

14 May 2017

Raymond Yeung and Rachael Parry
Camden Council Planning and Conservation
5 Pancras Road
Kings Cross
London N1C 4AG

Dear Mr Yeung and Ms Parry

Re Planning Applications 2017/0011/L and 2016/4461/P for 22 Church Row, Hampstead, London NW3

We are writing on behalf of the Church Row and Perrins Walk Neighbourhood Forum to further the Forum's letter of the 24th of October 2016 in support of the above applications. It is understood that Camden Council has now completed the consultation, and despite the absence of any adverse comment, it is contemplating refusing permission for the reasons set out in Appendix 1. The Forum doesn't agree with the rationale provided, and believes that greater consideration of the matter needs to be given. This letter sets out why the application, by reference to the National Planning Policy Framework ("NPPF") and Historic England guidance, should be approved.

Proposed Tanking of Vault 5

22 Church Row has five vaults. They do not lie underneath the house and are independent structures. Vaults 1, 2 and 3 lie in front of the house under the pavement and road. Vaults 4 and 5 lie behind the house, under the garden. Vault 4 has been used for many years for garden storage, and periodically floods.



Map 1: Map of 22 Church Row showing the location of Vaults 1 to 3 in front of the house, and 4 to 5 behind the house.

Vault 5 to the rear right of the house was discovered in 2015, by the removal of some concrete breeze blocks. It is accessed from Vault 4, which can in turn be accessed from the garden. Rubbish found in Vault 5 indicates that the last time it was opened was some fifty years ago. There is a disused lightwell and evidence that it has been used to mill flour and as a storage area. This vault has no floor, the ceiling has small stalactite structures, the ground is perpetually wet, and a Karcher pump is needed to stop the vault from flooding. The vault walls have no foundations and the clay that lies

underneath is at risk of being eroded away by water. There is limited headroom in the vault, and it is only possible to stand under the centre of the arch.

It is not precisely clear where the water is coming from, but there are springs in the area. 9 Church Row must use a pump to stop water levels rising into the house. There is some dampness in the lower floor of 22 Church Row, and until recently there was a goat willow in the middle of the garden. Goat willows are normally found on damp ground near lakes, streams and canals. It was removed (with permission) because it was diseased, and growing at 45 degrees. It has caused a large crack in Vault 5's end wall, which the applicant intends to carefully repair.

A consultation exercise sought advice from a range of consultants: Delta Membrane; Prestec UK; Renlon; Excel Waterproofing Contractors; and Drummond Consulting Engineers. A number of proposals were ruled out because they were not sympathetic to the building fabric. Others had to be ruled out because they were not practical. The advice was that the sole practical approach is to tank the vault walls with a Delta membrane, generally favoured by Historic England as it is reversible. It is understood that Camden Council has no objection to this.

