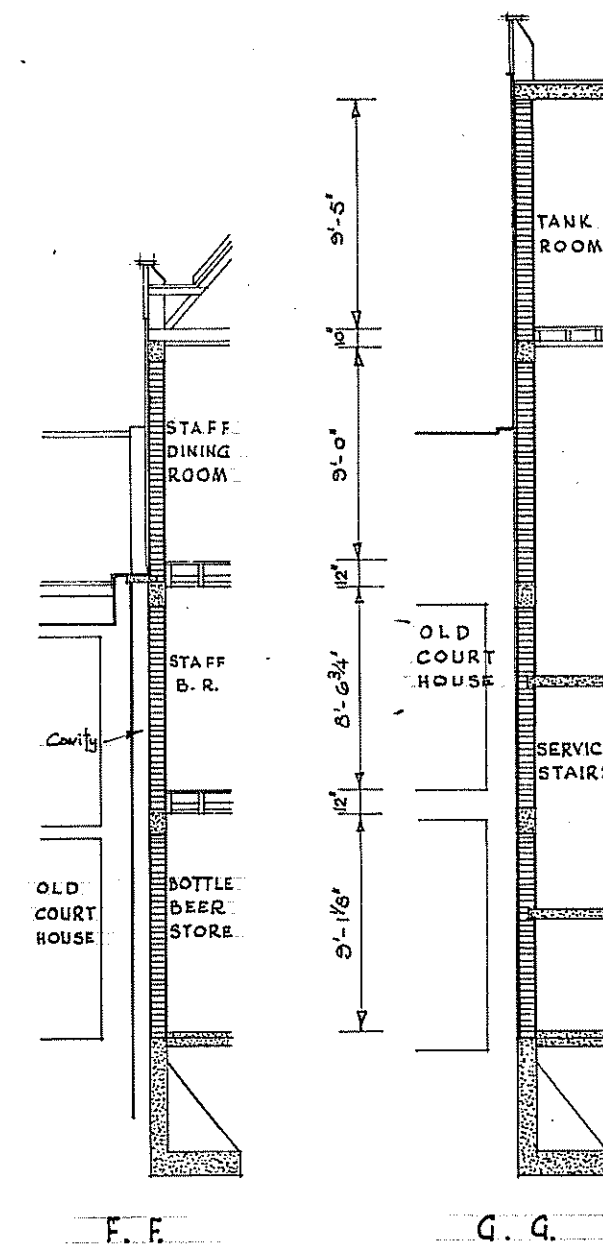
SECTIONAL ELEVATION D.D.



SECTION A.A.



ELEVATION TO CAR PARK



PARTY WALL SECTIONS



SECTIONAL ELEVATION E.E.

