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**By email only**

David Fowler  
Development Control  
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10<sup>th</sup> June 2019

Dear Mr Fowler,

**RE: 2019/2375/P & 2019/2491/L: Former Hampstead Police Station, 26  
Rosslyn Hill, London, NW3 1PD**

Introduction

I am writing on behalf of my client, the Hampstead Community for Responsible Development (HCRD), in support of their comprehensive objection on several grounds to the above-referenced applications for planning permission and listed building consent registered on 14<sup>th</sup> May 2019 for works of alteration to the former police station on Rosslyn Hill in Hampstead to convert it to a one-form entry school for Abacus Belsize Primary School. My comments relate wholly to the heritage impact on the Grade II listed former police station, which stands within the Hampstead Conservation Area.

I should say at the outset that I have not had access to the interior of the building and my comments are therefore based on the documents submitted with these applications and on research I undertook in preparation of the substantial objection made by HCRD to the similar applications made on behalf of the Abacus School which were refused in 2016 (refs: 2016/1590/P and 2016/2042/L).

The current proposals present a scheme which is scaled down from the 2016 application, omitting the demolition of the rear cell wing of the building and its replacement with a substantial new rear extension, and no longer proposing the removal of the building's original staircases. However, the new scheme still proposes a substantial amount of internal demolition of the interior of the listed building on all floors and the removal of the original fittings from the Magistrates' Court.

Significance

As a result of their involvement in consultation on the 2016 proposals, Historic England (HE) reviewed the original (1998) statutory listing of the building,

resulting in a detailed new list description dated 14<sup>th</sup> February 2018. The original listing included the police station, court house and attached railings and lamps, while the revised entry also includes the former stable building and harness room situated to the rear.

As with all such new list descriptions, the revised description is comprehensive, very detailed, and sets out without ambiguity where HE considers the significance of the building to lie. It is therefore an important piece of evidence that should be referred to in consideration of these applications. Indeed, it is worth setting out here HE's 'Reasons for Designation' (which, for ease of reference, I have numbered (i)-(viii) in place of the original asterisks). Points (ii)-(v) are of particular relevance to the consideration of the present applications:

*Architectural interest:*

- (i) A bold and assured composition of considerable civic presence, the strict uniformity of the pedimented principal elevation offset by the picturesque elements of the entranceway and courthouse, built to a high standard in good quality materials;*
- (ii) Intricately planned to provide separate areas for the different primary functions of the building, with careful consideration of the requirements of the various parts;*
- (iii) The hierarchy of spaces is expressed in the internal detailing, and the stairs, in particular, reflect the status and character of the different areas;*
- (iv) The high-status of the courthouse is manifest in the internal joinery and plasterwork, and the courtroom has an extensive scheme of panelling and furniture;*
- (v) The police station is plainly detailed internally, but has architectural features, such as the rounded angles of the walls, and its plan form, which reflect its function.*

*Historic interest:*

- (vi) An early example of a combined police station and courthouse, and possibly the first to provide facilities for dealing with juvenile suspects;*
- (vii) An excellent example of the design capabilities of John Dixon Butler, one of the most accomplished Metropolitan Police architects*

*Group value:*

- (viii) With the listed K6 telephone box which stands in front of the building, forming a small-scale civic ensemble'.*

The list description also refers to the presence of a juvenile offenders' examination room, believed to be the first example of its kind, and elaborates on the significance of the internal planning of the building which, despite successive renovations of the building during its 100 years of police use, retained principal functions in their original spaces.

Indeed, a comparison of the existing and original plans of the building suggests that, while alterations have taken place, the original plan form is to a large degree intact and legible. The changes that have been made have generally involved the insertion of new partitions and ceilings, many of which could be removed to reveal the original plan.

The applicant's Heritage Statement (p.31) makes little reference in its assessment of the building's significance to the importance of the plan form as set out in the list description, other than to say, contrary to the latter, that much



of it has been lost. The list description comments that, *'the general planning has survived'*, and *'In the basement, the plan form is largely intact'*. Of the two sets of lodgings on the ground and first floors of what was originally the Section House, it says, *'Their plan forms remain legible'*.

Reassuringly, the applicant's Heritage Statement (p.31) does recognise that, *'Despite having been subjected to a number of alterations, the architectural scheme within the Magistrates' courtroom is the most intact and important internal space within the building, making a high contribution to its significance'*.

