

Cossey Cottage

9 Pilgrims Lane NW3 1SJ



Statement of Objections



Philip Davies
PLANNING HERITAGE DESIGN

**COSSEY COTTAGE, 9 PILGRIM'S LANE
HAMPSTEAD. LONDON. NW3 1SJ**

STATEMENT OF HERITAGE AND DESIGN OBJECTIONS
in respect of the applications for planning permission and listed
building consent ref: 2019/5817/P & 2019/6239/L

Philip Davies (Heritage and Planning) Ltd

January 2020

Cossey Cottage, 9 Pilgrim's Lane



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Preamble

Philip Davies (Heritage & Planning Ltd)

Philip Davies MA (Cantab), DipTP, MRTPI, IHBC, F R Hist. S, FRAS, FSA is the principal in Philip Davies (Heritage & Planning) Ltd, a consultancy specialising in conservation, urban design and planning issues in the UK and overseas. From 2004-2011 he was the Planning and Development Director for London and South East England at English Heritage responsible for two multi-disciplinary regional offices plus the Government Historic Estates Unit, which provided advice and guidance nationally across the entire government estate, including the occupied royal palaces, Whitehall, Defence Estates, and the Palace of Westminster. He has prepared national guidance on a whole range of heritage issues from tall buildings and heritage at risk to the public realm, the management of conservation areas and the creative adaptation of listed buildings. In this context it is particularly relevant that this includes English Heritage's *Guidance on London's Terrace Houses 1660-1860*, which provided the basis for many of the policies subsequently developed and adopted by London local authorities.

He has over 40 years' experience of managing change and development to some of England's most sensitive historic buildings and places, including in Camden. A Trustee of the Heritage of London Trust and the Euston Arch Trust, he is also Chair and founder of the newly-formed Commonwealth Heritage Forum.

A renowned international authority on the architecture and monuments of the Commonwealth and Britain's global heritage, and a founding member of the Yangon Heritage Trust, he is currently advising the governments of Myanmar, Chile, India, St Helena and Antigua on conservation and regeneration projects, and both public and private clients on a wide range of sensitive historic buildings of all types and grades in the UK.

He is the best-selling author of thirteen major books on architecture and architectural history in Britain and overseas, and many articles for both professional and popular journals. *Lost London 1870-1945*, short-listed for the prestigious Spears book prize, is one of the best-

selling books on London ever published. *London: Hidden Interiors* and, most recently, *Lost England 1870-1930*, have both been published to widespread acclaim.

Executive Summary

The proposed development

- i) would cause demonstrable harm to Cossey Cottage, a grade II listed building, by reason of its form, design, size, height, projection, poor detailing, fenestration, materials and relationship to its listed neighbour at No 7, and also to the wider setting of the building and the character and appearance of the conservation area.
- ii) is even larger in height and projection than the previously withdrawn proposal which had been criticised by the planning officer for being “visually overbearing and dominant on the rear elevation,” and “affects the proportions of the existing building and undermines the significance of the rear elevation.”
- iii) is contrary to the *National Planning Policy Framework* in that it constitutes a development proposal that would cause significant harm to a designated heritage asset, which is not outweighed by public benefit.
- iv) is contrary to national, regional and local policies and guidance, including the Council’s adopted Heritage and Design policies D1 (7.2) and D2 set out in the Local Plan, policies H26, H27, H28 and H29 of the Hampstead Conservation Area Statement, and policy DH 2 of the Hampstead Neighbourhood Plan.
- v) fails to preserve or enhance the character or appearance of the Hampstead conservation area.
- vi) would cause even greater visual harm to the setting of the Rosslyn Hill Chapel, (which was referenced in the planning officer’s comments on the previous application), the only difference being that the applicant has erected a timber screen to obscure views to and from the chapel.

- vii) fails to acknowledge the historic relationship between No 7 and No 9 as evidenced in the list descriptions of both properties, and the existence of a sealed doorway once connecting both properties.
- viii) is based on spurious measurements of a transient foliage line dividing Nos 7 & 9, which would likely die back in the event of construction.
- ix) contains numerous misleading inaccuracies relating to rights of light, floor plans and past consents in respect of No 7.
- x) adversely affects the residential amenity of the ground floor kitchen and dining room windows along with two basement windows below them in the neighbouring listed building at No 7 Pilgrim's Lane, including a lower ground floor dining area, by increasing the sense of enclosure and diminishing natural light to those rooms. A separate report by Charles McMahon, an independent Rights of Light surveyor, has found that the proposal is based solely on a desktop study using inaccurate plans of No 7 and without having undertaken a site-based analysis. The proposals have not demonstrated that they comply with BRE guidelines.
- xi) contravenes a covenant relating to the height of the boundary between Nos. 7 & 9 Pilgrim's Lane, as referenced in the title of Cossey Cottage.