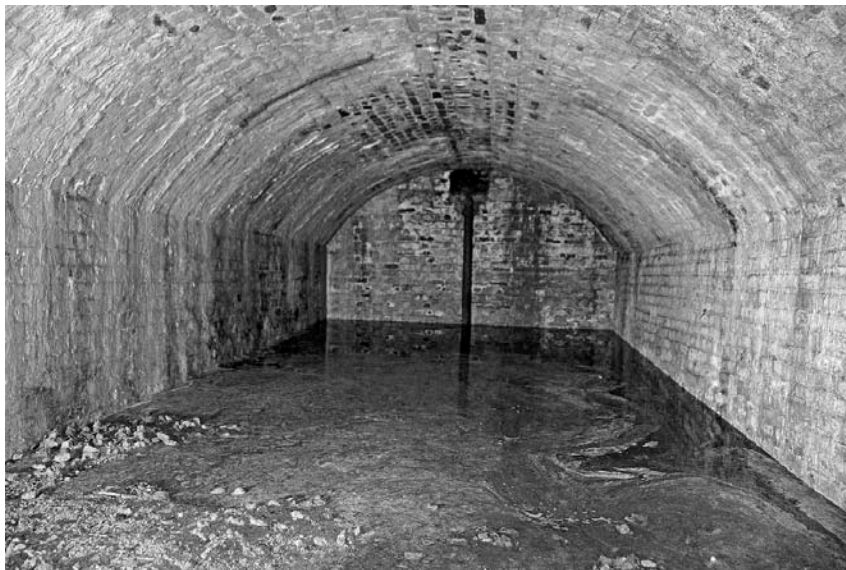


Photo 1: Flooded Vault 5, 22 Church Row

However, to deal with the water run-off, the current earth and clay mud floor needs to be stabilised with a proper floor able to channel the water into a central pump that empties the water into the house's drainage system. This pump needs to be in the ground, and lower than the floor. To facilitate the pump, to protect the wall foundations from the current ingress of water, and to provide a usable head-height post tanking, the base of the new floor needs to be lower than the bottom row of vault bricks. After consulting with tanking specialists and engineers, the only practical way to achieve these objectives is to underpin the vault walls.

The underpinning is to be in concrete rather than brick. This will show a clear delineation between the historic brick and the new material, and is thus consistent with Historic England's Conservation Principles, Policies and Guidance page 45 clause 93: which states that deliberate change should be distinguishable through inspection. The existing fabric is to be separated from the concrete underpinning by a standard "dry-pack top of 50 mm semi-dry mortar". As a refinement, it is possible to use a 1000 Gauge Damp Proof Membrane to keep the historic brickwork separate from the dry-pack¹, but this is felt unnecessary, as if it was desired to re-instate the current condition, the cellar could simply be backfilled with clay and earth up to the level of the historic brickwork. The proposed works are not an intervention, and the proposal builds up to and adjacent to the fabric of the current brick work. No historic brickwork is being lost. The proposals bring the vault back into use for storage, and safeguard the vault walls. The works are justified and desirable.

The lack of a floor in Vault 5, and the pervasive dampness and water levels are incompatible with storage use. If the application is not approved, for reason of health and safety, it will be necessary to brick Vault 5 back up.

¹ The concrete underpinning stops 50mm below the underside of the existing brick fabric, and the gap is filled with "Dry-pack" 50 mm semi-dry mortar, but it is possible to insert 1000-gauge polythene sheet, Visqueen Eco-membrane or similar, into the gap. The semi-dry fine concrete could then be rammed in, below the polythene. Excess polythene would be cut back flush with the face of the brickwork.

Proposed Tanking of Vault 4

Vault 4 is different from Vault 5 in that it was tanked, more than fifty years ago, with concrete render and a concrete floor. Whilst this tanking is effective at removing a substantial amount of dampness, from time to time Vault 4 floods, and this is probably because it is in some way connected to Vault 5.



Photo 2: Flooded Vault 4 and garden tools.

The application seeks to re-tank Vault 4, by applying a delta membrane to the surface of the existing concrete tanking. There is no intention to remove the existing cement render as this would do more damage than good. A new floor would need to be made to channel water into a central pump. The wall foundations in Vault 4 have not been examined, but it is expected that like Vault 5 the foundations are virtually non-existent, which is why the proposal includes the simultaneous under pinning of this vault.

There is no intention to change the usage from storage. The proposed works are not an intervention, and the proposal builds up to and adjacent to the fabric of the current brick work. The imperative to retank Vault 4 is not as strong as that for Vault 5, but the works are still justified and desirable.

Significance

Historic England's Conservation Principles, Policies and Guidance pages 27 to 32 highlights the importance of understanding the significance of a place. However, the Historic England Listing (see Appendix 2) is brief and doesn't comment on the building's significance. The Hampstead Conservation Area Statement ("HCAS") and "London: North" by Bridget Cherry and Nikolaus Pevsner ("Pevsner's description is set out in Appendix 3) adds some further detail, including that it was built by Richard Hughes, but also don't address the building's significance.

HCAS rightly points out that "*Church Row is a street almost entirely lined with handsome early 18th century houses of brown brick with red dressings,*" but it transpires that "*The present nearly uniform impression owes a great deal to sensitive later C19 refacing*" (Pevsner – Appendix 3). Despite these alterations, the group forms one of London's best preserved Georgian frontages, and it is of *architectural significance*.



Photo 3: Church Row Uniform Front Façade circa 2004

HCAS highlights that “*There are clear views of the rear elevations of the south side from the lane leading to Frogmal Way*”. However, in contrast to the uniformity of the frontage, it is the diversity of successive extensions and alterations that makes the backs significant. Richard Hughes’s design has been subsumed in centuries of extensions and alterations (see photo below taken in the 1950s of the back of Church Row). Details of extensions and alterations over the centuries to the rear of 22 Church Row are set out in Appendix 4. Similar extensions and alterations have occurred piece meal to all of the backs of the houses in Church Row. CPPG (page 30 paragraph 47) recognises the fortuitous outcome of the way a place has evolved as an *aesthetic significance*.