#### Impact of the proposals

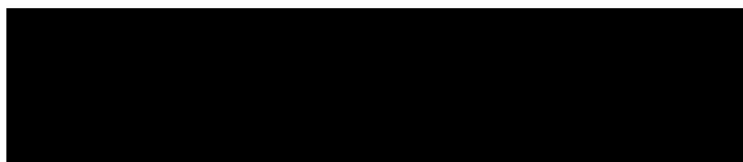
In terms of direct impact on historic fabric, the current proposals involve an extension of two storeys to the cell wing (which involves substantial demolition of the inner external wall of this block) and the demolition of most of the building's internal walls. This internal demolition will have a deleterious impact on plan form as well as resulting in the loss of fabric. In addition, the removal of fittings from the Magistrates' Court Room is proposed, which will result in loss of fabric and loss of meaning and legibility of perhaps the most important space in the building.

The alterations proposed to the external elevations to the rear I find less concerning in terms of their potential impact. However, the proposals for the principal front to Rosslyn Hill, which involve alterations to the front steps to facilitate the installation of a ramp to enable inclusive access to the front entrance, require some close examination, not only in respect of the impact of the large ramp structure on the building's appearance in the streetscape and thus on the character and appearance of the conservation area, but also on the architectural composition of the principal façade itself.

What the Design & Access Statement (p.22) rather misleadingly describes as the proposed 'extension' of the front steps 1090mm onto the pavement, actually involves the removal and relocation forwards of the existing flight of steps and their flanking railings. It is not clear whether in fact the steps will have to be replaced entirely rather than moved or whether the relocation includes the piers supporting the lamps at the foot of the steps. The proposed elevation drawings appear to indicate that another set of piers will be added to the new foot of the steps but there are no large-scale detailed drawings to show how this will be achieved or which show the relationship between the existing piers and lamps and the new position of the stairs.

Without these details it is difficult to judge the degree of disruption this proposal will have on what the list description refers to as *'a picturesquely grouped set of features'* at the entrance to the building. It will certainly alter the careful composition of the façade by projecting this element out beyond the front area, the line of which currently neatly encloses the building, and it is not usual to have steps projecting forwards from the front area of a building of this nature. The drawings also suggest that the proposed ramp, to be flanked by railings, will result in an unwelcome degree of visual clutter against the façade of the building, with the rising ramp railings 'clashing' with the existing railings.

I would also note that, despite the assurances of the applicant that car use by parents will be discouraged, there is inevitably still likely to be an increase in traffic and consequently pollution twice a day in this part of the conservation



area, which will self-evidently have a negative impact on its character and appearance.

Turning now to the proposals for the interior of the building, having reviewed the scheme drawings, what seems clear to me is that the proposals will effectively remove/make redundant elements (ii)-(v) of the reasons for designation of the building at Grade II, and also reduce the significance embodied by points (vi) and (vii). In my view, this will result in an unacceptable level of harm to the significance and 'special interest' of the building.

A loss of significance equates to a level of harm, which can be judged as either 'substantial' or 'less than substantial' under the terms of the NPPF. Any harm to a designated heritage asset needs careful justification and must be balanced against the public benefits arising, which may or may not be considered sufficient to outweigh the harm; paragraph 193 of the NPPF states that, *'great weight should be given to the asset's conservation...This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'*.

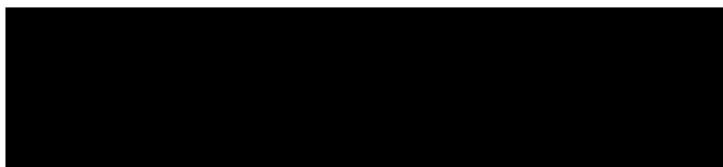
The section of the applicant's Heritage Statement which addresses the impact of the proposed internal works to the listed building (p.37) begins by saying that the well-documented significance of the building has informed the design development of the proposals and that, *'Central to this has been to re-use the existing building fabric as far as is reasonably practicable'*.

This is a laudable aim (and one that should form the basis of any proposals for works to a listed building), but unfortunately it seems evident that it has not in fact been reasonably practicable to retain and 'reuse' much at all of the existing fabric other than the building's outer shell.

