



Appeal Decision

Site visit made on 10 October 2018

by **G J Fort BA PGDip LLM MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 November 2018

Appeal Ref: APP/X5210/Y/18/3201140

Rose Cottage, Vale of Health, London NW3 1AX

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Simon Walker against the decision of the Council of the London Borough of Camden.
 - The application Ref 2017/7064/L, dated 22 December 2017, was refused by notice dated 23 March 2018.
 - The works proposed are alterations to the existing chimney and associated changes to the layout of the ground and first floor of existing rear outrigger.
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Decision

1. The appeal is allowed and listed building consent is granted for alterations to the existing chimney and associated changes to the layout of the ground and first floor of existing rear outrigger at Rose Cottage, Vale of Health, London NW3 1AX in accordance with the terms of the application Ref 2017/7064/L dated 22 December 2017 and the plans submitted with it subject to the following conditions:
 - 1) The works hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) All new work and works of making good shall be carried out to match the existing adjacent work as closely as possible in terms of materials and detailed execution.
 - 3) The works hereby approved shall be carried out in accordance with the recommendations and sketches contained in the submitted *Structural Overview Report* produced by Cambridge Architectural Research Limited (dated 13 June 2017).

Procedural Matter

2. A new National Planning Policy Framework (the Framework) was published on 24 July 2018, which supplants the version relevant at the date of the decision on the application that led to this appeal. As the Framework establishes¹, it is a material consideration relevant to decision-taking from the day of its publication, I have taken it into account in my assessment of the current case. The parties' comments were sought on the bearing of the new Framework on the current appeal, although none were submitted.

¹ At paragraphs 2 and 212

Background and Main Issue

3. The Council's Decision Notice on the application that led to this appeal contained no reasons for refusal. However, based on all that I have read and seen in respect of this case I consider the main issue to be whether the proposed works would preserve Rose Cottage, a Grade II Listed Building, and any features of special interest that it possesses.

Reasons

Special Interest and Significance

4. Listed within Grade II, and situated within Hampstead Conservation Area, Rose Cottage is a two-storey property, which the listing description indicates dates from the early 19th Century, and apparently one of the earliest surviving buildings in the Vale of Health. Rose Cottage's original frontage now faces its garden with its original rear elevation addressing the highway. A long two-storey outrigger is attached to the Cottage's highway facing elevation, which unlike the weatherboard facing of the main part of the cottage is faced in render.
5. Rose Cottage's special interest resides not only in its external architectural character and historical associations with former occupants that were luminaries of the press and publishing fields, but also in the evidence its existing plan form yields about the evolving status of the area, and the functional separation of the polite and workaday elements of the building.

The proposed works

6. The proposed works are internal and entail the removal of the chimney breast towards the middle of the outrigger at ground and first floor levels. A structural steel frame would be inserted to support the external elements of the chimney stack, which would remain. Elements of the structural steel at ground and first floor level would be concealed within wall build ups. A repositioned hearth would be constructed on the flank wall of the property at ground floor. The proposed works would facilitate an integrated kitchen, which is currently substantially bisected by the existing hearth, and the construction of a bathroom at first floor to replace the one existing at the ground floor of the property.

The effect of the proposed works

7. Whilst the outrigger at the appeal property appears to be an early addition, I am mindful of the evidence submitted by the appellant based on comprehensive surveys of that part of the building, that attests to its current form being a result of incremental accretion and addition, and I saw nothing at my site visit that would lead me to a divergent view in this regard. Consequently, its plan form would appear to be one that has emerged organically as a result of these incremental changes rather than part of a process of deliberate design. I note also the patched nature of the brickwork employed in the chimney breast and the misalignment of its front and rear fireplaces at first floor, which further emphasise the fortuitousness of its development. Consequently, unlike the chimney breasts in the more formal part of Rose Cottage the one in the outrigger is not, to my mind, a cardinal architectural element of the building.

8. I readily accept that the current plan form of the building as a whole involves a clear separation of the polite and more utilitarian elements, and that the outrigger's existing chimney breasts and hearths, due to their simplicity, aid an understanding of this functional separation. Nevertheless, the proposed works, through the retained 'nibs' containing the structural steelwork would still allow the pre-existing plan form to be read. Moreover, although the proposed works would result in a larger kitchen room, this would, due to its overall proportions, and the presence of a repositioned hearth, still retain a functional nature, in clear contrast to the more polite character of the principal rooms. Consequently, the proposed works would not erode the evidential significance of Rose Cottage to a degree that would fail to preserve the building or its special interest.
9. In arriving at this view, I am mindful that the Council consider the removal of the chimney in the neighbouring Woodbine Cottage² adds to the rarity value of the one present in Rose Cottage. Nevertheless it has not been demonstrated that the chimneys had anything in common other than their function and geographical location- and indeed Woodbine Cottage's outrigger differs considerably in terms of its roof detailing, overall scale and fenestration. Moreover, the consented works at Woodbine Cottage appear to have been more extensive than those proposed in this instance- including the removal of external elements of the chimney stack. Consequently, the previously consented works at Woodbine Cottage do not weigh against the proposed works in the overall balance.
10. Moreover, the appellant is pursuing other works to the property, for which planning permission and listed building consent have been granted by the Council. These other works would assist in the refurbishment and structural integrity of Rose Cottage, and I note the appellant's comments to the effect that the property had not been maintained or refurbished for some time prior to their acquisition of it. The proposed works would be part of this overall programme and would help to facilitate a more viable use for the property helping to secure its ongoing conservation- a matter to which I accord considerable weight in the overall balance.
11. Mindful of the duty arising from Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), these considerations, taken together lead me to the conclusion that the proposed works would preserve the listed building and its special character. Moreover, the proposed works would not have any external effect to Rose Cottage's appearance, and therefore, mindful of the duty set out in Section 72(1) of the Act, I conclude that the character and appearance of Hampstead Conservation Area would be preserved. For these reasons also I find no conflict with Policy D2 of the Camden Local Plan (adopted July 2017), or the Framework insofar as they seek preservation of Camden's heritage assets, and to ensure that heritage assets are conserved in a manner appropriate to their significance.

Conditions

12. In attaching conditions I am mindful of the Framework which³ sets out that they should be kept to a minimum and should only be imposed where they are necessary, relevant to planning and to the works to be permitted, enforceable,

² Under the terms of the permission Council reference 9470290

³ At paragraph 55

precise and reasonable in all other respects. I have assessed the Council's suggested conditions on this basis and have made amendments to the ones attached, where necessary, in the interests of clarity.

13. As the formal decision above sets out that the consent is in relation to the plans submitted with the application a separate condition specifying those plans is not necessary. The Council has already approved details of servicing for Rose Cottage under the terms of its application reference 2018/3139/P, pursuant to conditions attached to another Listed Building Consent⁴ affecting the property- and no additional servicing is mooted as part of the works currently proposed. It is not therefore necessary to require submission and approval of these details again.
14. I have amended the Council's suggested condition in terms of details of structural works to require these to be carried out in accordance with the appellant's submitted Structural Overview Report⁵- other structural interventions have been approved under the terms of the other consents relating to the property. This condition is necessary so that the works preserve the building and its special interest. For similar reasons, I have attached a condition requiring the use of materials and details that match the existing building in the finishes of the proposed works.

Conclusion

15. For the reasons set out above, and taking into account all other matters raised, I conclude that the appeal should be allowed.

G J Fort

INSPECTOR

⁴ Council reference 2017/3681/L

⁵ Produced by Cambridge Architectural Research Limited (dated 13 June 2017)