SCALE EIGHT FEET TO ONE INCH

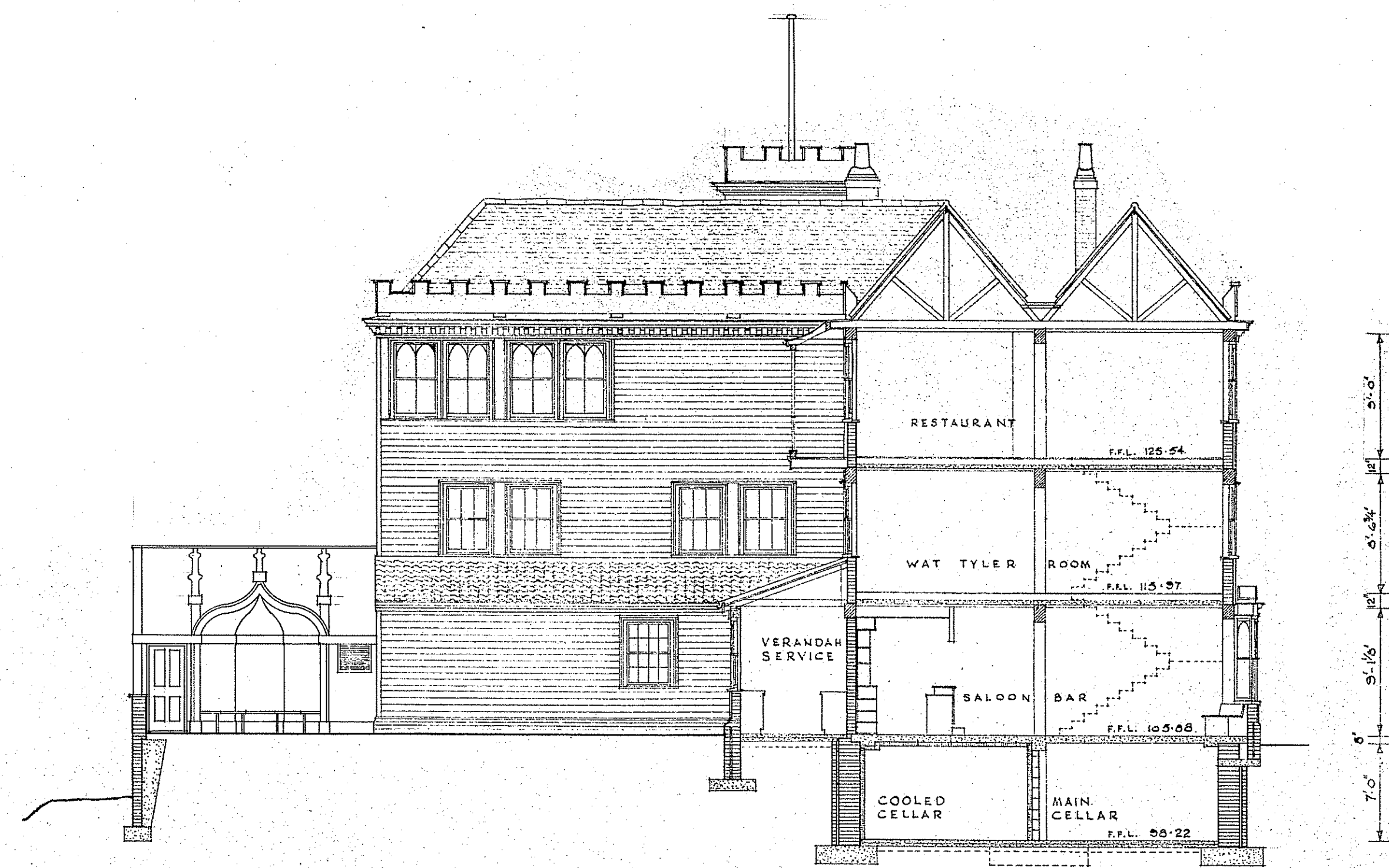
JACK STRAW'S CASTLE
PUBLIC HOUSE AT HAMPSTEAD
CHARRINGTON & CO LTD LONDON

RAYMOND ERITH & ARA FRIDA ARCHITECTS
OLD EXCHANGE DEKMAN, COUGHES STREET
NOVEMBER 1922 DRAWN BY E.M.H. BARETT

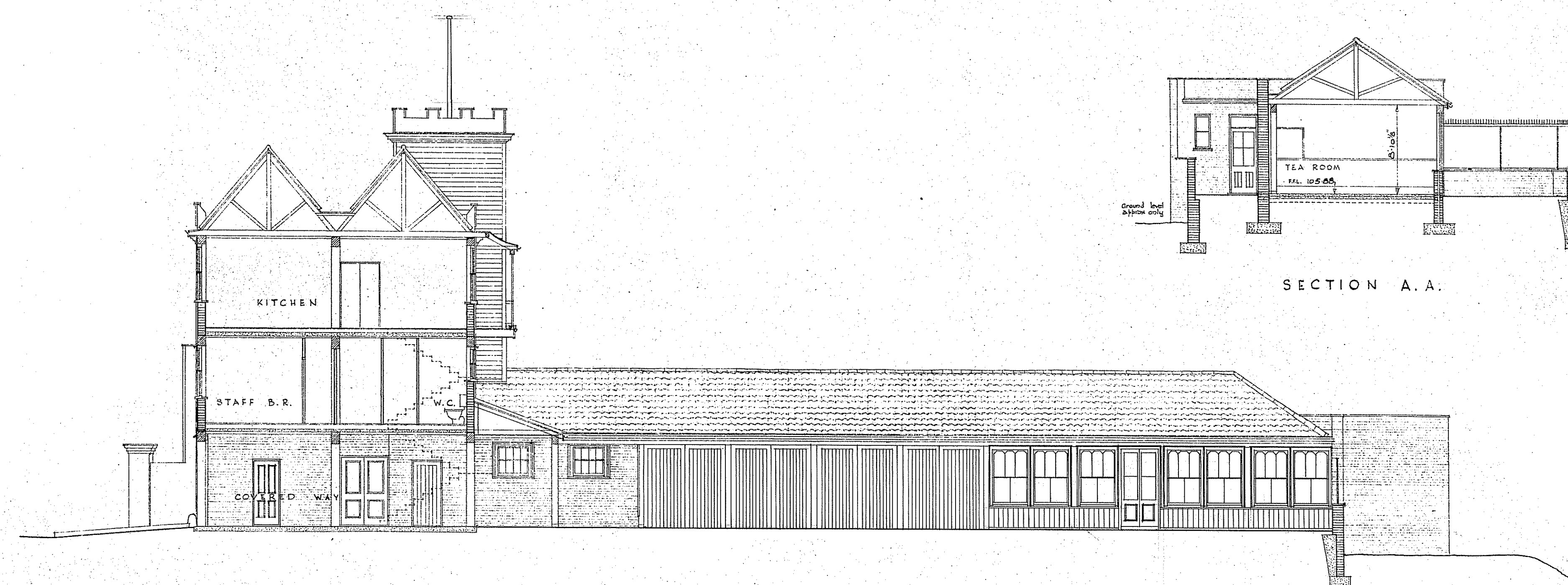
385/6



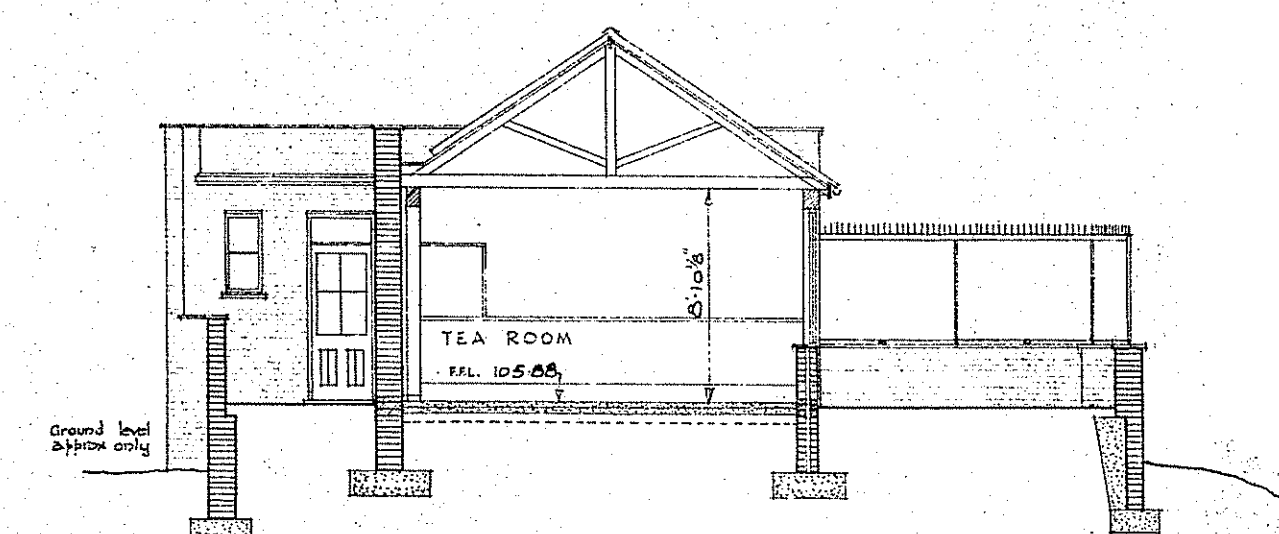
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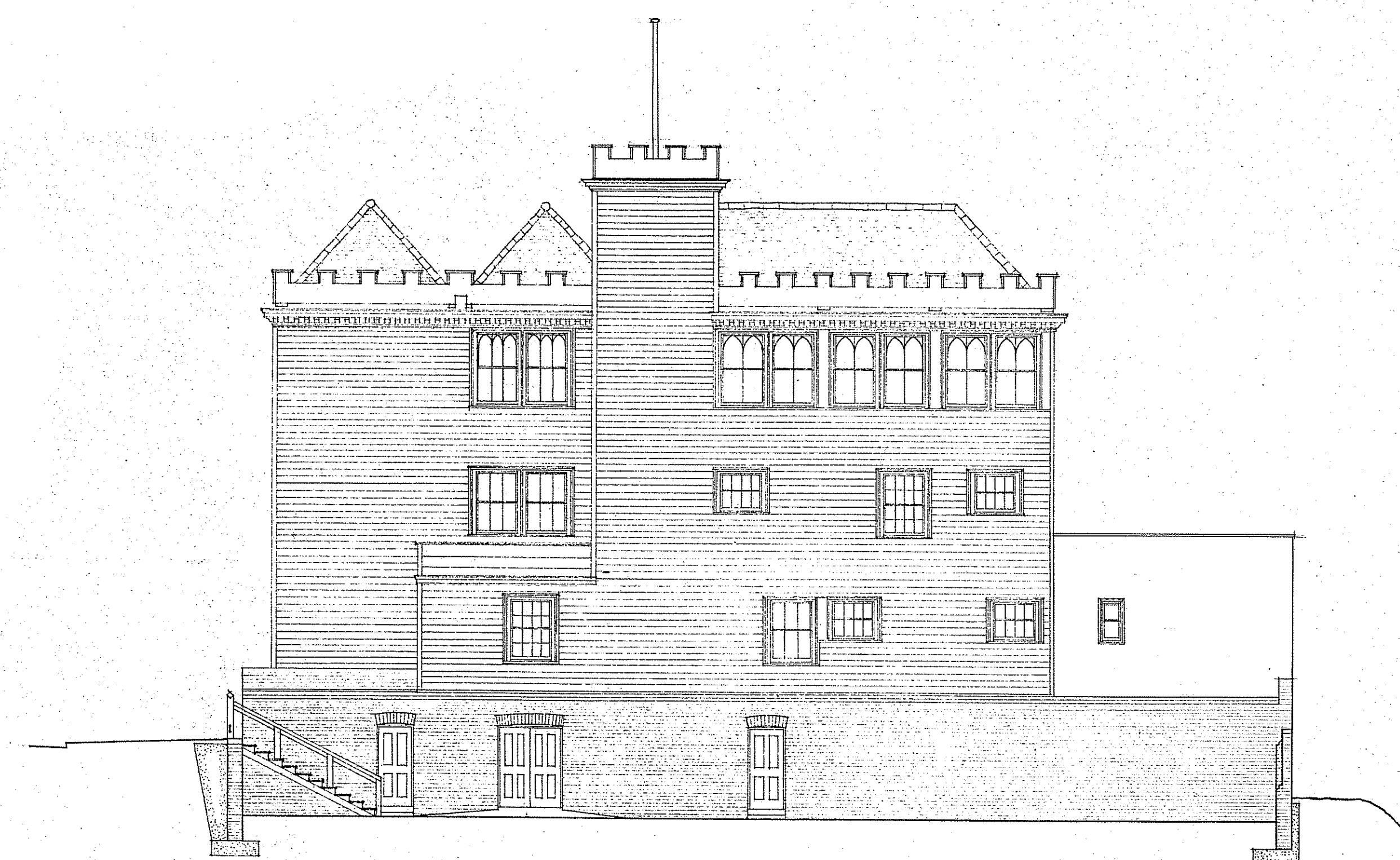
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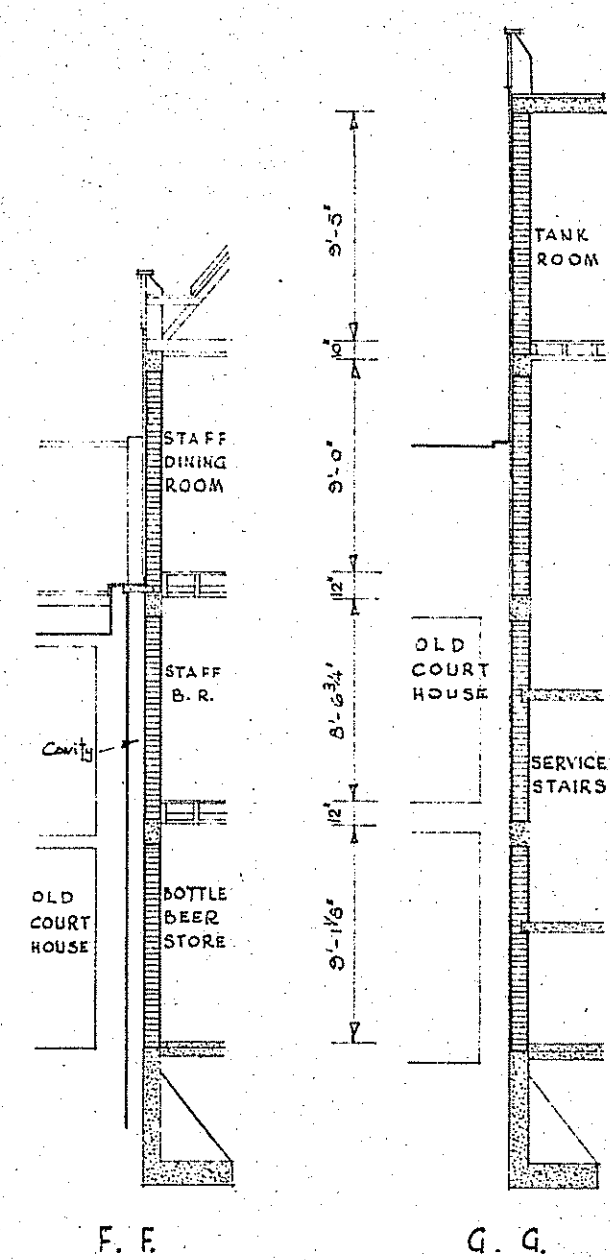
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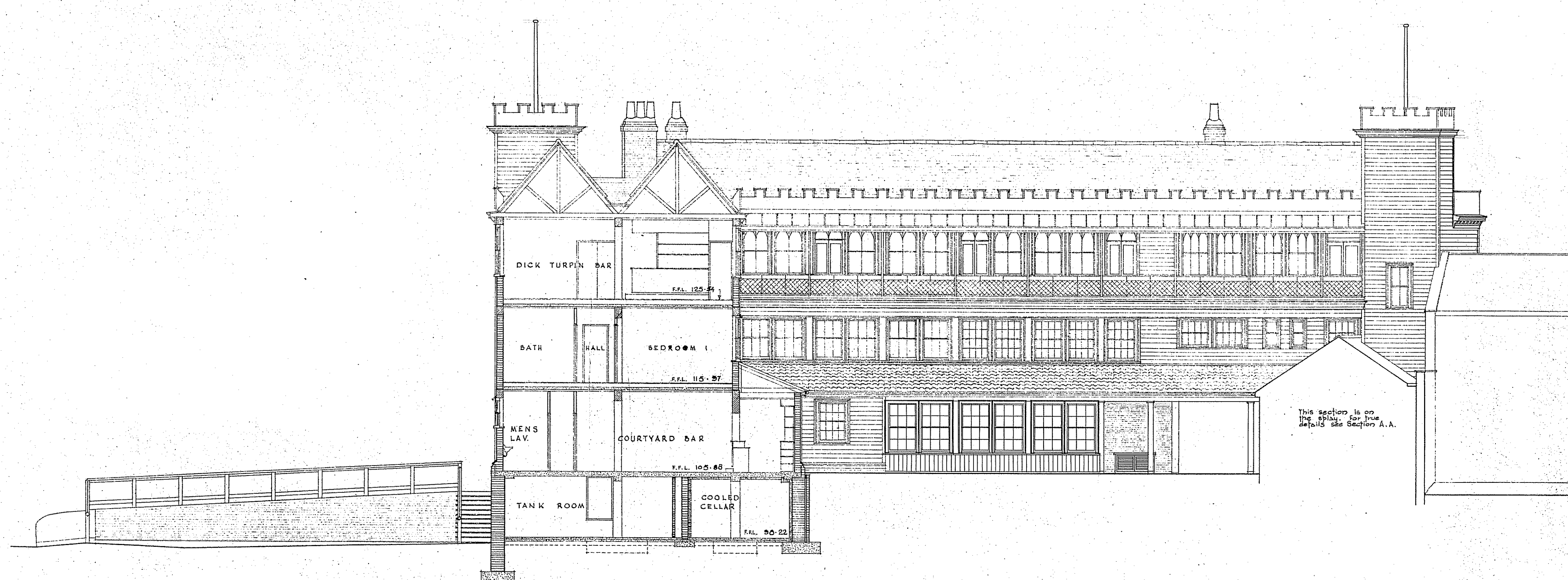
SECTION A.A.



ELEVATION TO CAR PARK



PARTY WALL SECTIONS



SECTIONAL ELEVATION E.E.

