

**Land to the rear of Jack Straw's Castle and The Old Court House.
North End Way,
London NW3 7ES**

HERITAGE STATEMENT

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1.0 INTRODUCTION

- 1.1 The structure that is the subject of this application is an existing brick wall on land south west of the Old Court House, near to Jack Straw's Castle.
- 1.2 This proposal is to remove a portion of the wall in order to open up part of the land to the rear of The Old Court House. Part of the wall would remain, such as a 1m nib to the wall adjacent to the access gate, and then approximately 6m up to a side gate to the rear and the remainder of the wall up to the rear of Jack Straw's Castle.
- 1.3 Government guidance set out in the *National Planning Policy Framework (NPPF)* requires that proposed changes to the historic environment are based on a clear understanding of the significance of the heritage asset affected and its setting, providing information so that the likely impact of proposals can be assessed. The heritage assets that would be affected in this case and requiring assessment in the context of these proposals is both the Grade II listed Jack Straw's Castle and the Grade II listed Old Court House. The wall is located on private land within the Hampstead Conservation Area, but cannot be seen from the public realm.
- 1.4 This report provides an assessment of the wall within its historic context, and an understanding of its development based on historical research.

2.0 HISTORY AND DEVELOPMENT OF THE IMMEDIATE AREA

- 2.1 The structure is within the Hampstead Conservation Area.
- 2.2 Jack Straw's Castle is noted in the Hampstead Conservation Area Appraisal along with the Old Court House. Both buildings are Grade II listed.
- 2.3 The Old Court House was listed on the 14th May 1974 as follows:

“Detached house, now converted to retirement home flatlets. Early C18 with late C18 and early C19 alterations and additions. Multi-coloured stock brick. Extensions with slated hipped roofs. Central bay of 3 storeys and cellar flanked by 2 storey later extensions. Windows 2:3:2, the centre 3 blind. Central doorway with Doric doorcase under glass and timber porch. Mostly gauged red brick flat arches to recessed sashes with exposed boxing. Southern extension has a ground floor canted bay window with ogee penthouse roof. INTERIOR: hall has distyle-in-antis timber Ionic screen and chimney-piece with Ionic three

quarter columns, egg-and-dart cornice, and frieze panels with a cartouche flanked by foliage. Stair of column on vase balusters with fluted Composite capital newel. Understood to retain other features of interest. HISTORICAL NOTE: known variously as Heath View, Earlsmead and the Old Court House. This latter name coined as late as 1926 when the house was bought by Mr Campbell Hunter. The name referred to the fact that during the 1850s the house was occupied by the Dunnett Estate Office: Dunnett was the Manor Surveyor at that period, and a seemingly spurious connection with manorial courts (which were actually held at the original Jack Straw's Castle) was thus stressed."

2.4 Jack Straw's Castle was listed on as follows:

"Public house. 1962-64. By Raymond Erith, built by GE Wallis and Sons; on the site of a previous public house of the same name. Timber-framed construction on brick plinth, clad with painted weatherboarding. Tiled double hipped roofs. STYLE: in the style of an C18 coaching inn. PLAN: open sided courtyard plan with single storey staff accommodation block and garages forming south wing. EXTERIOR: long principal elevation of 3 storeys and cellars. Upper floors with continuous ranges of 20 sashes each, 2nd floor having pointed Gothick lights. Ground floor has vehicle entrance to courtyard to left, sashes and 4 canted bay windows; left hand pair flanks entrance with overlight and sash to right, right hand pair flanks entrance with overlight and sidelights. Single windows to right hand bay indicate interior stair. Projecting bracketed cornice and wooden crenellated parapet. North return with single storey entrance projection and 4 storey tower (contains lift); similar tower at south-west corner of courtyard containing water tanks. Attached to west facade of north wing and facing into courtyard, a single storey projection having an ogee arch with finials to panelled niche with fitted bench seat. Rear with similar fenestration to principal elevation on upper floors but ground floor having pantiled gallery and 2nd floor with continuous cast-iron balcony with tented hood. INTERIOR: with exposed Douglas fir stanchions and beams bolted at angles with iron plates. Ground floor with continuous tongue and groove pine-panelled bar having fireplaces at either end and to the side bar, these with Erith's initials in the grate. Dog-leg stair with panelled dado, square newels, closed string and fretwork balusters leads to function room, restaurant, and tower bar, all with panelling, the second-floor restaurant with high fixed leather-upholstered benches and tables, the adjoining tower bar with bar counter and fixed pine seating - all part of Erith's concept. HISTORICAL NOTE: the present building replaced an early C18 public house (not in the same style) altered in the early C19 and bombed in the Second World War; the name commemorates Jack Straw, Wat Tyler's second-in-command during the Peasants' Revolt of 1381, who is said to have had a camp here."