1.0 The Brief

- 1.1 Philip Davies (Heritage and Planning) Ltd has been instructed by C. Green at 7 Pilgrim's Lane to advise on the heritage and design aspects of the current applications for planning permission and listed building consent submitted in respect of the neighbouring property at 9 Pilgrims Lane (ref: 2019/5817/P & 2019/6239/L). The applications involve the construction of a substantial ground floor rear extension, internal refurbishment and the provision of a new gate and railings to the front boundary wall.

- 1.2 I have reviewed all the relevant drawings and documents submitted in support of the applications made by BB Partnership (ref: 2019/5817/P & 2019/6239/L). This statement constitutes a formal objection to the proposals on the grounds that they would cause demonstrable harm to the character and appearance of No 9 as a listed building, and also to the setting of neighbouring buildings, including No 7, and to the wider conservation area. As such, they fail to comply with national, regional and local planning policies and guidance for the reasons set out below and itemised in the Executive Summary.

2.0 The Proposals

- 2.1 Similar proposals were advanced for the building in applications dated 25 March 2019 (2019/1103/P & 2019/1606/L). Following extensive objections from both the Council and local owners and occupiers, they were withdrawn on 23 July 2019. The current proposals are similar in scope and intent but even more substantial in both height and projection conferring an even greater level of harm on the character and appearance of the parent building, neighbouring buildings and the wider conservation area.
- 2.2 The current proposals constitute minor revisions to the earlier withdrawn applications. They involve the erection of a substantial single storey rear extension projecting 5.765 m. into the garden to accommodate a new kitchen which would be relocated from the existing basement. The extension would be separated from the rear wall of the cottage by a glazed link. It would abut and rise above the boundary wall to No 7 by 667 mm. The assertive modern idiom chosen for the previous scheme specifically as a ‘counterpoint design’ independent of the listed building has been retained on the flank elevation of the extension.

3.0 The Site and its Context

- 3.1 No. 9 Pilgrim’s Lane, known as Cossey Cottage, together with its neighbour Sidney House at No 7, form an interesting group of buildings on the north side of the street set back behind mature front gardens. Both were listed as buildings of special architectural or historic interest grade II in May 1974. Both lie within the Hampstead Conservation Area, which was originally designated in January 1968, and which has

been extended on eight subsequent occasions. The conservation area is also subject to an Article 4 Direction extended in September 2010 which removes a broad range of permitted development rights from many buildings in Hampstead, including Nos 7 & 9 Pilgrim's Lane.

4.0 Historical Study and Heritage Statement

4.1 An account of the historical development of the area, and of Nos 7 & 9 Pilgrim's Lane in particular, is contained in the Montagu Evans Heritage Statement submitted with the application. This seeks to downplay the historical connection between Cossey Cottage and No. 7 as 'temporary' which is misleading. The two buildings clearly have a closely-integrated history. The list entry states that Cossey Cottage was originally a service wing to the larger main house at No. 7, and that a matching wing once stood to the south-west. A copy of the list entry for both buildings is attached to the Appendix (No.9. p31). This confirms their close relationship which can be verified by physical evidence on site in the form of a walled-up doorway in the party wall at the base of the rear stairwell of No 7. This once led directly into the basement of Cossey Cottage (see No.19 on p.41 of the Appendix). Although the precise date of construction of both buildings is unclear, the Heritage Study attached to the earlier submitted proposals rightly concluded that the two adjacent properties have '*a distinctly entwined history.*' and that '*the relationship between the two buildings is a close one.*' This is reinforced in paragraphs 3.12 and 3.13 of the Montagu Evans Heritage Statement. This close relationship is further illuminated by the covenant referred to in 4.5 below. (Appendix: Nos.13-16 pp. 35-38). This close physical and historical relationship is an important consideration when assessing any development proposals affecting the two buildings.

