

Delegated Report		Analysis sheet		Expiry Date:	08/12/2017
		N/A / attached		Consultation Expiry Date:	21/09/2017
Officer			Application Number(s)		
Kristina Smith			(i) 2016/6566/P (ii) 2017/0660/L		
Application Address			Drawing Numbers		
Land to the rear of, The Old Court House Jack Straws Castle North End Way London NW3 7ES			<i>Refer to Draft Decision Notice</i>		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
(i) Removal of part of brick wall (ii) Removal of part of brick wall					
Recommendation(s):		(i) Refuse planning permission (ii) Refuse listed building consent			
Application Type:		(i) Full Planning Permission (ii) Listed Building Consent			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				
Consultations				
Adjoining Occupiers:	No. of responses	05	No. of objections	04
Summary of consultation responses: <i>Officer comments in italics</i>	<p>A site notice was displayed on 31/08/2017 (consultation end date 21/09/2017) and a notice was displayed in the local press on 25/08/2017 (consultation end date 21/09/2017).</p> <p>1 comment received from a no.8 Jack Straws Castle clarifying that they are not a beneficiary of the development and have never requested wall to be removed</p> <p>4 objections have been received from no. 2 The Old Court House, no.3 The Old Court House and another from unknown address, on the following grounds:</p> <ul style="list-style-type: none"> • Application in direct contradiction to existing consent which requires communal area to be landscaped for the enjoyment of The Old Court House Residents • Proposed demolition is not in keeping with the spirit or intent of the planning history <p><i>Officer Response: the planning history is noted in the section below and is taking into consideration in the assessment of this application.</i></p> <ul style="list-style-type: none"> • Removal would amount to desecration of an ancient estate and impact value of home <p><i>Officer Response: Impact on property value is not a material planning consideration</i></p> <ul style="list-style-type: none"> • Contrived attempt to prepare land for development – no other possible explanation • Proposed development serves no purposes • Suggestion that the proposal would benefit mews house at Jack Straw Castle is deliberately misleading. The tenants of that property have never expressed interest to have wall removed. An existing gate (not shown on plans) provides sufficient access. • Removal of wall would have significant security consequences for the Old Court House as provides a physical barrier between estate and publically accessible car park • Application falsely asserts that the site is not used; however, it is garden space between Old Court House and Jack Straws Castle. • Application does not address formalities and requirements arising it from being within the curtilage of a listed building. • Plans provided are grossly misleading in terms of assessing visual impact. Fails to show ditch and existing gate and includes trees which do not exist. • Proposal does not comply with DP25 'Conserving Camden's Heritage' which seeks to maintain the character of Camden's Conservation areas • Old wall forms the boundary of two Ancient and Listed estates and should not be removed on aesthetic and security grounds <p><i>Officer Response: Comments acknowledged and addressed within the body of the report. Please note that DP25 of the LDF has now been replaced by policy D2 of the Camden Local Plan 2017.</i></p>			

Hampstead CAAC

HCAAC objects to the demolition of this historic garden wall, which forms part of a listed building. The Georgian or Queen Anne garden wall is likely to be about 300 years old, evidenced by the use of buttresses. HCAAC suggests the application should have been accompanied by photographs and a heritage statement.

Officer Response: Design and conservation considerations are considered in section 4 of the report

Site Description

The application site comprises the land to the rear (west) of The Old Court House (Grade II Listed) and specifically concerns a boundary wall that separates The Old Court House and Jack Straws Castle, also Grade II listed, to the northeast. The wall is curtilage listed by virtue of its attachment to the adjacent listed buildings.

The Old Court House has been subdivided to form 3 separate dwellings and the land directly to the rear of the building is used as domestic residential gardens to serve the individual dwellings. The whole site is enclosed by a brick wall and beyond the domestic gardens, towards the western and north-western edge of the site, there is a section of land which appears to be untended and which is separated from the domestic gardens by fencing and a path. At the northern edge of this land, the ground level is lower and the boundary treatment is a tall brick wall. Beyond that lies land relating to Jack Straw.