3.1 Jack Straw's Castle, which was formerly set in or close to an area of humble cottages, known as Littleworth. By 1762, Littleworth consisted of Heath House on the east side of the (Hendon) road, Jack Straw's Castle and nine cottages on the west side, and a house and two cottages a little to the north, also on the west side. As the gentry moved into the area, this area was gradually subject to redevelopment as

villas set in extensive grounds and lost its former name, often being called simply the Heath (The Victorian History of the County of Middlesex, Volume IX, p.68). It was damaged by a landmine in 1941, and then later rebuilt (p.71).

- 3.2 Thomas Pool acquired Jack Straw's Castle in 1774 and built two brick houses in 1788, which were converted into one house around 1820, called successively Heath View, then Earlsmead, and now known as the Old Court House, a square building with a central portico and wings. There is no evidence that the building was ever used as a court building or that courts were held there. The property was initially intended for occupation by one family, advertised at the time as suitable "for a family of respectability" in 1839. During the 1850s and 1860s, the building was used as an estate office. The building was "*refaced later in the century and converted to old people's flats in the 1960's*" (p.71, Victorian History of the County of Middlesex).
- 3.3 There were two adjacent cottages on the land behind Jack Straw's Castle in the early 1800's, one of which was known as Crewe Cottage, occupied by Baron Crewe and his wife Frances, and by Lady Camelford.

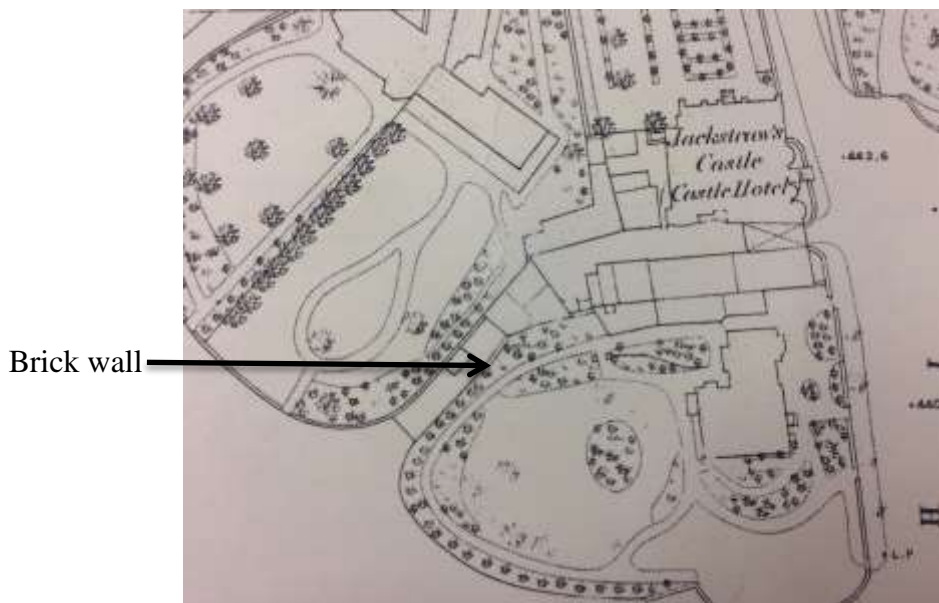


Image: Extract of OS Map for Hampstead of 1866
(courtesy of Camden Local Studies and Archives Centre)

- 3.4 The above OS extract shows the layout of this land in 1866, which was at the time a more open area to the rear of the Old Court House and with a brick wall only appearing to be shown on this map parallel to part of the line of the footpath, but not extending all the way down to the very back garden wall that abuts the Heath.

Nearer to the stone steps leading up to the rear of Old Court House, the brick appears to change, suggesting either repair or addition to the wall at some point in the past.

