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01 August 2017

Nick Baxter
Camden Council
5 Pancras Square
London
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Planning Portal Reference: PP-06276557

Dear Nick

**CAPO DI MONTE, WINDMILL HILL, NW3
APPLICATION FOR A NON-MATERIAL AMENDMENT
SECTION 96A TOWN AND COUNTRY PLANNING ACT 1990**

On behalf of our client, John and Karen Green (the "Applicant"), we enclose an application seeking a non-material amendment to planning permission 2014/6987/P relating to the Grade II listed Capo di Monte, Windmill Hill NW3. The site also lies within the Hampstead Conservation Area.

Background

On 14th August 2015, planning permission (2014/6987/P) was granted for works at Capo Di Monte for the:

"Change of use from two residential units to a single dwelling house, reconfigured rear extension, extension to existing basement and associated internal and external alterations, landscaping and parking."

Listed building consent (2014/7133/L) was also granted on the 14th August 2015 for the following:

"Alterations in connection to the creation of a single dwelling house from two residential units; including alterations to an existing rear extensions, a basement extension, internal alterations and external alterations including new and replacement windows."

The 2014 applications were submitted following the Applicant's acquisition of the property. At that time it was evidence that the house was in a very poor state of repair. As was evident in the heritage statement that accompanied those applications, much of the property had been refurbished iteratively throughout the twentieth century, particularly in the 1950's when comprehensive internal works of refurbishment were undertaken. Such works included the laying of the concrete floors in places and re-plastering throughout with gypsum based plasters. Many of the decorative features within the property are from that period. The property was again refurbished in the 1990's (for instance, comprising the replacement of the front wall of the central bay of the property in modern materials).

The house was previously arranged as two flats, and the Applicant's application proposals were to revert the property to a single dwelling. The previous existence of the property as two flats was harmful to its special interest, both in terms of the manner in which the property was arranged and also the alterations that had taken place to the layout to allow it to be used as such. The rearrangement of the building to a use as a single dwelling has enhanced the interest of the building, and in developing the proposals, the Applicant took care to reinstate historic features where possible; for instance the permissions allowed for the removal of the chimney stacks and reinstatement with chimney stacks of the historic profile.

The Applicant has since implemented both the planning permission and listed building consent, carrying out a number of works to a high standard and which have led to enhancements to the building as originally envisaged. Some of the works were, however, unauthorised and the Applicant understands that consent should be sought for these. Those works have been identified by the Council in concert with the Applicant following two site visits on 7th April and 14th June 2017. Together, the Council and the Applicant have agreed the contents of the application that is the subject of this letter.

For the avoidance of doubt, three other applications are also being submitted in tandem for discrete elements of the proposed development. These comprise:

1. Application for Listed Building Consent: Works throughout the building;
2. Application for Listed Building Consent: Replacement of fireplaces in rooms 2 and 3; and
3. Application for Listed Building Consent and Planning Permission: Alterations to the north wall and gate;

The contents of this application

The works for which listed building consent are now sought can be summarised as follows:

- Section 96a Non-Material Amendments to 2014/6987/P.

History of the site

Capo di Monte originally comprised a pair of mid-eighteenth century cottages. They were joined to form a single property in the first half of the twentieth century, later converted to flats, before being refurbished as a single family dwelling following the grant of planning permission and listed building consent in 2014.

The property was first illustrated in John Rocques's map of 1746, and shortly after on the 1762 Map of Hampstead. The building faced towards Judge's Walk, the tree-lined avenue. By 1850 the grounds of the property were bordered by a brick wall to the rear, and dwarf wall to the front with railings and rendered piers. By the end of the 18th century the extensive use of cast iron allowed domestic properties to appear more formal and elaborate.

In the case of Capo di Monte, the use of railings indicates that the property had a higher status than ordinary traditional cottages. The status reflected both the owner and the location of the property adjacent to Judge's Walk. Indeed, a number of historical associations with notable occupants corroborate that judgement. The property was occupied by Sarah Siddons (1755-1831), a leading actress of her day made famous by her role as Lady Macbeth.

Cartographic evidence suggests that the main alteration during the property during the eighteenth and nineteenth centuries was the demolition of a three storey brick structure in the southernmost part of the site.

By c1929 the two properties had been amalgamated and a large rear extension added in addition to the garage. The rear extension retained some early twentieth century fabric (e.g. fireplace and parquet flooring) at the time of the 2014 application. It was considered these elements had no particular architectural value.

Over the course of the twentieth century piecemeal alterations were made to the building:

- Alteration to the northern elevation with the insertion of high level windows and weatherboarding;
- Removal of the railings to the front boundary and replacement with a boundary wall;
- Rendering of the chimney stacks; and

- Alterations to the interior during the late twentieth century when consent was granted for a range of internal and external alterations (Camden Refs: 95/70293 & L/96/00936) including fixing shut the door in rear elevation, new roof light in rear conservatory and rebuilding part of the front elevation including replacement of four sash windows.

The latest phase of works are the result of the 2014 applications (2014/6987/P and 2014/7133/L). The permitted alterations can be summarised as follows:

Basement Extension – contained within the existing footprint of the building.

Rear Extension – reconfigure the existing conservatory with a larger rear extension (now implemented).

Existing Garage – the existing garage to be converted to accommodation.