SCALE: EIGHT FEET TO ONE INCH

JACK STRAW'S CASTLE
PUBLIC HOUSE AT HAMPSTEAD
CHARRINGTON & CO. LTD LONDON

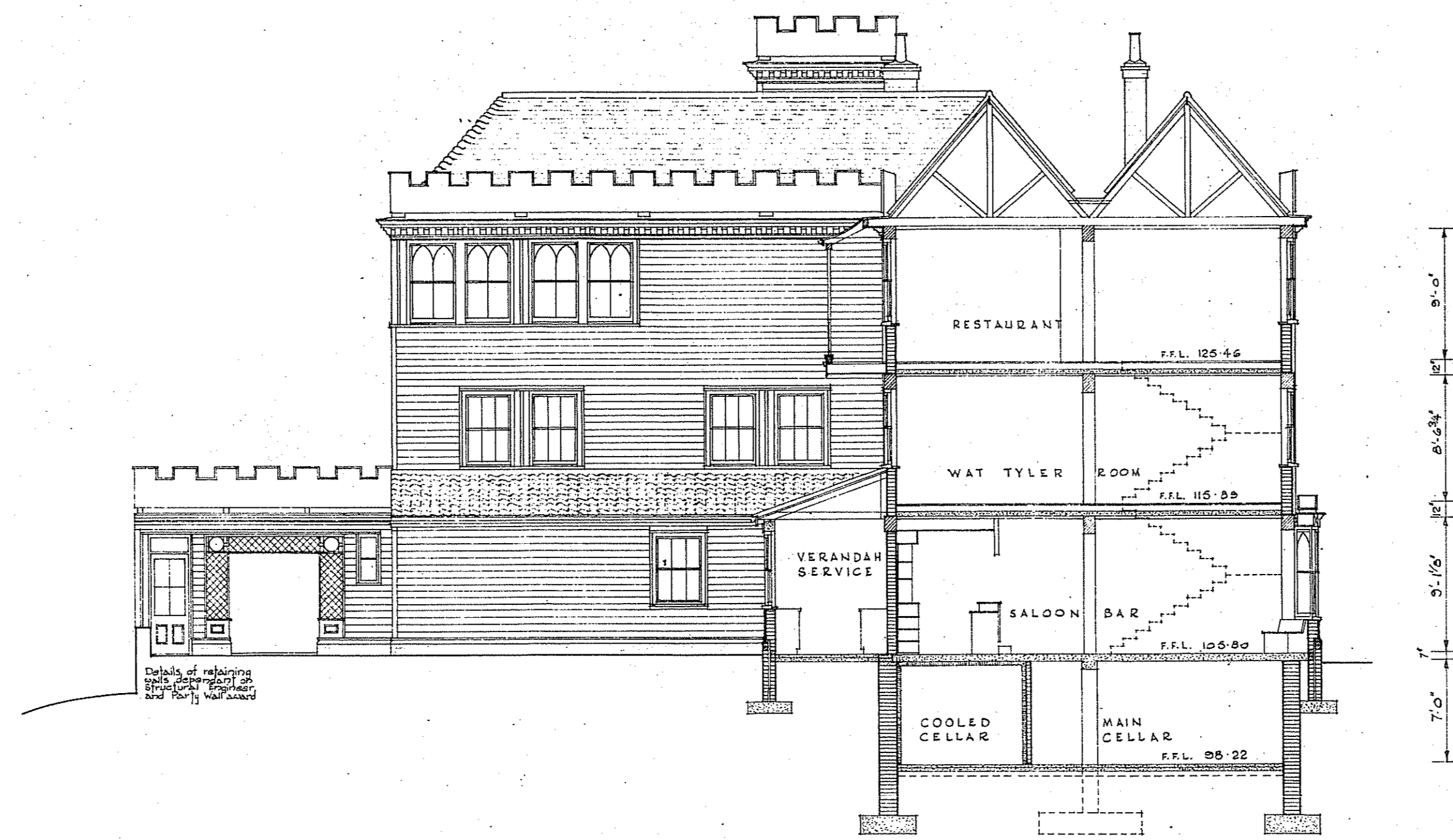
ELEVATION TO CAR PARK AND SECTIONS A.A. TO G.G.

RAYMOND ERITH A.R.A. FRIDA ARCHTCT
NOVEMBER 1922 DRAWN BY E.M.H. BARETT

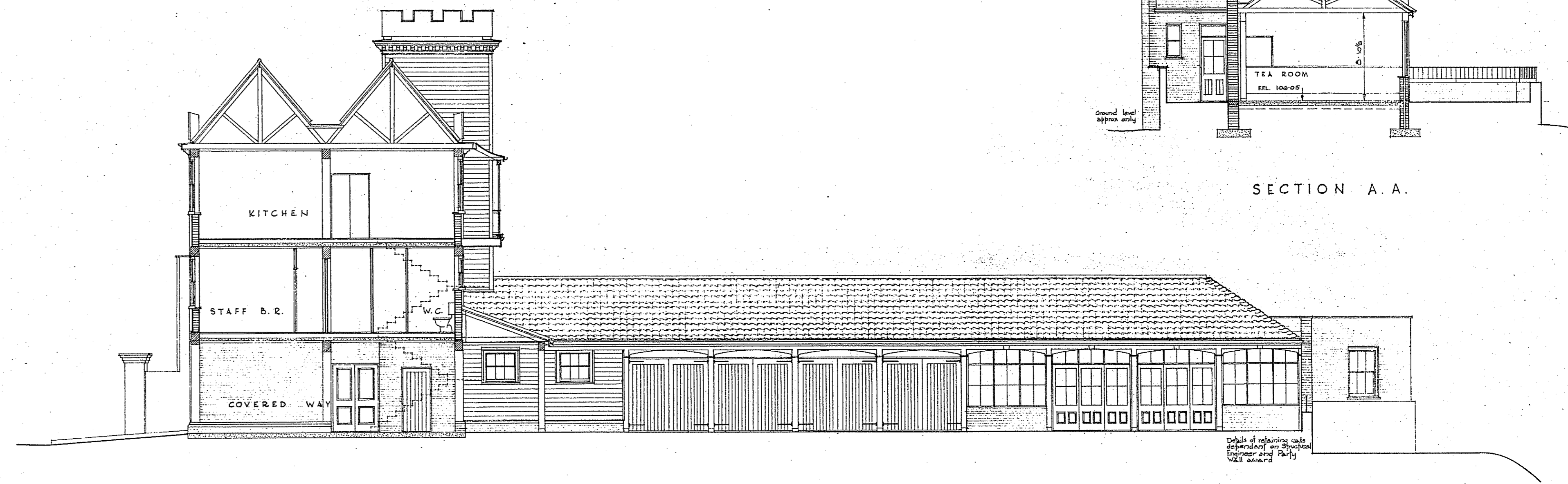
385/G/RI



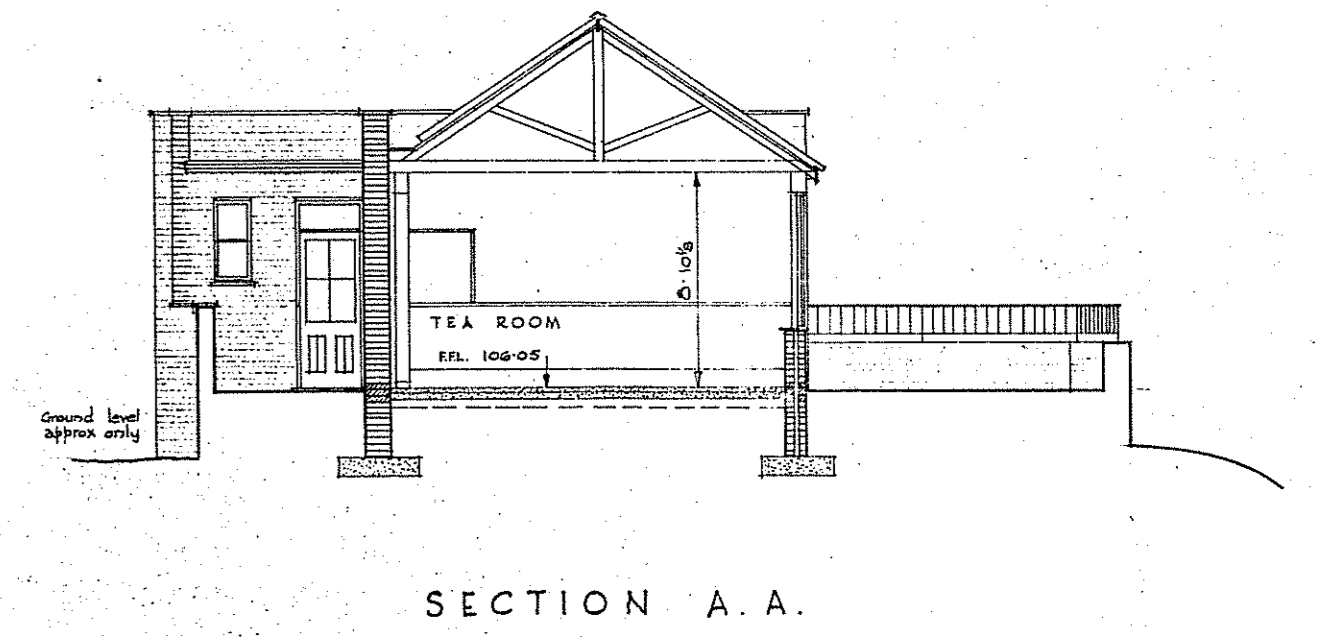
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SECTIONAL ELEVATION C.C.



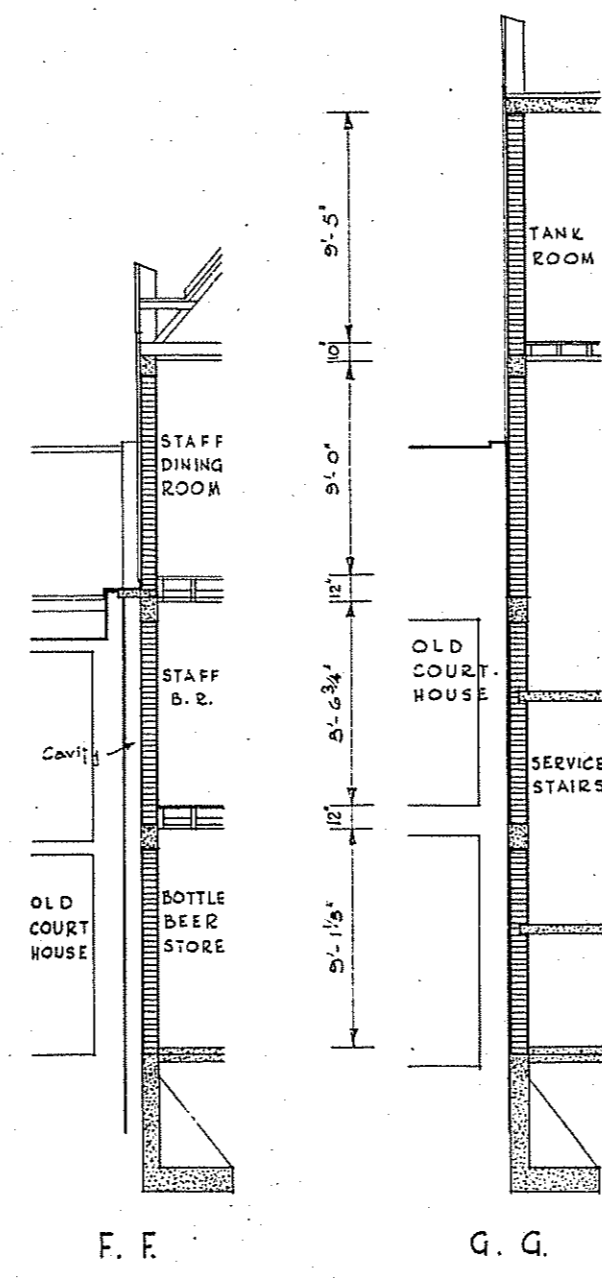
SECTIONAL ELEVATION D.D.



