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Our ref: 12766/06/SB/JLa/15379617v1

Your ref: PP-06698412

Dear Mr. Thuaire

Application for full planning permission and listed building consent for an alternative entrance gate at Heath Park, North End Way, LB Camden

On behalf of our client, Mr Vikrant Bhargava, we seek planning permission and listed building consent for an alternative entrance gate for an existing vehicular access to Heath Park.

Planning permission and listed building consent were granted for the *"Enlargement of existing vehicular access from North End Way with associated new gates and gate piers"* in 2008 (ref. 2008/1181/P and 2008/0658/L). This permission remains extant as it has been implemented, with works to enlarge the entrance having taken place.

The revised design to the entrance gate is necessary to ensure that cars can fully pull off the road while the gate is opened electronically. It seeks planning permission and listed building consent for:

"Minor alterations and extension to an existing (grade II listed) boundary wall to provide an alternative entrance gate and piers for existing vehicular access point from North End Way"

The application submission comprises the following documentation:

- 1 Completed application form;
- 2 This Cover Letter, incorporating planning and heritage impact statements;
- 3 Design, Heritage and Access Statement, prepared by Wolff Architects;
- 4 The following drawings:
 - a Location Plan (ref. IL12766/02);
 - b Existing Elevations and Demolition Plan (1204-PL-356 A);
 - c Block Plan and Elevations (1204-PL-354 B);
 - d Additional Gate Elevations (1204-PL-352 D);
- 5 Illustrative plan of a car accessing the site using the approved gates (1204-PL-355);
- 6 A cheque for £234 payable to London Borough of Camden in respect of the planning application fee.

Historic Context

Heath House is a substantial grade II* listed detached house occupying a prominent position at the intersection of Spaniards Way and North End Way in the Hampstead Conservation Area. From 1790 it was the home of Samuel Hoare, a Quaker banker and philanthropist. It also has associations with William Wilberforce and Elizabeth Fry. The listing description is as follows:

“Substantial detached house. Early C18 with early C19 extension to right. Later addition to the rear. Multi-coloured stock brick with red brick dressings and band at 1st floor level. Hipped tiled roof with segmental headed dormers and late C19 terracotta bracketed cornice. 2 storeys, attics and semi-basement. Double fronted with 5 windows. Extension has 2 windows. Ionic pedimented portico; radial patterned fanlight and panelled door. Gauged red brick flat arches to slightly recessed sashes with exposed boxing. Extension with tripartite sash at ground floor level. Terracotta cornice surmounted by cement balustraded parapet. Right hand return with canted bay rising full height of house.”

The Garden Wall to Heath House, dating from the 18th Century, is Grade II listed. There are limited details of it in the listing description..

To the southwest of the site, on the opposite side of North End Way, is the Grade II listed Jack Straw's Castle, built in 1962-64. The present building replaced an early C18 public house (not in the same style). Designed by Raymond Erith in the style of an 18th century coaching inn, it has a whimsical facade of crenelated weather boarding. The Conservation Area Statement (2001) notes that the listed 1780s Old Court House next door to Jack Straw's Castle and Heath House form a distinguished group around the war memorial at the junction of Spaniards Road and North End Way.

The entrance gateway within the listed wall, the subject of this application, lies to the north of this cluster of heritage assets, providing existing vehicular access to / from North End Road.

Planning Context

The Heath Park development, a new mansion house and gardens to the rear of Heath House, is substantially complete following the grant of full planning permission in 2009 (LPA ref. 2008/0663/P).

In May 2013, planning permission (LPA ref. 2012/1342/P) was granted for a Minor Material Amendment under S.73 to vary the original permission (LPA ref. 2008/0663/P), allowing an amended design for the mansion.

On 2 September 2008, planning permission was granted for the *“Enlargement of existing vehicular access from North End Way with associated new gates and gate piers”* (2008/1181/P). On the same date listed building consent was granted for *“Enlargement of existing vehicular access from North End Way with associated new gates and gate piers, and restoration works to boundary wall of entire site”* (2008/0658/L).