The brick wall which encloses the whole site prevents views into site from outside (e.g. from North End Way, Whitestone Walk, Hampstead Heath).

The application site is within the Hampstead Conservation Area. The land is adjacent to Hampstead Heath, which is designated as Metropolitan Open Land.

Relevant History

The Old Court House

2016/5105/P - Erection of single storey timber outbuilding. **Granted – 01/11/2016.**

2015/6993/P - Erection of single storey timber outbuilding – Appeal against non-determination withdrawn (no final decision issued).

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.**

Jack Straws 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.**

Relevant policies

National Planning Policy Framework (2012)

London Plan 2016

Camden Local Plan 2017

A1 Managing the impact of development

D1 Design

D2 Heritage

Camden Planning Guidance

CPG1 Design (2013) - Section 3 (Heritage)

CPG6 Amenity (2011) – Section 7 (Overlooking, privacy and outlook)

Hampstead Conservation Area Statement (October 2001)

Assessment

1 Background

1.1 Planning application reference 2016/6566/P was submitted to the Council on 30/11/2016. Additional information was requested on 23/01/2017, including payment for the required fee. The required fee was paid on 24/01/2017.

1.2 On 11/04/2017 and 04/06/2017, further e-mails were sent to the Agent requesting additional information to be submitted to Council in order to validate the planning application. The final piece of additional information (correct application form) to make the application valid was submitted to Council on 17/08/2017. The application was subsequently registered on 22/08/2017. The site notice was issued on 25/08/2017. The press notices were published on 31/08/2017.

2 Proposal

2.1 The application seeks planning permission to demolish a 16.4m section of the brick boundary wall on land southwest of the Old Court House, near to Jack Straw's Castle. The rationale provided is to open up the site.

2.2 No revisions have been undertaken.

3 Assessment

3.1 The main considerations in the determination of the application are:

Impact on the character and appearance of the wider area

Impact on amenity of surrounding occupiers

3.2 As the application site is situated within the Hampstead Conservation Area and the wall is a curtilage structure to the Grade II Listed Old Court House, the following statutory provisions are relevant to the determination of these applications are Section 16 and Section 66 of the Planning

(Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

- 3.3 Section 16 requires that in considering whether to grant listed building consent for development which affects a listed building, the local planning authority shall have special regard to the desirability of preserving the listed building, its setting and its features of special architectural or historic interest.
- 3.4 Section 66 of the Act requires that in considering whether to grant planning permission for development which affects a listed building, the local planning authority shall have special regard to the desirability of preserving the listed building, its setting and its features of special architectural or historic interest.
- 3.5 The NPPF terms listed buildings designated heritage assets. Section 12 of the NPPF provides guidance on managing change to designated heritage assets through the planning system, including avoiding or justifying harm to the special architectural or historic interest of listed buildings. Paragraph 134 states that “less-than-substantial harm” to a designated heritage asset must be outweighed by the public benefits secured by the proposals, including heritage benefits to the assets.

4 Impact on the character and appearance of the wider area ↕

- 4.1 The proposal would involve the demolition of approximately 16.4m of the brick boundary wall on the western boundary of the Grade II listed building, The Old Court House. Policy D2 of the Camden Local Plan states that the Council will resist development that would cause harm to the significance of a listed building through an effect on its setting. In relation to demolition in Conservation Areas, CPG1 (Design) states that the Council would not normally allow demolition of a building or structure in a conservation area without substantial justification.
- 4.2 The Hampstead Conservation Area statement provides further guidance of relevance, stating that front and rear gardens are an integral characteristic of the Conservation Area, many of which retain boundary walls which can add to the attractive appearance and architectural setting of the buildings in the Conservation Area. With regards to demolition in the Conservation Area, it states that consent will only be given where it can be shown that the building detracts from the character of the area
- 4.3 Historic mapping shows the wall in question to have marked the boundary between the Old Courthouse and Jack Straw’s Castle since the later nineteenth century at least. It may be that this boundary was established when the range of ancillary buildings extending the rear of Jack Straw’s Castle, in the position of those now adjacent to this wall, were built, occasioning the transfer of land from the Old Courthouse estate.
- 4.4 The wall is of highly consistent construction in garden bricks with neat and fairly consistent pointing and regularly spaced buttresses with rounded tops. The age of the wall is difficult to gauge, but it is little altered and forms a high quality boundary treatment. A gate adjacent to the portion of wall proposed to be removed provides access between the Old Courthouse grounds and the rear garden of the range extending back from Jack Straw’s Castle.
- 4.5 The wall is clearly visible in public views from the footpaths between Whitestone Pond and Golders Hill Park, over the timber fence which bounds the rest of the Old Courthouse plot. In these views, the brick wall clearly identifies the boundary of the grounds of a large house – the Old Courthouse – and thus contributes to establishing the character of the local townscape. The wall is also more attractive and consistent with the style and quality of local architecture than is the simple fence.
- 4.6 It is accepted that the grounds of the Old Courthouse, which are clearly consistent in extent through most available historic mapping, have already been severed by recent hard and soft