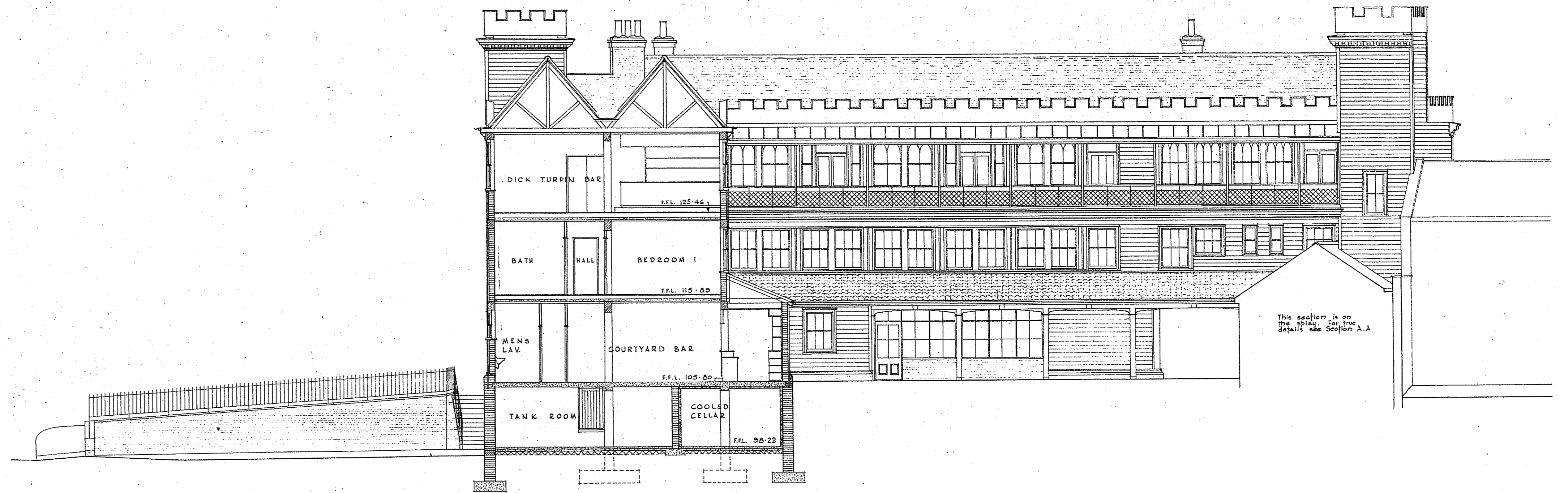
SECTION A.A.



ELEVATION TO CAR PARK



PARTY WALL SECTIONS



SECTIONAL ELEVATION E.E.

SCALE: EIGHT FEET TO ONE INCH

JACK STRAW'S CASTLE
PUBLIC HOUSE AT HAMPSTEAD
CHARRINGTON & CO. LTD LONDON
ELEVATION TO CAR PARK AND SECTIONS A.A. TO G.G.

RAYMOND SCITH AREA PRISA ARCHITECT
OLD EXCHANGE, DEANWYCH, LONDON E.C.1
PAGE 1002 DRAWN BY G.H. BASSITT

385/6

Appendix 2

2003 Appeal Decision

Dismissed



Appeal Decision

Site visit made on 17 November 2003

by **W.G. Pryce** MSc DipArch RIBA MRTPI

an Inspector appointed by the First Secretary of State

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Date 3 DEC 2003

Appeal A: APP/X5210/E/03/1124779

Land adjacent to Jack Straws Castle, North End Way, London NW37ES.

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Albany Homes Limited against the London Borough of Camden Council.
- The application ref: LWX0302156, dated 12 February 2003, was refused by notice dated 10 April 2003.
- The works proposed are the construction of 2 No. houses with car parking below.

Summary of Decision: The appeal is dismissed.

Appeal B: APP/X5210/A/03/1124778

Land adjacent to Jack Straws Castle, North End Way, London NW37ES.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Albany Homes Limited against the London Borough of Camden Council.
- The application ref: PWX0302151, dated 12 February 2003 was refused by notice dated 10 April 2003.
- The development proposed is the construction of 2 No. houses with car parking below.

Summary of Decision: The appeal is dismissed.

Appeal C: APP/X5210/E/03/1124781

Land adjacent to Jack Straws Castle, North End Way, London NW37ES.

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for grant listed building consent.
- The appeal is made by Albany Homes Limited against the London Borough of Camden Council.
- The application ref: 2003/1397/L was dated 16 June 2003.
- The works proposed are the construction of 2 No. houses with car parking below.

Summary of Decision: The appeal is dismissed.

2003/1396/P

DWAITING FILE

CAR PARK OF
JACK STRAWS CASTLE
NORTH END WAY
NW3

Appeal D: APP/X5210/A/03/1124780

Land adjacent to Jack Straws Castle, North End Way, London NW37ES.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Albany Homes Limited against the London Borough of Camden Council.
- The application ref: 2003/1396/P was dated 16 June 2003.
- The development proposed is the construction of 2 No. houses, with the retention of the existing / previously approved car parking below. Construction of new landscaped forecourt to North End Way and to the proposed new buildings.

Summary of Decision: The appeal is dismissed.

Main Issues

1. Jack Straws Castle is a former public house that has recently been extended and converted into a restaurant, apartments and new dwellings. It was constructed in the mid-20th century and is a Grade II listed building. The building is adjacent to Hampstead Heath and within the Hampstead Conservation Area. Having regard to these facts and from the representations made in writing and my inspection of the site and the surrounding area, I consider there are two main issues relating to all these appeals. They are:
 - (a) The effect of the proposed development on the character and appearance of the listed building and its setting within the conservation area.
 - (b) Whether the servicing arrangements would be detrimental to highway safety and the free flow of traffic.

Development Plan and other Planning Policies

2. The development plan for the locality includes the London Borough of Camden Unitary Development Plan (UDP). Policies EN1, EN13 and EN14 are general policies that seek to achieve high standards of design and ensuring that new development respects the character and scale of the surrounding area and has regard to important views, environmental quality and the degree of openness of the surrounding area. UDP policy EN16 deals with the need to relate new proposals to the topography of the site and existing landscape features.
3. With regard to the historic environment, policy EN31 emphasises the need for new proposals in conservation areas to preserve or enhance the character and appearance of the area whilst policy EN38 draws attention to the importance of preserving listed buildings, including their setting. Policies HR2, HR3 and HR4 are all concerned with the impact of new development on Hampstead Heath. These policies seek to ensure that new proposals are not harmful to their surroundings or approaches to, or views from within Hampstead Heath. In considering these matters I shall also have regard to the Council's Hampstead Conservation Area Statement. In relation to highway matters, policies TR17 and design standard DS8 deal with car parking and policy TR23 sets out the need to provide adequate provision to deal with goods vehicles and service deliveries.

4. With regard to the historic environment the UDP policies and supplementary guidance generally accords with the national advice set out in Planning Policy Guidance Note 15 – Planning and the Historic Environment (PPG15) to which I shall have regard in considering this case. They also reflect the duties imposed under Planning (Listed Buildings and Conservation Areas) Act 1990. Under sections 16(2) and 66(1) of the Act, the decision maker is required when considering whether to grant listed building consent or planning permission to have special regard to the desirability of preserving the listed building, or its setting or any features of special architectural or historic interest it possesses. In relation to conservation areas, section 72(1) of the Act states that special attention should be paid to preserving or enhancing the character or appearance of the area.

Reasons

The effect on the listed building and the conservation area

5. Jack Straws Castle is an imposing and interesting timber-framed and clad building that is situated high on the open summit of Hampstead Heath where it forms part of a group of three historic buildings that include Heath House and The Old Courthouse with Whitestone Pond to the south. Despite the fact that North End Way is a busy main thoroughfare, the group are surrounded by the Heath and this, combined with their elevated position gives them the character and appearance of being very isolated and remote within the context of the urban development comprising the London suburbs of Hampstead, Golders Green and Highgate that are nearby. The listed building is located on the west side of North End Way where the land falls away quite sharply down Heath Brow and the public car park at the rear.
6. Whilst Jack Straws Castle has apparently been run down over recent years, it is now in the process of being restored and looks very impressive, having regained much of its original architectural delight and elegance. The extension that is now the subject of these appeals would be situated on land that is currently used as a private car park between Heath Brow and the north elevation of the Castle. The proposed extension would comprise a three-storey wing across the width of the site and backing onto the public car park. During my site inspection I examined carefully views of the appeal site from North End Way and from the south-west and west across the car park and I am concerned that the proposed extension would appear as a substantial addition to the listed building, protruding into the openness of the surrounding area and unduly intensifying the amount and scale of development.
7. At present there are open views from the west over the site and up towards Heath House with the skyline being framed on the south side by the north elevation of the Castle. The whole of the area on the north side of Heath Brow is within the Heath and there are substantial trees that dominate the overall scene and contain the views to the north. In addition to this, the hedge at the bottom on the west boundary of the site contributes further to the open, green and semi-rural character and appearance of the area when seen from the footpaths to the west and south-west leaving the Heath. I recognise that as the building is set back from the road and at a significantly lower level, its impact when seen approaching the crest of the hill on North End Way would be minimised. However, whilst the new extension would have lower eaves than the existing building and has been carefully designed to mimic the architectural style and appearance of the

listed building, I consider that it would appear bulky and unduly obtrusive when seen from the lower levels. In this respect UDP policy HR4 seeks to preserve or enhance views of the Heath and to the Heath as well as to the adjacent wooded and open areas and whilst I accept that this land is not within the Heath, the manner in which the listed building has been set away from the north boundary with the car park/service area left undeveloped contributes significantly to openness of the surrounding area and in my opinion, to the setting of the listed building.

8. The general appearance of the appeal site at present may be considered unfortunate; however it is available as car parking and it is set down from the road – views across the site are dominated by the high hedge and the trees beyond and for those reasons neither do I consider that it is unduly harmful to the character of the area. This proposal would cover the car park, however it would replace the open northern boundary with a high brick wall. Notwithstanding the benefits that would be derived from the use of the new terrace and the outlook from the proposed dwellings, I consider that the new wall would create a high and hard edge alongside Heath Brow that would be out of character with the more informal and semi-rural character of that road, the entrance into the car park and beyond down into Hampstead Heath.
9. I have therefore concluded that the proposals would be harmful and would fail to preserve the character, appearance and setting of the listed building and the conservation area. As a consequence the proposal would be in conflict with national and local policies designed to protect the historic environment.