Photo 4: Rear of 21, 22 and 23 Church Row Irregular Backs. Circa 1955.

There are several Georgian interior features to 22 Church Row, but it is important to note that the Historic England Listing contains no details (see Appendix 2). Pevsner comments that “*Each is of three bays, three storeys over basements... and ...the houses are to a standard plan, with front and back rooms, rear staircase and closet, and retain much good panelling and joinery*”. As the houses, all have substantially different plans, have varying amounts of retained panelling, and consist of four storeys over basements, Pevsner’s description is not correct. It is also important to note that there is no mention of vaults in front of, or behind the house, and Vault 5 has been bricked up for more than fifty years which means it couldn’t have been a significant factor in the listing. However, the building’s raised and fielded panelling, carved fluted columns and carved staircase in the upper floors are of *architectural significance*.

It is believed that Vaults 1 to 3 at the front of the house were created to deal with the void left by excavation of clay to make bricks for the house. There are corresponding vaults in front of neighbouring 21 and 23 Church Row, but the neighbouring houses don’t have structures that correspond to Vaults 4 and 5 at the rear. Vaults 4 and 5 were almost certainly not part of the original construction. If they had been built by Richard Hughes, they would abut the old back door (that due to extensions is in the middle of the house), and would have been lower, so as to not protrude above the then ground level. Vaults 4 and 5 were constructed to either: a) fill in the hole caused by removing clay to make bricks for the extensions; or b) as a foundation for the large greenhouse (now lost) that was built at some point between the 1845 (repeal of the window tax) and 1892 (the letter in Appendix 4 shows the back of the house with the current raised ground levels). Whilst intuitively Vault 4 and 5 should have some significance, as they are not part of the original construction, the guidance suggests they don’t have much architectural significance, and it’s hard to argue they have aesthetic significance. However, on balance they must have some, if marginal, *historical significance*.

Whilst several famous people have lived at the building: Henry Cavendish, John Rogers, Alexander Whyte, they resided for relatively short periods which did not coincide with the years for which they were famous. No known historic events have taken place at 22 Church Row. Thus, the *historical significance* is relatively limited.

In summary, there appears to be: (A) architectural significance from the building’s front façade and cast iron railings (B) aesthetic significance from the fortuitous outcome of many extensions and alterations (C) architectural significance from the buildings raised and fielded panelling, carved fluted columns and carved staircase in the upper floors and (D) some limited historic interest due to the people who have lived there (E) and some limited historic significance for the vaults.

National Planning Policy Framework (“NPPF”)

“At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development.” (clause 14 on page 4). The Brundtland Report and the Guidance Notes to the NPPF defines *Sustainable development as development that meets the needs of the present, without compromising the ability of future generations to meet their own need*”. The NPPF explains that “*Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life*” and “*Decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas*” (page 3 clauses 9 and 10). When determining applications, local authorities are required to consider the Government objectives as expressed in the overarching definition of sustainable development and particularly (NPPF clause 131 on page 31) the desirability of sustaining and enhancing the significance of all heritage assets and putting them to viable uses consistent with their conservation.

Clause 134 of the NPPF applies and it states: “*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use*”. The Government’s Guidance notes to clause 134 state that “*Public benefits may include heritage benefits, such as: sustaining or enhancing the significance of a heritage asset and the contribution of its setting; reducing or removing risks to a heritage asset; and securing the optimum viable use of a heritage asset in support of its long-term conservation*”. In accordance with clause 134 of the NPPF any harm to the significance of the asset is outweighed by the public and heritage benefits, and the proposals should be approved as:

- Any significance to the vaults is slight
- The works build up to, and don’t replace existing brick work. No brickwork is being lost
- There is no harm to the significance of the assets
- If reinstatement was desired then the delta membrane is removable; Vault 5 could be backfilled with clay and earth; and Vault 4 could be backfilled with concrete
- The works remove risk to the vaults, and help preserve and enhance the vaults for future generations
- The works enable the continued use of Vault 4 as storage
- The works bring Vault 5 back into use as storage (the only sensible and optimal use)
- Failure to approve means that Vault 5 will be bricked up, taking the vault out of use, making regular maintenance impractical, and depriving this and future generations from its use.