- 3.5 Pevsner (The Buildings of England, London 4: North, 1998) notes the character of Jack Straw's Castle and neighbouring buildings as follows:

"The famous pub was destroyed in the Second World War and rebuilt in 1963-4 by Raymond Erith in Georgian Gothick: a framed building with white boarded front, crenellations, and pretty intersecting Gothic glazing bars, but on a scale that is unmistakably C20. Nearby. Old Court House is C18, much altered." (page 234)

- 2.5 The residences to the rear of Jack Straw's Castle are separated from the land to the south of this (Old Court House and former grounds) by a brick wall. This brick wall is the subject of this application. The wall is not mentioned in either Listing Description set out above, or in the Conservation Area Character Appraisal for Hampstead. It is proposed to retain the whole of the wall alongside these residences.

- 2.6 This wall separates an untended small area of open land from rear gardens near to the Heath and a footpath runs up alongside the wall.

3.0 STATEMENT OF SIGNIFICANCE

Statutory Designation

- 3.6 The wall has no statutory designation. It is located on private land in the Hampstead Conservation Area to the rear of Jack Straw's Castle and the Old Court House, both Grade II listed, and is hidden from view from the public realm.

Planning History

- 3.7 The site is within the Whitestone Pond Area of the Hampstead Conservation Area. The land to the rear of Old Court House has been divided up into separate private gardens and it's earlier openness lost to reflect the change in the character of use of this area from large dwellings and villas over time towards private apartments and

smaller units, now served by the private gardens carved out of this open land to the rear.

3.8 A number of planning permissions have been granted to the Old Court House which reflect the subdivision of the buildings and grounds, notably:

- 2006/1617/P - Variation of approved details of hard and soft landscaping and means of enclosure of all un-built space, pursuant to details previously approved on 01/11/04 (2004/3887/P) which was pursuant to condition 4 of the planning permission dated 26/07/04 (2003/2777/P) for the change of use with works of conversion from former nursing home to 3x self-contained dwelling houses – Granted 19/05/2006.
- 2003/2777/P - Change of use with works of conversion from former nursing home to 3 self-contained dwelling houses, internal and external alterations, creation of 2 new basement floors and associated front and rear garden excavations, demolition of 2 storey front extension to north wing and erection of 3 storey plus attic rear extension to north wing, and provision of car parking spaces and dustbin enclosure in the front courtyard – Granted 26/07/2004.

3.9 Furthermore, there have also been a number of other alterations over time to the buildings and land to the rear of Jack Straw's Castle:

- PWX0202779 - Erection of new boundary fences in rear garden of Old Court House to create new rear gardens for approved dwellings in stable wing of Jack Straws Castle, associated alterations and extension to rear elevation of stable wing (as a variation to planning application and listed building consent granted 25 July 2002 (Ref: PWX0102190R2, LWX0102191R2) for conversion and extension to provide Class A3 use and ten dwelling units) demolition of part of boundary wall of Old Court House and erection of new perimeter wall and fences adjoining Heath to create additional new garden space for Old Court House from site of Jack Straws Castle – Granted 01/09/2003.
- LWX0202846 - Erection of new boundary fences in rear garden of Old Court House to create new rear gardens for approved dwellings in stable wing of Jack Straw Castle, associated alterations and extension to rear elevation of stable wing (as a variation to planning application and listed building consent

granted 25th July 2002 (Ref: PWX0102190/R2, LWX0102191/R2) for conversion and extension to provide Class A3 use and ten dwelling units) demolition of part of boundary wall of Old Court House and erection of new perimeter wall and fences adjoining Heath to create additional new garden space for Old Court House from site of Jack Straws Castle – Granted 22/08/2003.

- LWX0202918 - The enlargement and lowering of the basement floor to provide a kitchen for the Class A3 use and a gymnasium for the residential flats, including provision of windows in the rear elevation, as a variation to the listed building consent dated 25/07/2002 (Ref: LWX0102191/R2) for conversion and extension to provide Class A3 use and 10 dwelling units – Granted 22/08/2003.
- PWX0202917 - The enlargement and lowering of the basement floor to provide a kitchen for the Class A3 use and a gymnasium for the residential flats, including provision of windows in the rear elevation, as a variation to the planning permission dated 25/07/2002 (Ref: PWX0102190/R2) for conversion and extension to provide Class A3 use and 10 dwelling units – Granted 22/08/2003.
- PWX0302151 - 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, as shown on drawing numbers: 2504/P01, 2, 3 and site plan. – REFUSED 11/04/2003
- LWX0102191 - Internal and external alterations to main building, erection of 2 storey rear extension, roof extension and alterations to stable wing, in association with conversion and extension of property to provide Class A3 use and 10 new residential units. – Granted 25/07/2002.