The retention of the main staircase (a welcome improvement on the 2016 application) and the re-exposure of the original painting scheme of the wall tiles around it is cited as a positive aspect, but it is unfortunate that the staircase balusters and handrail will be entirely encased in plywood which, while ultimately a reversible action, means that for the duration of the building's use as a school, the staircase will not be able to contribute to the internal character of the building, but rather will detract from it.

The loss of historic fabric is generally downplayed in the Heritage Statement. For example, in the discussion of the ground floor, it is said of the proposals for the Rosslyn Hill range of the building that the creation of small cellular rooms *'will involve the loss of modern partitions and some elements of the fabric of the building'*. What in fact is to happen is that virtually all the original dividing walls with their chimneybreasts are to be taken out, alongside some later-inserted partitions.

In relation to the Magistrates' Court wing of the building at ground-floor level, the Heritage Statement says that the creation of a large open-plan space for a new Business and Enterprise Centre will *'involve the loss of modern partitions and no historic fabric'*. This is difficult to square with the fact that the internal walls proposed to be removed correspond in location to the walls shown on John Dixon Butler's original plans, forming the magistrates' room, the juvenile offenders' examination room (the first example of its kind), the juvenile offenders' waiting room and the entrance hall.



The Heritage Statement, in considering the proposals against national policy and legislation (p.39), states that they *'retain those elements that contribute to special interest and, in the case of the Police Station stair and the sequence of spaces leading to the Magistrates Court, enhance their appearance'*.

This claim needs closer examination. As discussed above, the proposals do not in fact retain the elements that contribute to special interest: the internal plan is lost, the court room fittings are lost, and the encasing of the staircase can hardly lead to an enhancement of its appearance. How are the spaces associated with the Magistrates' Court enhanced by the removal of their walls and how is it meaningful to 'enhance' the appearance of the spaces leading to the court when the space they lead to (the Court Room) is itself to be stripped of its meaning?

In the Court Room, which will also form part of the proposed Business and Enterprise Centre, the losses include the advocates' bench, the public gallery and the dock. While the Heritage Statement says the magistrates' bench is to be retained *'so that the original use of the space can be discerned'*, the proposal drawing for the first floor appears to show it removed. In the first place, this needs to be clarified and second, it is difficult to see how the original workings and essence of the space will remain discernible with all but one of the specific components of that use removed.

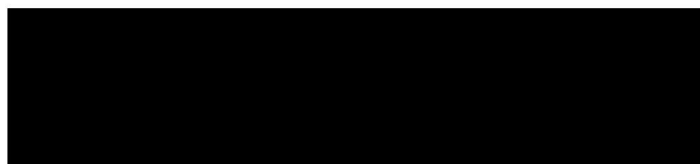
No acknowledgement of harm is made in respect of this despite the intact Court Room, together with its *'extensive scheme of panelling and furniture'*, being a principal reason for the building's statutory designation. This is also despite the acknowledgements elsewhere in the Heritage Statement that, *'The courtroom features the most elaborate architectural scheme found within the Police Station and courthouse and is demonstrative of the level of importance attributed to this space'* (p.29), and the similar comment quoted above at the top of p.3 of this letter.

Given the applicant's own assessments of the importance of this space in the Heritage Statement, why is there no corresponding recognition of harm arising from proposals that quite evidently reduce that significance? Neither is any justification whatsoever proffered for these works, merely a basic description of what they entail.

The applicant's Planning Statement says that the space to be used for the Business and Enterprise Centre is surplus to the requirements of the school. That may be so, but surely the Magistrates' Court and the rooms associated with it could be put to use as a unique educational resource where pupils could learn about and develop an interest in the British legal system? This seems like a missed opportunity for a school proposed to be sited in this specific building, as well as a means of ensuring its most important space can remain intact.

The Heritage Statement (p.35) acknowledges that *'the application proposals will directly affect the significance of the listed building through changes to its built fabric'* and that they, *'will have a direct effect on the significance'* of the listed building and a direct effect on the character and appearance of the conservation area. However, the Heritage Statement does not explicitly acknowledge any harm arising from the proposals at all, which is quite staggering.

Rather, and even more astonishingly, it goes so far as to say that the proposals *'will enhance the listed building and will ensure that it is put to a beneficial use to*



*safeguard its future*'. With reference to paragraph 192 of the NPPF, it claims that the proposals *'will enhance the significance of the listed building and preserve and enhance the character and appearance of the Hampstead Conservation Area'* and it also refers to paragraphs 193 and 200 of the same, saying that the scheme *'provides an opportunity for new development to better reveal the significance of the heritage assets'*.