Historic England Guidance

Historic England’s Advice note 2 “Making Changes to Heritage Assets” states on page 1 clause 3 that “*The best way to conserve a building is to keep it in use*” and “*An unreasonable, inflexible approach will prevent action that could give a building new life; indeed it can eliminate that use. A reasonable and proportionate approach to owners’ needs is therefore essential.*”. Historic England’s Conservation Principles, Policies and Guidance “CPPG” (page 43 Clause 94) comments that Listed Buildings “*should be used and managed in ways that will, wherever possible, ensure that their significance can be appreciated by generations to come*”. Clause 85 continues “*Very few [Listed Buildings] can be maintained at either public or private expense unless they are capable of some beneficial use; nor would it be desirable, even if it were practical, for most places that people value to become solely memorials of the past*” Clause 86 comments that keeping a listed building in uses “*is likely to require continual adaptation and change; but, provided such interventions respect the values of the place, they will tend to benefit public (heritage) as well as private interests in it.... Many places now valued as part of the historic environment exist because of past patronage and private investment, and the work of successive generations often contributes to their significance. Owners and managers of significant places should not be discouraged from adding further layers of potential future interest and value, provided that recognised heritage values are not eroded or compromised in the process*”.

Clause 138 of the CPPG (page 58) states that “*new work or alteration to a significant place should normally be acceptable*” if the requirements set out below are addressed. The comments show that these conditions have been met.

<i>Requirements</i>	<i>Comments</i>
<i>(a) there is sufficient information comprehensively to understand the impacts of the proposal on the significance of the place;</i>	The applicant has provided: a) Statement of the historical interest and character of the building and summary of the work b) Heritage Statement, Design statement and Scoping statement, Tree Impact Assessment dated 28 October 2016 (for some reason the Council Officer decided not to include this document on the Camden Council planning portal c) Detailed architectural and engineering plans, and d) a report from Drummond Consulting Engineers. Taken together with this letter, these documents carefully and thoroughly analyse the impact of the proposal.
<i>(b) the proposal would not materially harm the values of the place, which, where appropriate, would be reinforced or further revealed;</i>	There is negligible harm to the significance of the asset and the alterations help preserve the vaults for future generations, and secures its optimum viable use. In contrast, refusal will mean that Vault 5 will be bricked up.
<i>(c) the proposals aspire to a quality of design and execution which may be valued now and in the future;</i>	The alterations will be carried out to a high standard using quality materials and craftsmen.
<i>(d) the long-term consequences of the proposals can, from experience, be demonstrated to be benign, or the proposals are designed not to prejudice alternative solutions in the future.</i>	The proposed solution has been tried and tested on other Grade I and Grade II listed buildings (www.deltamembranes.com). The membrane is reversible, and should it be desired the concrete floor could be re-filled with earth and clay back to the current levels.

The lack of a floor in Vault 5, and the pervasive dampness and water levels are incompatible with storage use. If the proposal for Vault 5 is not approved then it will be necessary to brick the entrance back up, thus taking the vault out of use, making regular maintenance impractical, and depriving this and future generations from its use. Historic England’s guidance supports the view that Vault 5 should be kept open, and that the changes should be viewed as a continuation of the many changes and alterations that have been made to the building over the centuries.

Camden Council Heritage Guidance

CPG1 Design (pages 20 to 27) sets out broad requirements for heritage assets and listed building consent and cross refers to the NPPF and English Heritage (now Historic England)’s guidance, and DP25 Conserving Camden’s Heritage, states that Camden will only grant consent for a change of use or alterations and extensions to a listed building where it considers this would not cause harm to the special interest of the building. There is no harm to the significance of the asset, and the works enhance and preserve, enabling the asset to be used as storage in accordance with clauses 131 to 134 of the NPPF discussed above.

Camden Council Basement Guidance.