4.2 The Montagu Evans Heritage Statement refers to the fact that Sidney House has been considerably extended to the rear. For the avoidance of doubt, these are Victorian extensions shown on the first edition of the Ordnance Survey map of 1866 illustrated on p. 9 of the original Heritage Study. Reference is also made to the consent dated April 1984 for a 'third floor extension to no 7'. This is categorically incorrect and misleading. This application was for a small, child's bedroom and en suite facilities at second floor level on top of the existing Victorian extension. No 7A to the south-west

of No. 7 is an entirely separate independent building constructed in the 1980s on the site of the earlier south-west wing of the house. Neither of these points provide a precedent for the scale of application proposed for Cossey Cottage, which is a wholly different context.

- 4.3 Although evidence of the date of construction of Nos. 7 & 9 is inconclusive from available map sources, Sidney House (No.7) is described unequivocally in the statutory list as late 18th century. The flank elevation of the house alongside Cossey Cottage is built in multi-coloured stock brick, while the facade has been re-fronted, which suggests that this date is correct. There is evidence in the title deeds that the freehold of this plot of land was owned by the Dukes of Devonshire until ownership was passed to Martin Hood Wilkin under an indenture dated 13 July 1888. The Historical Study noted that the Currey family owned both houses for some time. Currey and Co. were the Duke of Devonshire's law firm and remain so to this day. Sidney House is understood by the current and previous owners to have been the Duke's hunting lodge in the late 18th early 19th century, which is highly plausible. The Heritage Statement maintains that there is no evidence that Hampstead Heath was used as a hunting ground. This is incorrect. Besides being the private hunting ground of Henry VIII, James I and Charles II, Hampstead is also mentioned more than once in the Sporting Review, specifically in an extract from 1840 (No.20. p.42 Appendix). The Duke owned Devonshire House in Piccadilly, one of London's grandest aristocratic houses. Hunting would account for him owning this isolated plot in Hampstead. The timeline indicates that the first occupant may have been the 5th Duke of Devonshire, known for his love of dogs and hunting, and his wife, Georgiana, the renowned socialite and activist depicted in the film *The Duchess* (No.10 p.32 Appendix). A carriage-drive from Pilgrims Lane looped around the rear of Nos 7 & 9 providing access to Rosslyn Hill Chapel to the north-west originally built in 1692 and reconstructed in 1862. (Nos.11&12 pp.33-34 Appendix).

- 4.4 The applicants' original Historical Study summarised the significance of Cossey Cottage in terms of its heritage values. It concluded that architecturally, the house '*retains its essential character as a Regency residence.*' Internally, it '*retains some of its characteristic Regency fittings ... 'the staircase is a particularly pleasing survival.*' Historically, for nearly 30 years the cottage was '*the home of a noted*

literary scholar, Simon Wilkin, who died there in 1862.' The Study emphasised that the sheer fact that Wilkin has an entry in the Dictionary of National Biography testifies to his standing as a man of letters. This is corroborated in the subsequent Montagu Evans Heritage Statement. This reinforces the special interest of the cottage, its inherent heritage values and its sensitivity to alteration and extension. English Heritage's *Conservation Principles* stresses that '*association with a notable family, person, event or movement gives historical value a particular resonance*'. In terms of its group value, it is '*attached to the Grade II listed - Sidney House and has been associated with it through shared ownership and occasional linked occupancy.*' The Assessment in Section 5 the original Historical Study concluded that '*Cossey Cottage is a handsome property, retaining much of its original character and embodying the late Georgian development which characterises this part of Hampstead.*' We agree which is why we object to the proposed development which harms those qualities. The earlier assessment is markedly at variance with the Heritage Statement quoted in paragraph 4.8 below.

- 4.5 The Heritage Statement makes no reference to the covenant affecting both properties and the height of any boundary between them (see Appendix Nos.13-16 pp.35-38). Cossey Cottage was separated from Sidney House by way of a conveyance dated 9th November 1918 when the owner of both properties Mrs Mary Harriet Wilkin sold Sidney House to Mr William Henry Fox retaining Cossey Cottage for herself. At that time Mrs Wilkin required the purchaser of Sidney House to erect a fence along the boundary of the two properties and a covenant binding on the owners of Sidney House from time to time that the height of such fence was not to exceed 6 feet in height. The boundary lies adjacent to the applicant's proposed development which will substantially exceed 6 feet in height.
- 4.6 The covenant clearly shows that the intention of both parties at the time was to maintain the contiguity of what had been a single property restricting the appearance of its separation by limiting the height of the boundary to a modest 6 feet in height, which the proposed development compromises. The covenant is registered on the applicant's registered title and would have been known to the applicants when they purchased the property (see Appendix Nos.17-18. pp.39-40). A copy of the original deed of 1918 is attached for clarity (Appendix Nos.13-16. pp.35-38). The plan to the

deed shows the line of the boundary fence to be the same line as the proposed development (Appendix No.16. p.38)