landscaping which has divided the three bounded garden plots of the subdivided Old Courthouse from the rest of the space. The arrangement of the landscaping, the materials and the planting obscure the relationship of the listed building to its historic grounds, but the proposed removal of the wall would firmly extinguish this, including in public views across the space, by leaving the far boundary of the three garden plots and the paved pathway beyond the predominant boundary line within the former grounds. The scale, status, and original integrity of the listed building would therefore be made less apparent, and its special interest would thus be harmed, contrary to Policy D2.

4.7 In terms of the approach to the works, the proposed removal is badly detailed and would disrupt the regular rhythm of steps and buttresses such that the remnant walls would be compromised in appearance, decreasing their contribution to character and appearance. The lack of quality demonstrated in the proposed execution of the removal therefore forms part of the reason for refusal.

4.8 Therefore, the principle of the demolition is unacceptable due to the impact it would have on the setting of the listed building and the character and appearance of the Conservation Area, which the Council has a statutory duty to preserve. Furthermore, the proposal is poorly detailed and would undermine the integrity of a high quality boundary structure.

5 Planning Balance

5.1 It is recognised that the proposal would bring about 'less than substantial' harm to the listed wall itself, the setting of the adjacent listed buildings, and the character and appearance of the conservation area. In order to support 'less than substantial' heritage harm, the Council has to identify tangible public benefits arising from the scheme that would outweigh the harm.

5.2 The rationale provided for the removal of the wall is to 'open up' the space; however, officers cannot recognise any benefits, public or private, to opening up the space that would outweigh the heritage harm identified. The removal of a large portion of the wall is not necessary to give access from the small neighbouring garden into the unused portion of the Old Courthouse grounds, given a much smaller existing opening – such as the existing gate – would suffice.

6 Impact on the amenity of surrounding occupiers

6.1 There would be a slight increase in mutual views to neighbouring gardens; however, given the size of the rear gardens and the distance of the wall from the properties, is not considered harmful to the amenity of adjoining occupiers.

6.2 Several of the objections refer to security implications of removing the wall. Given the other potential entry points to the adjacent buildings, it is not considered that the wall provides an important security barrier and therefore reducing the security of the site does not form a reason for refusal.

7 Conclusion

7.1 It is considered that in principal there is an objection to the proposed development by virtue of the removal of the historic fabric which causes harm to the setting of the listed wall itself by the removal of a historic feature which is of significance to the area and provides a historic marking between two Grade II Listed buildings. Furthermore the execution of the removal is badly detailed and would disrupt the regular rhythm of steps and buttresses such that the remnant walls would be compromised in appearance decreasing their contribution to the character and appearance of the conservation area and setting of the listed buildings.

7.2 The wall is a prominent and significant boundary between two listed buildings and the proposed demolition would impair both the integrity of the wall itself, the setting of the two adjacent Grade II

listed buildings, The Old Court House and Jack Straws Castle as well as the character and appearance of the Hampstead Conservation Area. No public benefits have been identified in order to justify this harm and therefore, in accordance with paragraph 134 of the NPPF, planning permission and listed building consent should be refused.

8 Recommendation

8.1 Refuse Planning Permission and Listed Building Consent