In the associated Committee Report the Officer stated that:

“The scheme also involves enlargement of the existing vehicular access onto North End Way along with associated alterations to the Grade 2 listed boundary wall. In order to widen the vehicular access, one of the existing piers would be dismantled and moved before being rebuilt. A new pier to match to replace the other recently constructed brick pier. The existing gate is of no quality and as such its replacement is welcomed. The works would only impact on a small proportion of the wall which has already been modified in the past and would be completed in a scholarly manner to match the existing adjacent wall.

The works are not considered to harm the special architectural and historic interest to the grade II listed boundary wall and are considered to generally improve the setting of the grade II property which it encloses. It is noted that English Heritage have supported the scheme and have issued a direction to grant listed building consent.*

The alterations to the wall are not considered to impact on the character and appearance of the Conservation area or openness and setting of the MOL or POS. They will not harm the adjoining plane tree in the verge.” (Paras. 6.51 - 6.53).

Pre-application Advice

On 6 December 2017, we obtained written pre-application advice on a previous iteration of the design for a new gate at Heath Park. LB Camden’s Transport officer raised no objection. However, Planning Officers raised some concern over the use of metal gates on a secondary entrance which would allow views through to Heath House. A more discreet solid element was suggested. Officers also questioned the siting of the gates. The proposed design has been amended to address this feedback.

Figure 1 Photograph of a car attempting to gain access through the existing entrance



Source: Taken January 2018

Proposed Development

The proposed development revises the design of the gates because the extant permission does not allow cars to fully pull off the road while operating the remote control or using the intercom system. This is undesirable as it means the rear of cars accessing the property from this entrance would overlap a substantial part of the carriageway (as illustrated in drawing reference 1204-PL-355).

Given that the gate would provide access to a mansion, it is likely that cars accessing it would be larger than average, although even with a family car, a clear overlap would remain, as shown in the photograph below.

The proposed development would avoid this problem by setting the gate back 2.25m behind the wall. The front set of piers would remain in the same place as identified on the approved plans with minor refinements to their design but would have no gate hung between them. Instead, the gate would set back and be placed between a rear set of piers, which would be additional to what was previously approved.

The setback piers would be linked by a brick wall with a pedestrian entrance on the northern side and an entrance keypad / intercom and post box on the southern side. This arrangement would allow cars to fully pull off the road while operating the entry system. The design of the gate would be black timber, similar to the approved (as illustrated in drawing reference 1204-PL-355).

The piers will be set upon a natural stone plinth, similar to the extant permissions and constructed of handmade clay bricks set in lime mortar. This will be topped with a coping stone with a natural stone ball atop it. The design of the proposed gate and piers will therefore be similar to the approved gateway entrance. The set back entrance area will be enclosed on either side with brick walls to match the height of the boundary wall, terminating in the timber sliding gate. The solid construction of the boundary of area will prevent views into the mansion and garden.

The additions to the wall either side of the gate piers will also be the same height as previously approved. The demolition of the top section of the wall to enable this works has not yet been completed; this is the only element of demolition work which is required to the listed wall. The demolition will total approximately 0.65m³. The section of wall within the application boundary is approximately 5.5m³. The demolition to widen the gateway entrance has already taken place in accordance with the 2008 listed building consent (2008/0658/L).

Planning Policy and Guidance

That statutory development plan for this site consists of the Camden Local Plan (adopted July 2017) and the London Plan (2016). Supplementary planning documents, the NPPF and Planning Practice Guidance are material considerations.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that: *“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”*.

Section 72(1) of the same Act states that: *“In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”*.

Policy D1 sets out Camden's design policies with Policy D2 covering heritage assets. Policy 7.8 of the London Plan covers Heritage Assets and Archaeology with Policies 7.4 (Local Character) and 7.6 (Architecture) relevant to the assessment of design.