The impact on highway safety

10. Turning to the second issue, I recognise that the new use of Jack Straws Castle as a restaurant with residential apartments and houses would substantially reduce the level of servicing that would have been required in its heyday as a large public house with ancillary function rooms. Nevertheless, it is still a substantial mixed-use development that requires appropriate and convenient servicing arrangements. Whilst Heath Brow is clearly not a major road, I am sure that there is a steady flow of traffic into and out of the public car park and the facilities for manoeuvring and reversing commercial vehicles would be unduly restricted if a high wall and terrace was to be constructed on the back edge of the footpath. I am concerned that this could lead to larger vehicles either parking on North End Way or attempting to reverse down Heath Brow – both of which would seriously interrupt the free flow of traffic on the main road.
11. Therefore in relation to the second issue, whilst I am satisfied that a satisfactory compromise could be achieved with regard to the amount of car parking and the provision made for cyclists, I have concluded that due to the restricted headroom and the inability for large vehicles to enter the site, the proposed servicing arrangements would be detrimental to highway safety and the free flow of traffic on North End Way and as a consequence, in conflict with policies TR23 of the UDP.

Other Considerations

12. In considering these appeals I have also had cognisance of the history of the land that is the subject of these appeals and the fact that at one time there were buildings occupying both this land as well as the land on the north side of Heath Brow. However, that was prior to the redevelopment of the site and the erection of the present building in the

1960's and prior to the adoption of both the national and local development plan policies. Since that time there has been a significant increase in awareness of the importance of both the historical and natural environment and whilst I acknowledge the historical perspective, I have considered these proposals on their merits and in the context of the current UDP policies and national advice.

Conclusion

13. For the reasons I have given and having regard to all other matters raised, I have concluded that these appeals should not succeed.

Formal Decisions

Appeal A (Ref:APP/X5210/E/03/1124770)

14. In exercise of the powers transferred to me I dismiss this appeal and refuse listed building consent for the construction of 2 No. houses with car parking below on land adjacent to Jack Straws Castle, North End Way, London NW3 7ES.

Appeal B (Ref:APP/X5210/A/03/1124778)

15. In exercise of the powers transferred to me I dismiss this appeal and refuse planning permission for the construction of 2 No. houses with car parking below on land adjacent to Jack Straws Castle, North End Way, London NW3 7ES.

Appeal C (Ref:APP/X5210/A/03/1124781)

16. In exercise of the powers transferred to me I dismiss this appeal and refuse listed building consent for the construction of 2 No. houses with car parking below on land adjacent to Jack Straws Castle, North End Way, London NW3 7ES.

Appeal D (Ref:APP/X5210/A/03/1124780)

17. In exercise of the powers transferred to me I dismiss this appeal and refuse planning permission for the construction of 2 No. houses, with the retention of the existing previously approved car parking below and a landscaped forecourt to North End Way on land adjacent to Jack Straws Castle, North End Way, London NW3 7ES.

Information

18. A separate note is attached setting out the circumstances in which the validity of these decisions may be challenged in the High Court within six weeks of the date of the decision.



INSPECTOR

Appendix 3

2004 Appeal Decision



Appeal Decision

Site visit made on 30 November 2004

by **David Nicholson** BA BArch PGDipBldgCons IHBC RIBA

an Inspector appointed by the First Secretary of State

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Date

21 DEC 2004

Appeal Ref: APP/X5210/E/04/1151287

Land adjacent to Jack Straws Castle, North End Way, London NW3 7ES

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Albany Homes UK Ltd against the decision of the Council of the London Borough of Camden.
- The application Ref 2004/0707/L is dated 21 January 2004.
- The works proposed are the construction of 1 no. house.

Summary of Decision: The appeal is dismissed.

Appeal Ref: APP/X5210/A/04/1151286

Land adjacent to Jack Straws Castle, North End Way, London NW3 7ES

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Albany Homes UK Ltd against the decision of the Council of the London Borough of Camden.
- The application Ref 2004/0705/P is dated 21 January 2004.
- The development proposed is the construction of 1 no. house together with associated car parking. New boundary and surface treatment to existing car park.

Summary of Decision: The appeal is dismissed.

Procedural Matters

1. The appeals were lodged against non-determination. However, shortly afterwards the Council's notices of refusal arrived and the appellant has acknowledged that the appeals should have been lodged against refusal: this is how I have dealt with them.

Main Issues

2. Jack Straws Castle is a Grade II listed building within the Hampstead Conservation Area. With these facts in mind I consider the main issues relating to these appeals are:
 - (a) whether the proposed works would preserve the special architectural and historic interest of the listed building;
 - (b) the effect of the proposed development on the character and appearance of conservation area.

Planning Policy

3. Planning Policy Guidance Note 15 (PPG15): Planning and the Historic Environment sets the framework for Local Plans with respect to listed buildings and conservation areas. PPG15 refers to the duties, under sections 16(2), 66(1) and 72(1) of the Planning (Listed
-

Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving the listed building or its setting or any special architectural or historic features it possesses, and of preserving or enhancing the character or appearance of conservation areas.

4. The statutory Development Plan comprises the London Borough of Camden Unitary Development Plan (UDP). Policy EN38 sets a general presumption in favour of the preservation of listed buildings and requires special regard to be had to the desirability of preserving the building or its setting.
5. The Council's Hampstead Conservation Area Statement is part of the Council's Supplemental Planning Guidance in support of UDP policies and includes factual descriptions of the character of the area; North End Way is within sub-area seven.

Reasons

6. Hampstead Conservation Area encompasses much of the more attractive and historic built up areas alongside Hampstead Heath. North End Way is within one of the outlying fragments of the conservation area. A tavern on the appeal site recalled the name of one of the leaders of the Peasants' Revolt of 1381. This was replaced by the present building designed in 1962 by Raymond Erith in the style of an 18th century coaching inn. As well as its whimsical façade of crenellated weather boarding it is also a unique example of the time of a structural timber frame to a public building. More recently much of the main building has been converted into 10 flats and houses. The proposal is for a small two storey extension into the car park on the north side to accommodate a further two bedroom house.
7. I am informed that Erith turned the fact that the land to the north is lower to his advantage by designing this front to provide vehicular access to the cellars with the added benefit of keeping parked cars out of sight. Architecturally this allowed the designer to play up the idea of a castle with battlements and a tower (incorporating the lift) producing a cliff-like wall facing over the car park. I accept that this is a rational explanation of the design concept and an important part of the special interest of the building. To my mind the proposed extension would intrude into the car park space and dilute the drama of this space and the sheer wall to the north elevation. It would therefore detract from this special interest and harm the listed building. Stylistically I consider that the extension would pick up on a few details without showing an understanding of the overall proportions of the building; in this respect it would be a poor imitation. No justification has been put forward as to why the proposed extension would contribute towards preserving the listed building.
8. When considering appeals in 2003 an Inspector found that a proposed extension over the car park would harm the listed building. As with this previous Decision it would be wrong of me to suggest that no further development should take place in the car park as I can never know what ideas an imaginative architect, perhaps one as skilled as Erith, might dream up. However, it is evident to me that to arrive at an acceptable solution for an extension to the north of this remarkable building would require exceptional skills.
9. To the extent that the proposal would harm the listed building and would be visible from the road and any other public viewpoints I find that it would also harm the character and appearance of the conservation area. The proposal would therefore conflict with UDP Policy EN38 and advice in PPG15.

Conclusions

10. For the reasons given above and having regard to all other matters raised, including the need to make the best use of previously developed land, I conclude that both appeals should fail.

Formal Decisions

Appeal Ref: APP/X5210/E/04/1151287

11. I dismiss the appeal.

Appeal Ref: APP/X5210/A/04/1151286

12. I dismiss the appeal.

David Nicholse

INSPECTOR

Appendix 4

Letter of Support from Lucy Archer dated 28 September 2016

LUCY ARCHER, GREAT HOUSE, DEDHAM, NEAR COLCHESTER, CO7 6HJ

Tel. & fax (01206) 322169

Quinlan Terry CBE, AA Dipl, FRIBA
The Old Exchange
High Street
Dedham
Colchester
CO7 6HA

28 September 2016

Dear Quinlan,

Thank you very much for showing me your revised drawings for houses to be built on the car park next to Jack Straw's Castle, the listed pub which was designed by my father Raymond Erith in 1963. I greatly prefer this new proposal for two rather than three houses, which allows for much less restricted accommodation and provides an even better balance with the scale of the Old Court House buildings on the other side of the pub.

As I said before in my letter dated 3 October 2015, if planning permission is forthcoming for this scheme, it must be only on condition that it should be detailed to your firm's usual high standard.

Yours sincerely,

A handwritten signature in blue ink that reads "Lucy Archer". The signature is written in a cursive style with a long, sweeping tail on the letter 'w'.

Appendix 5

Letter of Support from Ken Powell dated 5 October 2016

writer, journalist, consultant

5th October, 2016

Flat 1, 78 Nightingale Lane, London SW12 8NR
07976 910509 0208 6733383 powellscribe@aol.com



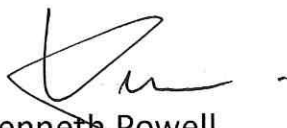
JACK STRAW'S CASTLE.

Thank you for sending me the drawings for the revised scheme.

You know how much I admire the work of Raymond Erith – I had the privilege of working with Lucy Archer on the 2004 exhibition at Sir John Soane's Museum. When I worked for the C20th Society I was involved with objections to proposed alterations to Jack Straw's Castle, which I regard as a major work of Erith.

I have looked at the drawings and feel that the proposal for two 3 bay houses adjacent to Erith's building is entirely acceptable and complements Erith's own architecture. Please feel free to convey this opinion to any relevant party.

Yours ever,



Kenneth Powell

Appendix 6

Letter of Support from Alan Powers dated 9 November 2015

99 Judd Street, London, WC1H 9NE 020 7387 3154 alanpowers@icloud.com

Quinlan Terry, CBE, FRIBA,
Old Exchange,
High Street,
Dedham,
Colchester,
Essex CO7 6HA

RECEIVED 09 NOV 2015

Dear Quinlan,

Jack Straw's Castle

Thank you for sending me the drawings and the design statement. Jack Straw's Castle is a building I have known all my life (I just remember its predecessor), and I appeared as a witness for the Twentieth Century Society in the Public Inquiry over change of use in the 1990s.

I looked at these on site and I think that your proposal for adding houses beside Raymond Erith's listed pub building is appropriate and, far from causing any damage to the appearance of the listed building, would make a positive contribution that masks an unfinished-looking section of wall and, owing to being set back and at a lower level, will not compete with the existing elevations or the scale of the building.