Other alterations – a number of other alterations were permitted to both the interior and exterior. For example, the replacement and refurbishment of windows; and the reinstatement of black iron spear railings and piers with the addition of a wrought iron bracket and lantern above the main gate.

The works consented as part of the 2014 applications rationalised and improved circulation through the building, while also retaining the existing cellular character of the listed building. Significantly, a number of works were considered to better reveal the significance of the building, including the reinstatement of the front boundary railings. It is material that those reinstatement works served to enhance the status of the house. For example, the elaborate iron bracket and lantern express the status of the property as it was experienced in the eighteenth century, and which is also demonstrated through internal features such as the intricate chimney surround in room 11.

Statement of Significance

Paragraph 128 of the National Planning Policy Framework (“NPPF”) states that local planning authorities should require an applicant to describe the significance of any heritage assets affected by a development proposal. The level of detail should be proportionate to the asset’s importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

Capo di Monte

The architectural interest of Capo di Monte is derived from its age as a building constructed during the eighteenth century as reflected in its character, materiality and detailing. The property was originally constructed as two traditional cottages later amalgamated to form a single family dwelling. While

The building has been altered over time, and this is reflected in its fabric. The cellular plan form remains, while certain interior features such as the fireplace in Room XX and the timber panelling in Room XX have been retained and make a contribution the significance of the building. Later additions, such as mid to late twentieth century alterations have less architectural value by comparison owing to their age and general lack of integrity.

The historic interest of the property is similarly derived from the age of the building and later additions. The historic value is closely associated with the historic fabric. Furthermore, the building has a number of historic associations with previous owners/occupiers including Sarah Siddons, the renowned art historic Sir Kenneth Clarke (1903-83), and the novelist and critic Marghanita Laski (1915-88).

The setting of the building also contributes to the significance of the building. Historic England’s guidance *Historic Environment: Good Practice Advice in Planning Note 3: The setting of Heritage Assets* (“GPA3”) defines setting 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*”. Capo di Monte is located on the edge of the historic settlement of Hampstead, adjacent to Hampstead Heath. This location provides a semi-rural character particularly when compared to the more formal terraces found on Upper Terrace. The property forms parts of a diverse group of eighteenth-century buildings on Windmill Hill, leading up to the more open character of Judge’s Walk. This edge

of settlement character result in a relatively quiet and tranquil setting with limited traffic and other associated activity.

The immediate setting of the listed building are the informal gardens which are given over to hard standing and date to the mid-to-late twentieth century. The spatial qualities of these spaces contributed to significance of the building until 2014. The 2014 applications permitted the creation of a more appropriate garden paved with York stone to the rear, while the front railings and pillars would be reinstated to the front. These changes contributed positively to the significance of the building and have been implemented by the Applicant.

Hampstead Conservation Area

Capo di Monte lies within the Hampstead Conservation Area (“CA”). The significance of the CA is described in the corresponding CA Statement adopted in 2002. Hampstead as a village began to take the form that is recognisable today from the beginning of the seventeenth century. It attracted wealthy purchasers from London, drawn by the advantages of its elevated position and absence of the landed aristocracy. It was also popular during the Great Plague for those fleeing from London.

By the early 19th century, a number of large properties had been built close to the centre of the village. Many of the large houses still survive, including Fenton House, Old Grove House, Frognaal Grove, Burgh House, Cannon Hall, and Romney’s House. The tradition of building prestigious houses continued into the twentieth century. These started with a number in the creative Arts and Crafts style that defied convention, and gradually became more conservative with Neo-Georgian designs.

Capo di Monte lies in within Sub Area Four: Church Row/Hampstead Grove. This area contains the largest concentration of eighteenth century houses in the CA. Windmill Hill winds from Holly Hill to Upper Terrace. At the southern end is the Holly Bush Hill green close to fine eighteenth-century properties. As the road continues north towards the Heath, Capo di Monte lies on the left hand side. The property contributes to the character and appearance of the CA in the same way as the setting of the building contributes to the property’s significance.

Assessment of the Proposals

The proposed works that are considered as part of this application are as follows:

- Change in location of skylights in the kitchen and utility room;
- Rearrangement of the garage layout;
- New design of the commemorative plaque to be installed on the front elevation;
- Change to design of the garage door (and elevation); and
- Confirmation of increase in depth of basement.

We consider these changes to be non-material amendments to planning permission 2014/6987/P and invite the Council to consider them in the context of section 96a of the Town and Country Planning Act 1990.

To be clear, this application seeks to replace a number of drawings listed in the decision notice for 2014/6987/P. These are noted below:

Drawing No.	Drawing Title	Replacing consented drawing:
1249 AP2 05	Proposed Roof Plan	1249 AP 05A
1249 AP2 06	Proposed Section A-A	1249 AP 06

Two drawings have been submitted that provide further detail on the proposals.

Drawing No.	Drawing Title
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1249 NMA 03	Proposed Roof Plan
1249 NMA 08	Proposed Section A-A
SK 281116 001	Skylight Details

Closing

We will look forward to validation and determination of this planning application. If you have any queries please contact Tim Miles and Tim Tatlioglu in this office at your earliest convenience (tim.miles@montagu-evans.co.uk and tim.tatlioglu@montagu-evans.co.uk).

Yours sincerely,



MONTAGU EVANS LLP