- 4.7 The Heritage Statement refers to the listed building consent dated 16 October 1986 for the formation of a new single central sash window at the first-floor rear of No 9. Unlike the current proposals this was entirely beneficial. It reinforced the symmetry of the otherwise intact rear elevation, and created a simple, understated composition, which enhanced the character and appearance of the listed building.
- 4.8 The Montagu Evans Heritage Statement accepts that *'the house retains its essential character as a Regency residence.'* However, in Table 4.2 setting out its response to the Council's comments it is contradictory and misleading. It states *'we do not ascribe considerable significance to the house. It is a modest grade II building with some architectural and historic interest. The reasons for designation in 1974 were almost exclusively group value with Sidney House.'* Not only is this pure supposition, more importantly it fails to acknowledge that any grade II listed building is defined as being of national significance as a building of special architectural or historic interest which *'warrants every effort to preserve it.'* Its designation in the national statutory list demonstrates beyond challenge that the house has considerable significance otherwise it would not have been listed.
- 4.9 The Heritage Statement offers only a superficial analysis of the relative significance of the component parts of the building and substantially undervalues the significance of the intact rear elevation ascribing significance only to the front elevation and surviving interiors and not to the rear elevation. This is disingenuous. Table 4.2 relies on bland assertion rather than explaining **how** the substantial 5.765 m. rear extension proposed, or the alien modern design idiom selected, can be justified as being compatible with the heritage values of the intact, flat-fronted rear elevation. In addition, there is little explicit justification of the potential impact on the character, appearance or design integrity of the listed building, the legibility of the rear elevation, or the character and appearance of the wider conservation area. This is contrary to national guidance set out in English Heritage's *Conservation Principles Policies and Guidance for the Sustainable Management of the Historic Environment*. Paragraph 153 makes it clear that *'the assessment of the degree of harm to the*

significance of a place should consider the place as a whole and in its parts, its setting, and the likely consequences of doing nothing.'

- 4.10 The applicants allege that the extension would be invisible from the street. This is irrelevant. English Heritage's *Historic Environment Good Practice Advice in Planning* 3. (quoted in paragraph 5.4 below) makes it clear that the contribution that setting makes to the significance of a heritage asset does not depend on there being public rights or an ability to access or experience that setting. In fact, as photographs 1 & 4 in the Appendix illustrate, actually it would be visible from the public areas around the adjacent grade II listed Rosslyn Hill Chapel from where it would have an adverse impact on the character and appearance of the conservation area.

5.0 Planning Policies and Guidance

- 5.1 The applicant's submission is fundamentally flawed in that they have failed to demonstrate **how** they have tested and justified their proposals against **all** relevant national, regional and local planning policies and guidance relying instead on superficial bland assertion rather than any comprehensive objective analysis.
- 5.2 Section 72 of the *Planning (Listed Buildings and Conservation Areas) Act 1990* requires that new development in a conservation area should preserve or enhance the character or appearance of the area *i.e.* reinforce the qualities that warranted the original designation. For the reasons set out in section 6.0, the development neither preserves nor enhances that character, or those qualities.
- 5.3 Paragraph 196 The National Planning Policy Framework (NPPF) states that '*where a proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*' That is the appropriate test in this case.
- 5.4 English Heritage's (Historic England's) *Historic Environment Good Practice Advice in Planning* 3. makes it clear that the contribution that setting makes to the

significance of a heritage asset does not depend on there being public rights or an ability to access or experience that setting. The advice sets out tests for maximising enhancement and minimising harm. The applicants have not referred to these tests in their submission and the proposals fail to minimise the harm to the setting of the building and its neighbour.

- 5.5 The Councils' **Local Plan** was adopted in 2017 and covers the period until 2031. Policy D1(7.2) sets out a checklist of requirements. It states that *'The Council will require all developments, including alterations and extensions to existing buildings, to be of the highest standard of design and will expect developments to consider inter alia:*

- * character, setting, context and the form and scale of neighbouring buildings;*
- * the character and proportions of the existing building, where alterations and extensions are proposed.*
- * the composition of elevations.*

- 5.6 Policy D2 sets out policies for listed buildings. Paragraph D2 (e) indicates that the Council will *'require that development within conservation areas preserves, or where possible, enhances the character or appearance of the area;'*. Paragraph D2 (j) *'emphasises that the Council will resist proposals for a change of use or alterations and extensions where this would cause harm to the special architectural and historic interest of the listed building.'*

- 5.7 In assessing the proposals against the Council's own Local Plan policies, by definition, the proposal does not 'preserve' the character or appearance of the conservation area, and for the reasons set out in section 6 below, it not only fails to enhance, but causes demonstrable harm. The applicants have not explained how the substantial size and uncompromising contrasting design of their proposal addresses the checklist of requirements set out in policy D1(7.2).