The late Georgian style is characteristic of Hampstead in general and of the group of buildings to the west of Jack Straw's in particular, and I have confidence that you will interpret the style in an expert manner.

Yours sincerely,



Alan Powers, PhD, FSA, Hon FRIBA

Appendix 7

Letter of Support from Twentieth Century Society

dated 12 October 2016



David Taylor
Senior Heritage Planner
Montagu Evans
5 Bolton Street
London W1J 8BA

Sent by email: david.taylor@montagu-evans.co.uk

12 October 2016

Our ref: 99 09 04

Dear David Taylor,

Jack Straw's Castle Car Park

Thank you for consulting the Twentieth Century Society at pre-application stage. The Society has no objection to the proposed development as it currently stands. The Society would however appreciate being consulted again formally when the finalised plans are submitted.

Yours sincerely,

Tess Pinto
Conservation Adviser
Twentieth Century Society

Remit: The Twentieth Century Society was founded in 1979 and is the national amenity society concerned with the protection, appreciation, and study of post-1914 architecture, townscape and design. The Society is acknowledged in national planning guidance as the key organisation concerned with the modern period and is a constituent member of the Joint Committee of the National Amenity Societies. Under the procedures set out in *ODPM Circular 09/2005*, all English local planning authorities must inform the Twentieth Century Society when an application for listed building consent involving partial or total demolition is received, and they must notify us of the decisions taken on these applications.

Appendix 8

Letter of Support from Historic England dated 21 October 2016



Historic England

LONDON OFFICE

Mr David Taylor
Montagu Evans
5 Bolton Street
London
W1J 8BA

Direct Dial: 020 7973 3763

Our ref: PA00444483

21 October 2016

Dear Mr Taylor

Pre-application Advice

JACK STRAWS CASTLE CAR PARK, N END WAY, LONDON, NW3 7ES

Thank you for engaging Historic England in pre-application discussions regarding a proposed residential development along North End Way in Hampstead, and for the useful and interesting presentation on the scheme last week.

Significance of the Historic Environment

The development site is located within Sub Area 7 of the Hampstead Conservation Area which is centred on the open summit of the Heath at Whitestone Pond. A number of landmark listed buildings are located along the roadside including the Grade II listed Jack Straw's Castle which was designed by Raymond Erith in 1962. The proposed development is to be sited within a car park next to Jack Straw's Castle. The car park site, with its tarmac hardstanding, marked bays and parked cars, detracts from the character of the Conservation Area in our opinion.

The Development Proposals

As set out in the pre-application submission, the proposed development involves the erection of two residential dwellings. These would be designed as a pair of traditional terrace houses featuring bonded London stock brickwork with lime mortar, timber sashes, iron railings, and slate roofs. The terrace would be physically attached to a later extension to Jack Straw's Castle at its north-west end and, unlike previous schemes for the site, would be architecturally distinct from the listed building. The development would be set well back from North End Way, and it is understood that the front garden area would provide parking for the units.

Historic England's Position

We consider that these proposals are unlikely to significantly impact on the setting of the Grade II listed Jack Straw's Castle. This is because the development would be of a subservient scale and attached to a later extension at the rear of the building. In contrast to the previous schemes for this site, the design and materials would allow the



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Telephone 020 7973 3700
HistoricEngland.org.uk



Historic England is subject to the Freedom of Information Act 2000 (FOIA) and Environmental Information Regulations 2004 (EIR). All information held by the organisation will be accessible in response to an information request, unless one of the exemptions in the FOIA or EIR applies.

Historic England will use the information provided by you to evaluate any applications you make for statutory or quasi-statutory consent, or for grant or other funding. Information provided by you and any information obtained from other sources will be retained in all cases in hard copy form and/or on computer for administration purposes and future consideration where applicable.



Historic England

LONDON OFFICE

development to be read as a separate building and not interpreted as an extension to the listed building. This change in approach is welcomed by Historic England. Listed building consent may be required for these works; however we would have no formal role in the determining of a listed building consent application.

Regarding the impact on Hampstead Conservation Area, we welcome the design approach to the scheme which draws on the local character of the area, using high quality and traditional materials. Due to the relatively poor presentation of the existing car park, we consider that there is a good opportunity to enhance the character of the Conservation Area which would support the scheme in accordance with Paragraph 137 of the National Planning Policy Framework. In order to make a convincing argument for 'enhancement' to the Conservation Area, we would encourage a sensitive landscaping scheme to be explored, which draws on the historic character of the area, and keeps any visible parking to a minimum.

To summarise, Historic England welcomes many aspects of these proposals, and is unlikely to have any significant concerns with the scheme in the event of a planning application being submitted.

Please note that this response relates to historic building matters only. If there are any archaeological implications to the proposals it is recommended that you contact the Greater London Archaeological Advisory Service for further advice (Tel: 020 7973 3712).

Yours sincerely

Alasdair Young

Inspector of Historic Buildings and Areas

E-mail: alasdair.young@HistoricEngland.org.uk



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Historic England will use the information provided by you to evaluate any applications you make for statutory or quasi-statutory consent, or for grant or other funding. Information provided by you and any information obtained from other sources will be retained in all cases in hard copy form and/or on computer for administration purposes and future consideration where applicable.

Appendix 9

London Borough of Camden Pre-Application Letter

dated 17 January 2017

Date: 17th January 2017
Our Ref: 2016/0630/PRE
Contact: Charles Thuaire: 020 7974 5867

Email: Charles.thuaire@camden.gov.uk

David Taylor
Montagu Evans
5 Bolton Street
London
W1J 8BA

Dear Sir,

Planning Pre-application Advice:

Jack Straw's Castle 12 North End Way London NW3 7ES

Thank you for submitting a pre-planning application enquiry on 4.2.16 for the above properties. This document represents the Council's initial view of your proposals based on the information available to us at this stage. It should not be interpreted as formal confirmation that your application will be acceptable nor can it be held to prejudice formal determination of any planning application we receive from you on this proposal.

Proposal

Erection of two Class C3 dwellinghouses on existing car park adjacent to Jack Straws Castle, including associated redesign and landscaping of remaining car park.

The proposal was discussed with officers at 2 meetings on 22.3.16 and 30.6.16. The scheme has been subsequently amended and justified to address officers' comments and concerns. Notably a Second Addendum dated November 2016 was submitted which provides a statement of significance of the existing Jack Straws Castle, assessment of the scheme's impact on this significance, analysis of Raymond Erith's original design concept for the north facade of this building, justification for a formal urban design idiom here, revision from 3 houses to 2 houses, and evidence of more consultation with stakeholders. The revised plans are drwg nos. 1370/1D, 2C, 3.

Site and surroundings

The site comprises the carpark serving the adjoining Jack Straws Castle comprising Class D1 gym on the basement and ground floors and Class C3 flats on upper floors above. The carpark is accessed off Heath Brow, which also serves the City Corporation of London carpark behind. The building constructed in 1962 is listed Grade II and lies within sub-area 7 of the Hampstead conservation area.

The site adjoins Hampstead Heath to the north and west and is visible from it across Whitestone Pond to the east. The Heath is Public Open Space and Metropolitan Open Land, as well as Heath House opposite. Old Courthouse to the south and Heath House opposite, along with its wall and War Memorial, are also listed buildings and structures and within the conservation area.

Planning History

The most recent and relevant decisions for the carpark are listed below which show how successive applications for development of this site have been refused and dismissed on appeal.

PWX0302151- Erection of roofed enclosure over carpark and two 2 storey houses.

Refused 10.4.03; appeal dismissed 3.12.03

2003/1396/P- Erection of roofed enclosure over carpark and two 2 storey houses.

Refused 25.9.03; appeal dismissed 3.12.03

2004/0705/P- Erection of 2 storey house at rear of carpark and new boundary treatments. Refused 14.5.04; appeal dismissed 21.12.04

Relevant policies

[National Planning Policy Framework 2012](#)

[The London Plan 2016](#)

[LDF Core Strategy](#)

CS1 (Distribution of growth)

CS5 (Managing the impact of growth and development)

CS6 (Providing quality homes)

CS11 (Promoting sustainable and efficient travel)

CS13 (Tackling climate change and promoting higher environmental standards)

CS14 (Promoting high quality places and conserving our heritage)

CS15 (Protecting and improving our parks and open spaces and encouraging biodiversity)

CS16 (Improving Camden's health and well-being)

CS19 (Developing and monitoring the Core Strategy)

[LDF Development Policies](#)

DP2 (Making full use of Camden's capacity for housing)

DP5 (Homes of different sizes)

DP6 (Lifetime homes and wheelchair homes)

DP15 (Community and leisure uses)

DP16 (The transport implications of development)

DP17 (Walking, cycling and public transport)

DP18 (Parking standards and limiting the availability of car parking)

DP19 (Managing the impact of parking)

DP22 (Promoting sustainable design and construction)

DP24 (Securing high quality design)

DP25 (Conserving Camden's heritage)

DP26 (Managing the impact of development on occupiers and neighbours)

DP27 (Basements and lightwells)

Other Planning Guidance

[Camden Planning Guidance](#)

CPG1 Design (2015)
CPG2 Housing (2016)
CPG3 Sustainability (2015)
CPG4 Basements and lightwells (2015)
CPG6 Amenity (2011)
CPG7 Transport (2011)
CPG8 Planning Obligations (2015)

Hampstead Conservation Area Statement 2001

Emerging policy:

It should be noted that the Camden Local Plan will replace the Local Development Framework (LDF) Core Strategy and Development Policies in 2017. The submission draft has now been approved by Cabinet and Full Council after a period of public consultation. The Local Plan and associated documents were formally submitted to the Secretary of State for public examination. The public hearings for the Examination were held at the Camden Town Hall during October 2016.

The submission draft is a material consideration in planning decisions. At this stage the Plan has weight in decision making and is a statement of the Council's emerging thinking. Emerging policy is therefore a relevant consideration to this pre-app advice.

Assessment

The main issues of consideration are

- Heritage impact
- Open space impact
- Landscape
- Land use and residential standards
- Amenity
- Basement impact
- Sustainability
- Transport
- Community Infrastructure Levy

Heritage impact

The history of this site, in terms of the original design intentions by Raymond Erith for Jack Straws Castle and its carpark and the successive rejections on appeal of later schemes for residential development of this carpark, are important material considerations in assessing this scheme. The 2nd Addendum report dated November 2016 is welcome in providing a very useful analysis of the significance of the existing listed building and its setting, the rationale behind its original design concept, the advantages of the currently proposed scheme compared to previous unsuccessful development schemes for this site, and the justification for the design concept and impact of the current proposal. As noted above, the key issue here is

the impact of the scheme on heritage assets, notably the setting and significance of the adjoining listed building of Jack Straws Castle itself and the other listed buildings nearby, and the character and appearance of the surrounding conservation area.