The proposed development would also be located within Metropolitan Open Land. Accordingly Policy A2 of the Local Plan is also relevant along with Policy 7.17 of the London Plan.

The design guidance within the NPPF and specific tests with regard to heritage assets set out within Chapter 12 of the NPPF are also relevant to the consideration of the proposals.

The site is located in the Whitestone Pond sub area of the Hampstead Heath Conservation Area. The Hampstead Conservation Area Statement (2001) describes the character of the area, provides an outline of the key issues and identifies development pressures.

Planning Assessment

The planning considerations for this development arising from the law, policy and guidance framework are as follows:

- 1 Design;
- 2 Heritage impact;
- 3 Development within the MOL.

Design

The rationale for and details of the design are set out in the accompanying Design, Heritage and Access Statement. It identifies that:

- 1 The amended design is necessary to allow cars to access the site without obstructing the highway.
- 2 The design of the entrance piers and gate will be similar to the extant planning permission;
- 3 The principal change is the setting back of the gate and a second set of piers linked with a brick wall;
- 4 The design of the second set of piers will be consistent with the front set; and
- 5 The angular layout, forming a rectangle, will be consistent with the surrounding context.

Accordingly, the design is similar to that of the extant planning permission and the additional elements are consistent with the surrounding context. It is therefore considered that the proposed development accords with LP Policy D1 (Design) and London Plan policies 7.4 (Local Character) and 7.6 (Architecture)

Heritage Impact

Assessment of the heritage impact of the proposals can be principally broken down into three interrelated considerations:

- 1 The proposed alterations to a small section of the grade II listed boundary wall;
- 2 The impact of those works upon the settings of the grade II* listed Heath House and the grade II listed boundary wall; and
- 3 The impact of those works on the character and appearance of Hampstead Conservation Area.

Proposed Alterations

LP Policy D2 sets out the following tests for works to designated heritage assets:

“The Council will not permit the loss of or substantial harm to a designated heritage asset, including conservation areas and Listed Buildings, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss” or if a number of tests are met.

“The Council will not permit development that results in harm that is less than substantial to the significance of a designated heritage asset unless the public benefits of the proposal convincingly outweigh that harm.”

Specifically with regard to listed buildings Policy D2 states the following:

“Listed buildings are designated heritage assets and this section should be read in conjunction with the section above headed ‘designated heritage assets’. To preserve or enhance the borough’s listed buildings, the Council will:

- i. resist the total or substantial demolition of a listed building;*
- j. resist proposals for a change of use or alterations and extensions to a listed building where this would cause harm to the special architectural and historic interest of the building; and*
- k. resist development that would cause harm to significance of a listed building through an effect on its setting.”*

The installation of the front set of piers would require no further widening of the entrance area as this has already been completed in accordance with the 2008 listed building consent. The raising of the wall either side of the gateway would also be as per the extant planning permission and listed building consent. This would require the demolition of the coping stones, removing c. 0.65m³ of material. The additional brickwork would match the existing.

These alterations formed part of the changes assessed within the Committee Report which considered that *“The existing gate is of no quality and as such its replacement is welcomed. The works would only impact on a small proportion of the wall which has already been modified in the past and would be completed in a scholarly manner to match the existing adjacent wall”* (para. 6.51). English Heritage also recommended that listed building consent should be granted. The extent of demolition of the listed wall would be consistent with the 2008 listed building consent (2008/0658/L).

It is considered that the minor works to remove the coping stones to allow the height of the wall to be slightly increased would not constitute harm to the asset. The replacement of the previous gateway, which was not considered to have any value would help to enhance the heritage asset.

Impact of the works upon the setting of the grade II listed Heath House and grade II listed boundary wall and wider Conservation Area*

It is considered that the replacement gateway and will not detract from the setting of either the boundary wall or Heath House. A previous, similar design was granted planning permission upon the recommendation of English Heritage (the statutory consultee at the time).