3.10 Planning permission was granted on the 20th July 2016 for the erection of a timber outbuilding on land between the elevated green to the rear of The Old Court House and the brick wall (LPA reference: 2015/6993/P).

3.11 In this application, officers had regard to the limited views into the site from the public realm due to the high brick wall around the edge of the site. It is not proposed that these works will impact on this wall, which will be retained. As a result, any change

to the affected brick wall would be unnoticed by those on the Heath looking toward the rear of the Old Court House or the rear of Jack Straw's Castle.

- 3.12 Given the degree of alteration to this site over time, officers concluded in heritage terms in respect of application 2015/6993/P as follows:

“The proposal is unlikely to cause harm to the setting of the listed building. Some harm has already been caused by the subdivision of the land to create individual gardens and the proposed new outbuilding would be sited at the furthest point from the listed building. On the whole, it is considered that the proposed outbuilding would cause no more harm to the setting of the adjacent listed building than existing structures within the gardens at Nos. 1, 2 and 3 The Old Court House.”

- 3.13 Therefore, given the alterations and changes to the layout of the land to the rear of Jack Straw's Castle and the Old Court House, very little remains of the earlier layout, especially when compared to the 1866 map above.

4.0 HERITAGE PLANNING POLICY CONTEXT

National Planning Policy Framework

- 4.1 Historic Environment Policies included in the National Planning Policy Framework (March 2012) replace Planning Policy Statement 5 (PPS 5). The Historic Environment Planning Practice Guide, which accompanied PPS5, was cancelled on the 27th March 2015.
- 4.2 The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The Government sees three strands to this concept: economic, social and environmental, all to be regarded as mutually independent. Paragraphs 126-141 of the NPPF relate to the conservation and enhancement of the historic environment.
- 4.3 As with PPS5, the NPPF provides a unified approach to the historic environment and removes the previous distinctions between historic buildings, archaeology and designed landscapes. It defines the historic environment in terms of “*heritage*”

assets"; a term which embraces buildings, parks and gardens, buried and submerged remains, whether designated or not.

- 4.4 Paragraphs 128 and 129 of the NPPF require planning applicants and local planning authorities to assess the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be appropriate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on its significance. Local planning authorities should take this assessment into account when assessing the potential impact of proposed development.
- 4.5 Paragraph 131 states that local planning authorities should take account of the desirability of new development sustaining and enhancing the significance of heritage assets, the positive contribution that heritage assets can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness.
- 4.6 Paragraph 132 sets out principles guiding the consideration of the impact of development proposals on the significance of a designated heritage asset. The more important the asset, the greater the weight should be given to the asset's conservation. Any harm to the asset or its loss should require clear or convincing justification. Paragraph 133 provides a series of tests which should be applied in cases where substantial harm to or total loss of significance will be caused.
- 4.7 In the case of development proposals which will lead to less than substantial harm, paragraph 134 states that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 4.8 Paragraph 137 states that local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.
- 4.9 The Planning Practice Guidance sets out further policies regarding the consideration of development proposals affecting the historic built environment.
- 4.10 This Guidance acknowledges the importance of finding a viable long term use for heritage assets, so that owners (heritage assets are often held in private ownership)

have sufficient incentive to ensure the long term care and maintenance of an asset (015-20140306). Any such accommodation must be balanced against the need to preserve features of characteristics of significance to the asset, and especially to avoid 'substantial harm' to the asset.

- 4.11 Whether a proposal causes substantial harm will be a judgment for the decision taker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting (017-20140306).
- 4.12 The deteriorated state of an heritage asset can be taken into account in considering proposals affecting listed buildings, as long as there is no evidence of deliberate neglect or damage (014-20140306).
- 4.13 Listed building consent might not be required for some works of repair, where work is carried out using the same materials and techniques and the significance of the heritage asset is not affected.
- 4.14 Restoration works will almost always require some degree of alteration and will thus normally require listed building consent. However, restoration works can be said to normally enhance the significance of an heritage asset as they are normally intended to recover or reveal something that has been eroded, concealed or previously removed.

Conservation Principles: Policy and Guidance (English Heritage, 2008)

- 4.15 The English Heritage document *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment*, is intended to guide conservation as managing change in ways that will sustain the significance of places, for change in the historic environment is inevitable, whether caused by natural processes, or through use or by people responding to social, economic and technological advances.