Camden Council’s CPG4 and DP27 guidance for basements does not define what a basement is. Dictionaries define a basement as being the part of the building that is beneath the rest of the building, and is consistent with the drive of the guidance to protect the buildings above. The guidance is soon to be updated by the Camden Council Local Plan (2016) (the “Draft Plan”) and clause 6.109 states: *“A basement is a floor of a building which is partly or entirely below ground level. A ground or lower ground floor with a floor level partly below the ground level (for example on a steeply sloping site) will therefore generally be considered basement development.”*. As neither Vault 5 nor Vault 4 have buildings above them or neighbouring buildings it would appear they are not “basements”. Camden Council’s description concurs as it describes the works as *“Refurbishment, repair and waterproofing to rear garden vaulted cellars including excavation, underpinning and new floor structures”*. Further, Camden Council’s Guidance is for new basements and not for existing structures. It is thus questionable whether policies DP27, A5 etc. apply.

Nevertheless, as requested by the Planning Officer a scoping statement was provided (dated 28 October 2016) and accepted. The planning officer requested that this scoping statement be written by a chartered engineer, and a revised document by Drummond Consulting Engineers was submitted on the 10th of December 2016 and accepted. At no stage was there a requirement to progress beyond the scoping phase of the assessment, and no issues have been communicated, and the reports are all written in non-technical language, and confirm that the proposal will not cause harm to: *a) neighbouring properties; b) the structural, ground, or water conditions of the area; c) the character and amenity of the area; d) the architectural character of the building; and e) the significance of heritage assets.*

However, it is understood that the planning officer is now seeking to have the report issued by Drummond Consulting Engineers audited by a third-party engineer? Whilst it is understood that Camden Council can insist on such a report (Clause 2.33 of CPG4 and clause 6.116 of the Draft Plan), the request at this late stage without warning, justification or explanation seems unreasonable. It would be reasonable for the planning officer to explain what his concerns are, so that the applicant can understand why the expenditure is necessary? If there is a sensible explanation we are sure the applicant will assist.

Neighbourhood Forum Plan

The Church Row and Perrins Walk Neighbourhood Forum is currently drafting its Neighbourhood Plan, and should this matter not be resolved satisfactorily, it is open to this Forum, whilst working within the confines of the NPPF to clarify the guidance so that that the applicant can gain the necessary approvals.

Next Steps

We hope and trust that Camden Council will see fit to approve this application that has been with them since August 2016.

Yours sincerely, for and on behalf of the Church Row and Perrins Walk Neighbourhood Forum:



David Banks
12 Church Row

Maurits Dolmans
21 Church Row

Nayla Dahan
22 Church Row

Dame Professor Lesley Rees
23 Church Row



Erica Howard
21 Church Row

Gareth Rees
23 Church Row

cc Cllr Siobhan Baillie
cc Mark Grzegorzcyk, Architect
cc Alec Forshaw, Historic Building Consultant
cc David Milne

From: "Yeung, Raymond" <Raymond.Yeung@camden.gov.uk>
Subject: RE: 22 Church Row
Date: 12 April 2017 18:50:01 CEST
To: Mark Grzegorzczak <grzego@aol.com>

Dear Mark,

Thank you for your email.

I've spoken to conservation and our team and they are of the agreement that the email last summer still stands when Helaina was the previous officer, it is also reiterated that we acknowledged then and now that the vaults are entirely below the garden. As such, the proposal would be refused as such, please let me know whether you still want to go ahead with the BIA, the failure to have a successful audited BIA would result in an additional refusal reason.

The proposal would not enhance to character and fabric of the listed building and would remove the original purpose of the vault which is purely storage.

I question the front vaults as you said on site that it has been lowered/underpinned and in your phone call you said you wish to replicate this, however the front vaults do not have permission for such matters. I'm still not entirely sure what has happened to these vaults, however this is not the issue here and does not have much weight on the current application.

I appreciate that Helaina had the application for a while and regret that she has not made the decision sooner, however as mentioned above, the concerns still stands and we hope to progress with the application rapidly, please let me know your next steps before Easter if possible, so we can make the decision.

You may wish to waterproof the vaults as per no.28 which is acceptable to avoid BIA process and refusal of the underpinning/excavation, please amend plans, but if you wish to keep the plans as per submitted, we would unfortunately have to refuse this, you were given a 'heads up' on this.

Hope that helps.