It is impossible to fathom how this conclusion has been reached. I cannot see, even allowing for the fact I have not seen the interior of the building at first hand, how it could possibly be the case that the removal of most of the interior walls and therefore the plan form of the building; the encapsulation in plywood of the main police station staircase; and the removal of most of the Court fittings will enhance and better reveal the significance of the building, when that significance relies to a large extent on these very aspects.

In my view, the most honest course open to the applicant and the author of the Heritage Statement would be to acknowledge that harm to the significance and special interest of the listed building will inevitably arise from these and other elements of the scheme and, based on this, seek to balance and justify that harm through an assessment of the benefits arising.

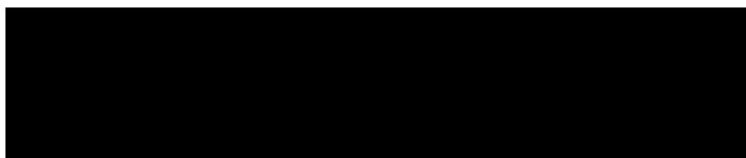
My judgement of the 2016 proposals was that they resulted in substantial harm to the listed building. This was despite my appreciation, from professional experience, that a judgement of substantial harm is, in practice, a high test. But, as the NPPG sets out, *'in determining whether works to a listed 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'*. In my view, this was the case.

In the present case, while I would agree that the harm is demonstrably less than that proposed in the 2016 scheme (mainly because of the omission from the scheme of the substantial rear extension in place of the original cell wing - which would have had harmful impacts on both the listed building and the conservation area - and the retention of the staircases) the harm arising is, in my view, still of a high degree.

This is for two reasons. First, because the new scheme still proposes the effective gutting of a large part of the interior of the building, demolishing most internal walls and resulting not only in loss of fabric but in loss of plan form, which is stated in the revised HE list description to be a key element of the building's significance and 'special interest'; and second, because of the proposed removal of the Court Room's fittings and furniture, another key element of the building's significance and reason for its statutory designation. The guidance contained in the NPPG would therefore potentially lead me to a conclusion that substantial harm still arises to the listed building.

The refusal of listed building consent in 2016 included the reason that, *'The proposed internal alterations would result in the significant loss of valuable historic fabric which would fail to preserve the special architectural and historic interest of the host building and less than substantially harm its significance (there being an absence of substantial public benefits that outweigh such harm)'*.

While this expressed the Council's view that 'less than substantial' rather than 'substantial' harm arose from those proposals, the Council did not then have the



benefit of the revised list description, which provides a fuller understanding of the building's heritage significance and clarifies how much of this is contingent on aspects that were then, and are now, proposed to be removed.

While there is slightly less internal demolition than previously proposed (dictated in part by the requirement to retain the original staircases), the degree of loss results in a similar overall effect, that is, that the ability to discern and understand the way the building was originally designed and functioned, is lost; while a small number of walls and the staircases are retained, they are retained in isolation and will not be legible as part of the original plan.

Ultimately, whether the Council's assessment finds substantial or less than substantial harm to the listed building, any such harm requires justification.

#### Justification

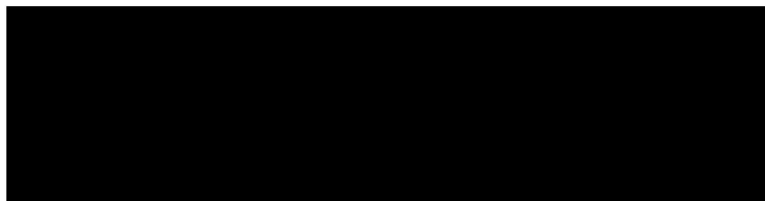
In my professional capacity as a consultant on heritage matters, I am frequently asked to provide justification for proposed changes to listed buildings. In some cases clear benefits arise to the building from the proposals, making this a straightforward task. Other cases involve change which causes no harm to significance, while others still involve a degree of 'trade-off' where relatively low levels of harm (for instance, a loss of fabric to create a new opening between rooms) can be balanced or mitigated by a benefit arising elsewhere, or by an overall benefit.