- 4.16 If the significance of a place is to be retained and its historic value sympathetically managed, further change will inevitably be needed. Development need not devalue the significance of the place, or its tangible values such as its historic fabric provided that the work is done with understanding.
- 4.17 The English Heritage *Principles* state that retaining the authenticity of a place is not always achieved by retaining as much of the existing fabric as is technically possible (paragraph 93). Where deliberate changes are made, however, the alteration should in some way be discernible. Integrity, likewise, depends on an understanding of the values of the heritage asset.
- 4.18 The *Principles* state that new work or alteration to a significant asset or place should normally be acceptable if:
- There is sufficient information comprehensively to understand the impacts of the proposal on the significance of the place.
 - The proposal would not materially harm the values of the place, which, where appropriate, would be reinforced or further revealed.
 - The proposals aspire to a quality of design and execution which may be valued now and in the future.
 - 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.
- 4.19 The *Principles* state that there are no simple rules for achieving quality of design in new work, which could involve either working in a traditional or contemporary manner. The important factor is to respect the values established through an assessment of the significance of the building and its setting.
- 4.20 It is also suggested that features of lesser significance offer opportunities to create heritage values of tomorrow, which can be achieved if the quality of the new work is of a high standard of design, materials, detailing and execution.

Camden Council – Local Plan Policies

- 4.21 Policy CS14 of Camden’s Core Strategy requires development to be of the highest standard of design that respects local context and character. Development should preserve Camden’s rich and diverse heritage assets and their settings, including

conservation areas. Schemes should be inclusive and promote the highest standards of accessibility. The Council will expect the design of buildings and places to respond to the local area and its defining characteristics and reinforce or, if appropriate, create local distinctiveness.

- 4.22 Policy DP24 requires all development to be of the highest standards of design, with regard to character, setting, context and the form and scale of neighbouring buildings, the quality of materials to be used, the provision of visually interesting frontages at street level, existing natural features (such as topography and trees), the provision of appropriate hard and soft landscaping including boundary treatments, and appropriate amenity space and accessibility.
- 4.23 Policy DP25 relates to development in conservation areas. Development in conservation areas will only be permitted where it preserves and enhances the character or appearance of the area. The Council will also seek to preserve landscaping and trees that contribute to the character of a conservation area.
- 4.24 Section 1 of CPG1 relates to heritage and design issues. Paragraph 3.5 of this guidance states that: "*Conservation areas are not designated to stop all future development or change but to ensure that change is managed to conserve the historic significance of the area as a whole.*"

5.0 THE PROPOSALS FOR THE SITE

- 5.1 The current proposals comprise the removal of a section of the brick wall that runs inside the site to the rear of the Old Court House, parallel to a footpath and an adjacent elevated area of green.

6.0 HERITAGE IMPACT ASSESSMENT

NPPF policy relating to the Historic Environment

- 6.1 The NPPF requires that planning applications affecting heritage assets should be accompanied by a reasoned justification. This should provide the local planning authority with full information to enable an assessment of the likely impact of the proposals on the significance of the heritage asset and its setting.

Impact on historic character and fabric

- 6.2 In its earlier years, the land to the rear of Jack Straw's Castle and the Old Court House was characterised by a greater sense of openness, characteristic of the growth of this area from small houses on the edge of the Heath to large villas with extensive rear gardens. A small brick wall that followed the line of the footpath that led to the stone steps to the rear of the Old Court House may have existed, as appears to be shown on the 1866 OS map of the site. However, south of this wall, up to the point of the line of the main boundary wall to the whole site that abuts the Heath, there appeared to be a line of planting following the line of the path but possibly no wall.
- 6.3 Over time, the character of this land has changed. Both Jack Straw's Castle and the Old Court House have been altered substantially and changed to apartments, and the rear gardens have been sub-divided. Consent has been granted for more recent walls and fences to be removed along with some older partitions and other features. New buildings and structures have received permission and the very enclosed nature of this area, largely hidden from public views from the Heath, has been repeatedly acknowledged by planning officers in support of a number of planning consents relating to these changes.
- 6.4 Therefore, the proposed removal of part of this brick wall, some of which appears to be more recent fabric, would not be harmful to the character or appearance of the conservation area, and would not be harmful to the setting of either of the nearby listed buildings. It could be argued that this proposal represents a move more toward an openness in terms of site layout, which is perhaps more consistent with the earlier historic use and layout of the rest of the land compared to more recent unsympathetic changes to this land that have obtained consent.