The 2004 appeal decision is important in that the Inspector was concerned about retaining the 'cliff-like wall' (of the north facade) facing the carpark which had been likened by some to a castle moat and that he thought the appealed scheme diluted the drama of this space. However he also did not discount the possibility of any further development on the carpark. His comments are a material consideration.

The Council's previous refusals were based on the premise that it considered no further development of the carpark was possible here as it would harm the setting of this listed building where its northern elevation and lower ground carpark contributed to the impression of a castle and moat. The 2004 scheme involved a small 2 storey house set back behind the open carpark and this was deemed unacceptable by the Inspector, although he suggested that some form of development could be possible here. In comparison, the current proposal for a taller and wider development, 3 stories high across the whole carpark back edge, is clearly larger than this appeal scheme and, on the face of it and in light of this appeal decision, it would have a greater unacceptable impact in enclosing the open space of the carpark. However officers also acknowledge that there are subtle but important differences between the past and current schemes that help sway the balance. The appeal scheme projected beyond the junction between the rendered rear section of the building and the main weather-boarded façade, it was designed as an extension in matching pastiche design, and the carpark had a solid boundary around part of it. In contrast the new scheme is set back further and respects the junction between both elements of the main building, it is conceived as a distinctive separate building with contrasting design idiom, and the carpark is left largely open as existing.

On balance, bearing in mind the Inspector's comments and the submitted analysis of design differences as well as subsequent stakeholder comments, officers consider that the principle of a residential development on this site can be now supported. The new pair of houses can be viewed as a subsidiary terrace of buildings in the same way as the array of houses that flank the main castle building on the south side, ie. the Old Courthouse, which has a similar height, setback and setting. The new building has a contrasting design in a Georgian style which does not compete with or dilute the significance and dominance of the main Jack Straws Castle building. It is considered that the new scheme with its setback and open carpark boundary preserves views of the main north facade of the castle building and does not seriously detract from its significance in the original design concept appearing as a 'cliff-like wall facing over the carpark' and does not seriously 'dilute the drama of this space' (quoting from the Inspector). Thus it is considered that the illusion of a sheer castle wall with moat is still readily apparent and that the setting of the adjoining listed building will not be significantly harmed.

Furthermore it is acknowledged that more recent consultation with stakeholders has resulted in an important level of support for this new approach which is a material consideration. The daughter of the original architect Raymond Erith, 2 commentators on 20thC architecture, the Twentieth Century Society and Historic England have all written to support it.

Nevertheless, officers will need to carry out an assessment and evaluation of the scheme in accordance with the requirements and tests within chapter 12 of the NPPF (especially paras 129-134) regarding any impact and level of harm caused to the significance of designated heritage assets, ie. the adjoining listed building and the surrounding conservation area. If 'less than substantial' harm is identified, then a balancing exercise will be required to weigh the harm caused against the public benefits of the proposal.

It is considered that the recent changes to the scheme since the last meeting are an improvement and the 2 houses look less cramped than the 3 house scheme and more reflective of the Old Courthouse plot widths. The footprint, height, depth and location of the houses are acceptable in principle. However there are 2 aspects of the scheme that require further consideration.

It is considered that the very formal and urban arrangement of the proposed façades does not suit this setting here. Officers still remain unconvinced of the argument presented that a Georgian style is appropriate in this semi-rural setting and that the examples given of other similar houses in London and elsewhere set a precedent here; the examples given appear to be mainly Georgian houses that have since been surrounded by later urban expansion or were designed as set pieces facing formal parkland. In this case, the setting and history of Whitestone Pond is different which has an informal grouping of houses organically developed over time and loosely arranged around a junction and surrounded by a natural heath landscape. Officers would recommend that the front façades are alternated subtly to suit the more rural setting in this regard and to preserve the character and appearance of the surrounding conservation area.

No details are given of the proposed boundary treatment around the carpark. Given the above analysis, it is important that the open space is not further enclosed by solid structures such as walls and fences and that the details are shown at an early stage with any application submission. The design and use of materials should be influenced and informed by the significance of the listed building and the idea of the castle moat.

Open Space impact

The site adjoins Public Open Space and Metropolitan Open Land (MOL). It is considered that, given the building will be set back from the front behind the carpark and will be mainly screened from the rear by trees, the scheme will not harm the open character and setting of the adjacent Heath open space and it will preserve the openness of this MOL.

Landscape

As indicated above, it is important that details for the landscaping and boundary treatment of this carpark are discussed and agreed before any formal submission. A solid boundary around the entire site, such as walls, fencing or high hedges, and a formal design of entrance gates and piers (as suggested on previous draft elevations) will not be acceptable, although it is acknowledged that a hedge will help soften and screen any car parking, refuse stores etc. from public views. Surface materials for the carpark should be considered at an early stage.

Existing trees within the City carpark at the rear of the site should be retained and protected during construction. An assessment must be made as to how they will be impacted, both in terms of roots by the proposed basement excavation and of crowns by the above-ground construction.

An ecology statement will need to be submitted as the site adjoins Hampstead Heath, a Site of Nature Conservation Importance (SNCI).

Land use

The latest plans for 2 houses show two 4 storey 4 bedroom 6 person units, although floorspace figures are not given. The sizes for the double and single bedrooms and for the units overall as shown appear to comply with new national housing space standards, London Plan standards, and Camden's own guidance contained in CPG2 Housing. The design of the houses should be accessible to occupiers over time by meeting national standards for new build dwellings in Part M4 (2) of the Building Regulations. The provision of 2 family sized units does not comply with the Dwelling Size Priorities Table in policy DP5 in that no 'high priority' 2 bedroom units are provided; nevertheless, given the constraints of the site and heritage designations, it is considered that this is acceptable in this context. The revised design for 2 houses is better than the previous 3 house scheme as the layout appears less cramped and now has a more orthodox staircase arrangement.

The plan of the houses appears to show adequate receipt of daylight, sunlight, outlook and privacy. However the basement kitchen diners are only lit by a very narrow lightwell and there is concern that they may not receive adequate daylight and sunlight. A full light assessment should be undertaken and if necessary, the lightwells enlarged to ensure adequate light and outlook.

The plans do not show any private amenity spaces for these large family sized houses. It is expected that some amount of private amenity space should be provided, in the form of gardens or balconies in line with London Plan standards, as it would be unreasonable for the occupants to totally rely on the public open space of the Heath behind for their domestic needs. Such provision of private space may impact on the layout and design of the carpark in front.

Adequate refuse storage needs to be provided on site.

Amenity

It is considered that there will be no impact on the amenity of adjoining neighbouring properties. However it is noted that the new building will sit closely alongside 2 ground and 1st floor windows on the north facade of Jack Straws Castle itself and, if they serve habitable rooms, any impact on their light and outlook should be checked.

Basement impact

In line with policy DP27, all new basements will be assessed to ensure they maintain the structural stability of the building and any neighbouring properties,

avoid adversely affecting drainage and run-off or causing other damage to the water environment, and avoid cumulative impacts on structural stability or the water environment in the local area. It is considered that the new single storey basement proposed here under the footprint of the houses will be acceptable in principle and will have little impact on the appearance of the new building and conservation area. However it must not harm the stability of the adjoining listed building or the function of local underground water courses, given the special topographical and geological context of this site on sandy soils at a hill summit adjoining Hampstead Heath. Any application will need to be supported by a full Basement Impact Assessment which will be reviewed and audited by the Council's external engineering consultants. Depending on the outcome of the audit and sensitivities of the site, the excavation methodology may need to be subject to a Basement Construction Plan, secured by S106 legal agreement.

A site-specific flood risk assessment is unlikely to be required here, as the site is not on a street identified as being 'at risk' from surface water flooding, according to the local plan maps.

The site lies within an Archaeology Priority area of Hampstead Heath, thus an assessment will need to be submitted with any application to identify if the site has a potential for archaeological remains underneath.

Sustainability

In line with policies DP22 and CS13, the Council will require development to incorporate sustainable design and construction measures. CPG3 provides more information on how schemes will be assessed to meet these criteria. Notably the national standard of Code for Sustainable Homes for new dwellings has now been withdrawn and replaced by the Government's new technical standards for new dwellings.

The Council will continue to require new residential development to submit a sustainability statement demonstrating how the development mitigates against the causes of climate change and adapts to climate change. Thus all applications for new dwellings should demonstrate that they meet sustainable design principles and are also required to meet a target of 20% reduction in carbon emissions below Part L of the Building Regulations by means of the installation of on-site renewable technologies where feasible. Moreover applications of 5 or more residential units or 500m sqm or more of any floorspace (gross internal) will also be required to submit an energy statement demonstrating how the development has followed the energy hierarchy. The total floorspace of the proposed scheme is not known at this stage which may trigger this threshold.

All applications must demonstrate this through the submission of appropriate sustainability and energy statements, the detail of which to be commensurate with the scale of the development, and this will be confirmed by a post-construction review secured by either condition or a S106 agreement.

All new build dwellings should achieve a maximum internal water use of 110 litres per person per day (this includes 5 litres for external water use). Permeable paving and Sustainable Urban Drainage systems should be used on the carpark surface.

Transport

The site is located in the North End Controlled Parking Zone (CA-V) which operates between 1100 and 1300 hours on Monday to Friday. In addition, the site has a PTAL rating of 3 which means it is moderately accessible by public transport. Accordingly it is recommended that the scheme be 'car-free'; the documents submitted suggest that the houses would be, which is welcomed. However if car parking is provided within the existing carpark (at a maximum of 2 spaces for the 2 houses), then the scheme should be 'car-capped' to prevent any harmful overspill of cars onto the public highway, given that on-street parking will be still possible in the afternoons and evenings as well as during the day in 'pay and display' bays on-street and in the City carpark. This will be secured by S106.

It is also proposed that a condition is imposed requiring final details of the forecourt parking arrangements, to control the use and layout of car spaces and to ensure it is acceptable in landscaping and heritage terms. It is not clear from the latest submitted plans how the carpark will be organised, how many car spaces are retained and whether the car-stacker arrangement with new basement level parking is still proposed as in earlier draft plans. If this is still proposed, it will need to have no impact in design and land stability terms on the adjoining listed building. An assessment is also needed of the current car parking provision and how the scheme will impact on existing spaces used by the flats in Jack Straws Castle itself. Finally the carpark layout needs to take account of any new amenity space needed for the new houses as well as any impact of parked cars and refuse storage areas on the amenity of the new houses (in terms of light and fumes).

Cycle parking should meet the minimum requirements of the London Plan and be designed to meet Camden's cycle parking design specifications as set out in Camden Planning Guidance (CPG7- Transport).

As the site is located on a roundabout, any deliveries and servicing activity should take place within the site. Also given this location and site constraints, a Construction Management Plan would be required.