Raymond Yeung MRTPI
Planning Officer
Regeneration and Planning
Supporting Communities
London Borough of Camden

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5 Pancras Square
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From: Parry, Rachael
Sent: 18 August 2016 16:00
To: 'grzego@aol.com'
Subject: 22 Church Row 2016/4461/NEW

Dear Mr Grzegorzczak,

We have received your application for the above property.

I have looked at the proposed works and it is unlikely that we would find it to be acceptable due to the impact on the significance of the listed building; including the loss of historic fabric and the impact of the works (especially underpinning) on the historic fabric/structure. There is also a lack of justification for the works, it is appreciated that there is an issue with flooding, however no information has been submitted which suggest alternative options have been explored. To confirm, this case has been discussed within the Conservation Team who have endorsed the above.

Please let me know how you wish to proceed, if you do want us to validate the application I have a Planning Officer ready to take it on, however our advice at this stage is to withdraw the application and seek pre-application advice.

For information I am leaving the office shortly, however I will be available in the morning if you wish to discuss this further.

Kind regards,

Rachael Parry BA(Hons), MA, GDip
Conservation Officer
Regeneration and Planning
Supporting Communities
London Borough of Camden

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The Historic England listing is brief, and does not comment on the significance of the building:

Terraced house. c1720, refaced late C19 in Georgian style. Brown brick with red brick dressings and floor bands. Slightly projecting brick pilaster strips at angles. Slated mansard roof with pedimented dormers. 3 storeys, attic and basement. 3 windows. Late C19 doorcase with fluted pilasters and cornice; doorway with panelled reveals, radial patterned fanlight and panelled door with wrought-iron lamp bracket over. Gauged red brick segmental arches to slightly recessed sashes with exposed boxes and glazing bars to top half of sashes only; 1st floor with cast-iron balconies. Parapet. INTERIOR: not inspected. SUBSIDIARY FEATURES: attached cast-iron railings with torch flambe finials to areas.

Nikolaus Pevsner's entry for the street is set below and highlights the uniform façade seen from the street and the irregular backs, with interesting exterior details and interiors that retain much good panelling and joinery:

Church Row, leading W from Heath Street to the parish church... terrace houses, used in C18 as summer retreats by Londoners and by spa visitors, demonstrate how urban forms were beginning to invade villages around London. The S side, Nos. 28-17, gradually descends in stages towards the church. The houses built between 1713 and 1730 as a speculative development by Richard Hughes, a gentleman of Hampstead, are handsome examples of a common early C18 type. Each is of three bays, three storeys over basements, of brown brick with red dressings, with slender segment-headed windows and doorways with straight hoods on richly carved brackets. The present nearly uniform impression owes a great deal to sensitive later C19 refacing. The houses are to a standard plan, with front and back rooms, rear staircase and closet, and retain much good panelling and joinery. The backs are now very irregular, with many later bows added to take advantage of the splendid views S.

22 Church row was built by Richard Hughes. He acquired the land in 1710, and by 1713 he had built a row of eight houses on the South side of Church Row. This Georgian house is in Queen Anne Style with red and brown brick frontage, cast iron railings. Over the centuries, the building has been extended and altered many times:

- A) Georgian extension to the rear left of the building (i.e. adjacent to No 21) increased the size of the receptions rooms.
- B) Later Georgian extension to the rear right of the building (i.e. adjacent to No 23) added a study and other rooms creating a miniature courtyard to the rear of the building. Refacing of the brick façade of the house as identified in the “The Best Buildings of England – London: North” by Bridget Cherry and Nikolaus Pevsner (Appendix 2). The door and window shown in the letter below are unchanged. The drawing is dated 1892.



- C) Victorian extension to the rear right study overhanging and overlooking the garden (see above Alexander Whyte in photo below from The Life of Alexander Whyte by G F Barbour circa 1920).
- D) Erection of Victorian greenhouse or conservatory addition to the rear left of the house (see photograph below).



- E) 1920s removal of the conservatory, and the addition of Crittall, French double doors opening out onto a wooden platform, together with the erection of a Japanese shrine (see photograph from Hamptons 1932 sale particulars).



- F) With the start of WWII, the Japanese shrine was removed, and Vault 4 was used as an air raid shelter, and it may have been at this stage that it was tanked with concrete.
- G) 1940s replacement of the wooden platform with a stone terrace that extends a third of the length of the space occupied by the conservatory.