There are also rarer cases where the change proposed is harmful to significance to a degree that cannot be mitigated or offset by other more positive aspects of a scheme. In these cases, it often has to be made clear to the client in question that there is no 'heritage justification' that can be made. Sometimes, however, there are substantial public benefits that could be considered to outweigh such harm to significance. This might arise, for instance, in a situation where a building is at significant and progressive risk through disuse and dereliction, and where bringing it into a new use can be seen as an overriding heritage and public benefit that balances the harm caused or results in less harm than doing nothing would.

In the case of the current applications, I would struggle to find a professionally credible justification for the degree of internal demolition proposed, particularly in light of the harm arising to those aspects of the building that HE have identified as the principal contributory factors to its significance and special architectural and historic interest.

The Heritage Statement offers some justification for specific elements of the scheme, for instance in respect of the proposed alterations to the rear elevation; for the encasement of the main staircase; for the insertion of a new staircase and lift; and for the removal of the police cells to create a school hall, also citing benefits such as the re-exposure of painted tiles in the stairwell and the removal of a modern partition wall enclosing the staircase to the Magistrates' Court.

However, I can find no attempt at the critical justification required for the more fundamental impact of the extensive internal works of demolition, or for the negative impact of the changes to the Magistrates' Court.



I suppose that if you are not acknowledging any harm, then you may feel that there is nothing that requires justification.

There are broad statements that the new uses proposed are appropriate given the past role in the local community of the former police station; that the proposals will *'regenerate and reinstate the building as a key focus for the local community as it will provide it with a beneficial use which will sustain its upkeep and ensure that it remains occupied and in use as a beneficial part of the local townscape'*

The proposals are also claimed to be *'a sensitive response to the significance of the building, re-using a building which has lain vacant for a number of years. The application proposals will enhance the listed building and will ensure that it is put to a beneficial use to safeguard its future'*.

To my knowledge the building has not been identified as 'at risk' and other potential uses for it have not been tested on the market. It is not being suggested that the use proposed is the only viable use for the building. The police-station use of the building ceased in 2013 and the DfE bought it less than a year later in 2014. Abacus then proceeded to develop its plans, culminating in the refused applications in 2016. There would seem to have been little opportunity within that timescale for alternative uses for the building to be considered.

Of course, I agree that it is important that a new and, critically, viable use is found for the building, but the present proposal is not necessarily it.

Paragraph 195 of the NPPF states that,

*Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.*

I do not believe it is likely to be demonstrable that criteria a-d can be met at this stage.

If you, as the local planning authority, judge the harm to be less than substantial, then paragraph 196 of the NPPF will apply. This requires that:

*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*



If it could be demonstrated that there is a real and urgent need for a school to be sited in this location then this might be considered a significant public benefit carrying some weight that might potentially tip the balance in favour of the proposals. However, in the absence of any such need being adequately demonstrated by the applicant (please refer to the submissions on this aspect included in the wider HCRD objection), I do not believe that the other benefits cited are sufficient to outweigh the harm arising to the listed building.

If these applications are approved, it is possible that the school will not remain in the building in the longer term; for instance, there is always a possibility that the school may fail or may eventually want to expand and require larger premises. However, the legacy of its impact on the building will be both permanent and negative because the losses it proposes are not reversible.

Another possibility is that the school may wish in the future to expand its operations into parts of the building and site not currently put forward for the school use – for instance, the area currently proposed for the Business and Enterprise Centre (including the Court Room), or other as yet undeveloped parts of the site. This could lead to an accumulation of harm.

In summary therefore, it is my professional view that the degree of alteration proposed for the listed building (which, as in 2016, stops little short of gutting its interior) will result in substantial harm to the significance of the listed building.

The applicant has in my opinion not taken full account of the identified significance of the building in formulating these proposals, has unconvincingly not acknowledged any harm arising to the listed building despite the extensive nature of the alterations proposed, and has therefore not provided adequate justification for the proposals. It has not been demonstrated that the alleged benefits of the proposed scheme outweigh the harm caused. The proposals therefore do not accord with the requirements of Chapter 16 of the NPPF or with relevant local policy, and do not meet the statutory tests set out at Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

For these reasons, the applications should not be approved by Camden Borough Council, and I would strongly urge the Council not to do so.

I hope you find this helpful in determining the application before you.

Yours sincerely,



**Sarah Watt, MCIfA**  
**Director**