Community Infrastructure Levy (CIL)

The scheme will be liable to Community Infrastructure Levies for both Mayor of London and London Borough of Camden. The Mayor's CIL will apply to all development which adds one or more dwellings or more than 100sqm of floorspace at a rate of £50 per sqm. The Council's CIL will equally apply to all new dwellings at a rate of £500 per sqm in the Hampstead/Highgate area. Please refer to the Council's website for further information on the Borough's CIL.

S106 obligations

As per the preceding report, a S106 Legal Agreement will be needed to cover the following Heads of Terms:-

- Car-free or car-capped housing
- Post-construction sustainability and energy reviews

- Basement Construction Plan if necessary
- Construction Management Plan

Planning application information

If you submit a planning application, I would advise you to submit the following for a valid application:

- Completed forms.
- The appropriate fee
- An Ordnance Survey based location plan at 1:1250 scale denoting the application site in red and other land in applicants' ownership in blue.
- Floor plans, elevations, sections at a scale of 1:50
- Carpark plans and sections
- Landscaping plans for carpark
- Planning statement
- Heritage statement
- Energy/sustainability statements
- Basement Impact Assessment
- Archaeological report
- Daylight/sunlight report
- Ecology report
- Arboricultural report
- Please see [supporting information for planning applications](#) for more information.

Given the location and sensitivities of the site, together with the scale of the scheme, it is recommended that the applicant conducts its own consultation with surrounding neighbours, relevant councillors and local groups prior to the submission of any formal planning application.

We are legally required to consult on applications with individuals who may be affected by the proposals. We no longer notify neighbours by post, but we still display a notice on or near the site and advertise in a local newspaper. The Council must allow 21 days from the consultation start date for responses to be received.

This document represents an initial informal officer view of your proposals based on the information available to us at this stage and would not be binding upon the Council, nor prejudice any future planning application decisions made by the Council.

If you have any queries about the above letter, please do not hesitate to contact me on 0207974 5867.

Thank you for using Camden's pre-application advice service.

Yours faithfully,

Charles Thuaire

Senior Planning Officer
Planning Solutions Team

It is important to us to find out what our customers think about the service we provide. To help, we would be very grateful if you could take a few moments to complete our [pre application enquiry survey](#). We will use the information you give us to monitor and improve our services.

Appendix 10

Case Study: Architectural Treatment

Site: Downshire Hill, Hampstead

Grade: Grade II

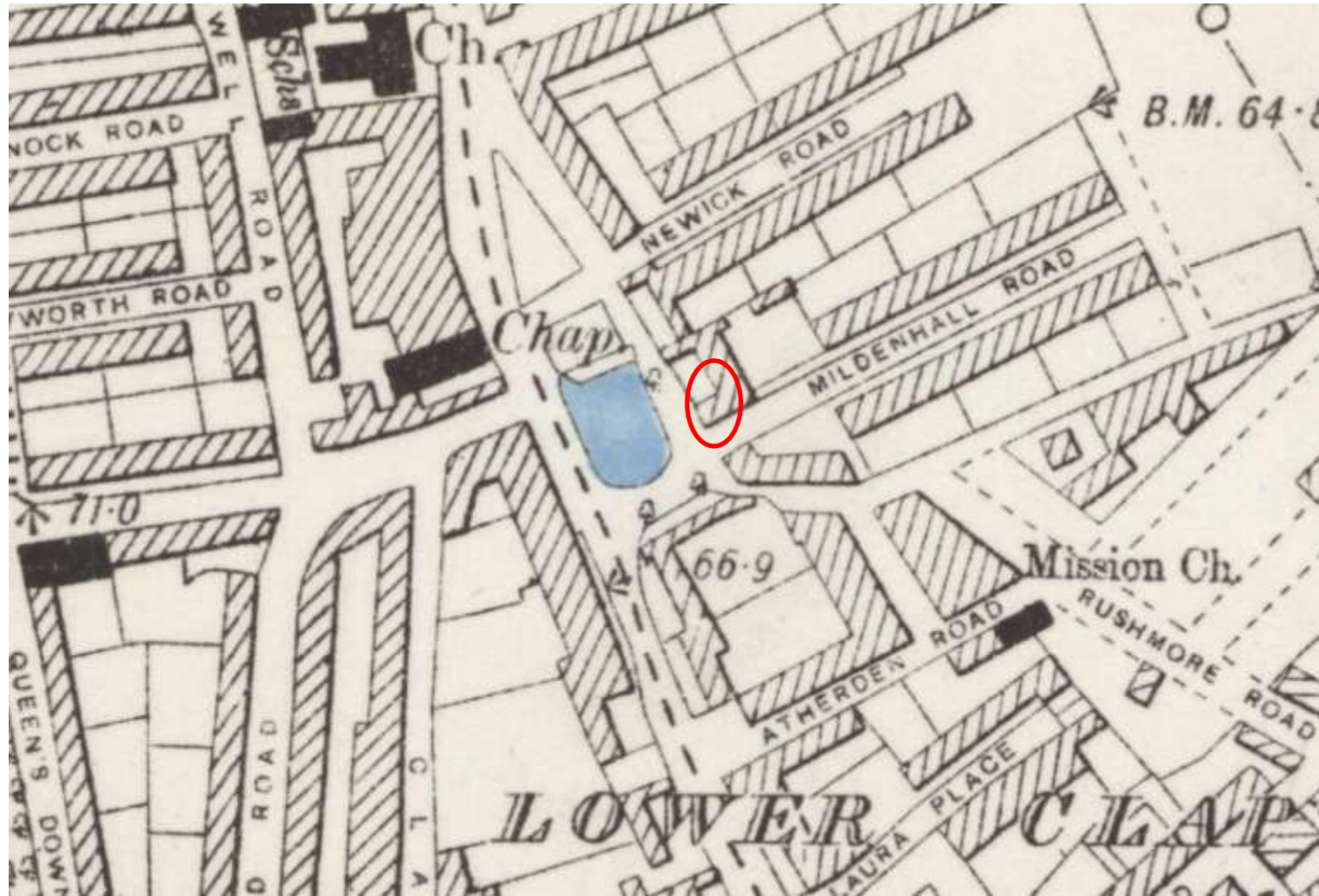
Description: This terrace of C19 houses was located in the small hamlet of Vale of Heath, within close proximity to Hampstead and Hampstead Heath.



Site: **Clarendon Hotel, 13-14 Montpelier Row, Blackheath**
Grade: Grade II
Description: This terrace dates from the late C18



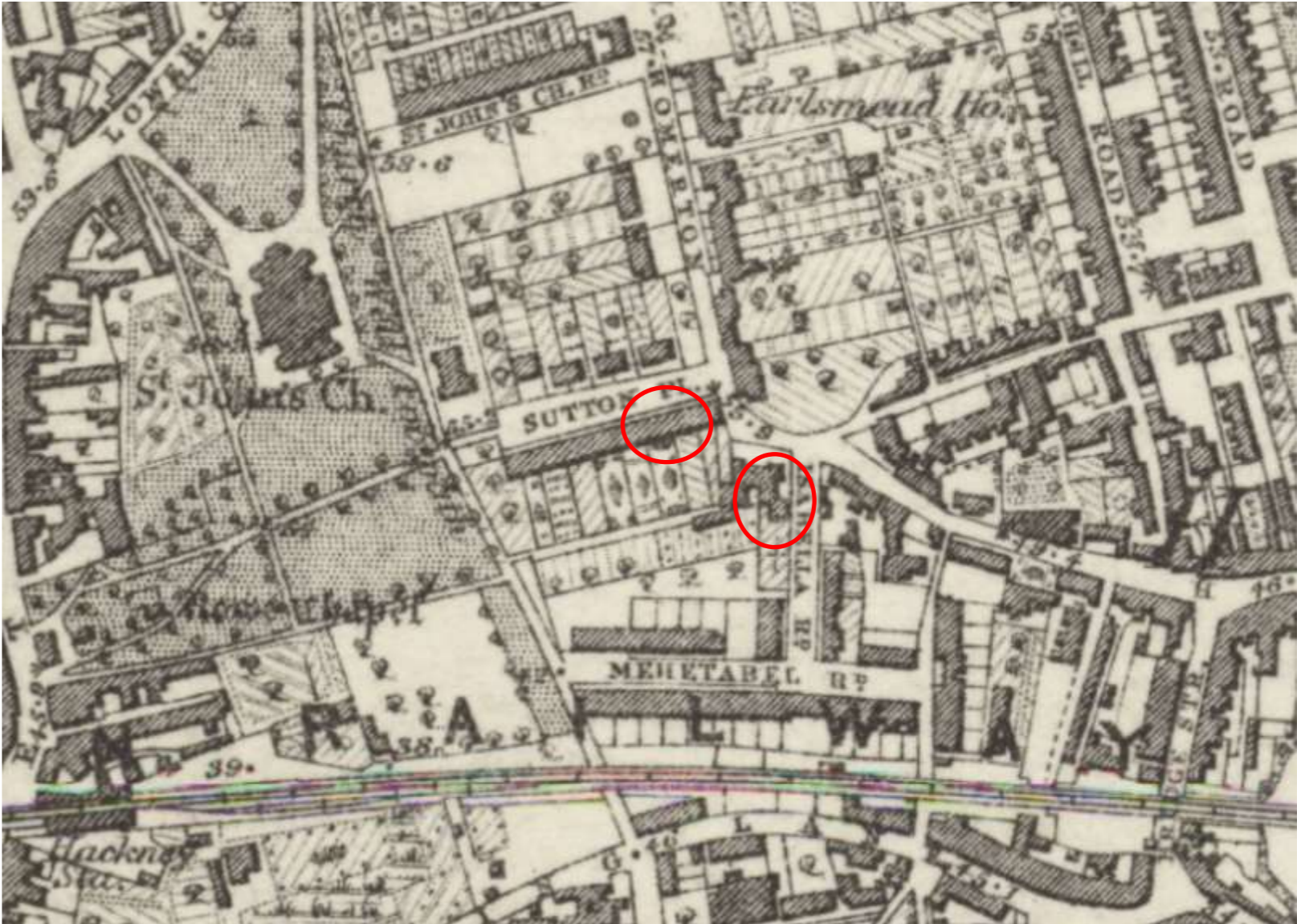
Site: 158-160 Lower Clapton Road, Clapton Pond
Grade: Grade II
Description: Pair of houses dating from the early C19



Site: **Sutton House and Sutton Place, Homerton**

Grade: Grade II* and Grade II

Description: The house dates from c. 1530 with later alterations and refronting in the C18 and C19. Sutton Place is a late C18 or C19 terrace



Site: **Baker Street, London**

Description: **Quinlan and Francis Terry LLP** designed
new development in a historic context.



Site: **Regent's Street, Cambridge**
Description: **Quinlan and Francis Terry LLP** designed
new development in a historic context.



Site: **Richmond Riverside, London**
Description: **Quinlan and Francis Terry LLP** designed new development in a historic context.



Site: **Gray's Inn, London**

Description: **Quinlan and Francis Terry LLP** designed
new development in a historic context.