While the proposed design will result in a gap between the two piers, the entrance area will be constructed of brick walls of a similar height to the boundary walls with a solid timber gate. This will prevent views to Heath House and the garden, addressing officers concern with the pre-application design. The timber gate will also be more subdued in its design than the previously proposed metal gates and in keeping with the gateways historic, and continuing, function as a secondary entrance.

Impact of the works upon the character and appearance of the Hampstead Conservation Area

The visibility of the break in the wall will be limited to immediately surrounding locations. Views from the area around Jack Straw's Castle will be at 90 degrees to the open gateway and therefore the gap in the boundary wall would not be seen. From the north, along North End Way visibility would similarly be limited by the angle of the view and additionally the mature tree immediately to the north and a hedge further north of this. There will be a view of the entrance from the opposite Heath Brow. However the view perpendicular to the gate will limit the appreciation of the small set back, with the solid timber gate providing a clear boundary, restricting views to the house and garden.

Heritage Conclusion

Overall, the proposed design has been modified from the pre-application proposals in response to Officer feedback and it is not considered that it detracts from the setting of the listed wall or Heath House. The visual impact of the proposals will be limited and it would not affect the character or appearance of the wider Hampstead Conservation Area. The proposals therefore accord with LP Policy D2 (Heritage), London Plan Policy 7.8 (Heritage) and the statutory tests set out in the Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Metropolitan Open Land

LP Policy A2(g) (Open Space) states that LB Camden will “*give strong protection to maintaining the openness and character of Metropolitan Open Land (MOL)*”. Paragraph 6.40 goes on to explain that “*We will protect the openness and character of these spaces in accordance with London Plan policy 7.17 and policy guidance in the National Planning Policy Framework (NPPF) on Green Belts.*” The London Plan similar defers to the Green Belt protections in the NPPF, explaining that “*inappropriate development [will be] refused, except in very special circumstances, giving the same level of protection as in the Green Belt*” (Policy 7.17).

The NPPF advises that in a number of instances following (inter alia) are exceptions to inappropriate development (para. 89):

- *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- *limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*

The proposed development would not create new floorspace and the footprint of the development would be de minimis. While the wall is a structure and not a building, the proposal can be considered to be a very limited extension to the existing wall. It would not be larger than the existing wall in height and would represent a small 2.25m setback to the existing extensive boundary wall.

The area is currently hard standing and will serve as an entrance courtyard for Heath Park. This ‘development would not have any greater impact on the openness of the MOL or the purposes of including land within it. On this basis it is considered that the proposal qualifies as an exception to inappropriate development.

For these reasons, we consider that this very limited extension is not inappropriate development and would not impact upon the openness of the MOL or the purposes of including land within it.. The proposals would therefore satisfy the tests within the NPPF and comply with LP Policy A2 and London Plan Policy 7.17.

Conclusion

The proposed development therefore accords with the development plan and statutory tests set out in the legal and planning policy framework for the following reasons:

- 1 The proposed works would not lead to any harm to the significance of any designated heritage asset, as it respects the settings of the listed building and listed boundary wall and preserves the character and appearance of the Hampstead Conservation Area ;
- 2 The proposed gate provides highway safety improvements, the extent of changes to the listed wall are the same as approved (in the 2008 listed building consent) and the design of the gates is similar the extant permission, consistent with the surrounding context and;
- 3 The proposed limited extension is not inappropriate within the MOL, as it is very minor in nature and would not impact upon the openness of the MOL or adversely affect it.

Accordingly, we respectfully request that full planning permission and listed building consent are granted.

We trust that you have everything required to validate the application and we look forward to receiving confirmation to this effect.

Should you have any questions in relation to the application, please do not hesitate to contact me or my colleague Steven Butterworth.

Yours sincerely



Joe Larner
Planner