- 5.8 The **Hampstead Conservation Area Statement** sets out explicit management guidelines for rear extensions, which the current proposals contravene.

Section H26 states:

‘Extensions and conservatories can alter the balance and harmony of a property or of a group of properties by insensitive scale, design or inappropriate materials. Some rear extensions, although not widely visible, so adversely affect the architectural integrity of the building to which they are attached that the character of the Conservation Area is prejudiced. Rear extensions should be as unobtrusive as possible and should not adversely affect the character of the building or the Conservation Area.’

5.9 Section H27 states:

‘Extensions should be in harmony with the original form and character of the house and the historic pattern of extensions within the terrace or group of buildings.’

5.10 Section H28 recognises that *‘rear extensions would not be acceptable where they would spoil a uniform rear elevation ...’* while H29 stresses that *‘The design, scale and materials should be sensitive to the special qualities of the property and not undermine the features of the original building’*.

5.11 By reason of its form, size, height, design, substantial projection, inappropriate steel-framed industrial fenestration and overall impact on the rear elevation, the proposal contravenes the unequivocal guidance quoted above. This is precisely such a case where the proposed extension would ‘spoil a uniform rear elevation.’

5.12 The **Hampstead Neighbourhood Plan**: Policy DH2 (4) on Conservation Areas and Listed Buildings reinforces the guidance set out in the Conservation Area statement and the Council’s policies set out in the Plan. It states:

‘Development proposals must seek to protect and/or enhance buildings (or other elements) which make a positive contribution to the Conservation Area, as identified in the relevant conservation area appraisals and Management Strategies’.

5.13 Reference to all of the above rigorous conservation policies and their relationship to the NPPF and Historic England’s guidance documents are also included in the Council’s current Planning Guidance on Design dated November 2018.

6.0 Architectural Assessment of Proposals

- 6.1 The proposals cause demonstrable harm to the character, appearance, significance and special interest of Cossey Cottage as a grade II listed building. In addition, they neither preserve nor enhance the character and appearance of the Hampstead Conservation area for the reasons set out below. They are clearly contrary to both national and local policies and guidance. I fully endorse the comments made by the Council set out in Tables 4.2 & 5.1 of the Montagu Evans Heritage Statement. The current proposals are similar in form and design to the earlier scheme which was withdrawn, but both taller and deeper. None of the subsequent changes to the proposals have addressed the fundamental points raised by the Council or the comments made in the earlier version of this statement of objections. The proposals are unacceptable for the following reasons.
- 6.2 First, the existing rear elevation is a simple, symmetrical composition. By their own analysis, the applicants accept that the cottage retains its essential character as a Regency residence, which they are seeking to enhance. The intact, flat-fronted rear elevation is not compromised or harmed by any extensions. Any rear extension would compromise this intact elevation and cause significant harm to the special interest of the building and its wider setting.
- 6.3 Second, the applicants assert that the building is not visible from any public space. Historic England's clear advice set out in *GPA3* (quoted in paragraph 5.4 above) emphasises that the contribution that setting makes to the significance of a heritage asset does not depend on there being public rights or an ability to access or experience that setting. In fact, the entire rear of the cottage is visible in the long view from the spaces around the grade II listed Rosslyn Hill Chapel at the rear of the garden to the north-west from where photographs 1 & 4 in the Appendix were taken. The chapel car park is publicly accessible during daylight hours and forms an important part of the setting of the listed chapel. Recently the applicant has attempted to mask this view by erecting a timber screen consisting of scaffolding planks (Appendix No.21-22. p.42-43), but the long view is still visible. The proposed extension thereby harms public appreciation of the character and appearance of the conservation area.

- 6.4 The statutory test in Section 72 of the Act, and in the Council's own policy set out in D2 of its Local Plan, is that new development should **preserve or enhance**, not simply seek to minimise the degree of harm caused. In addition, the NPPF states that *'where a proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal'*. The building is in reasonable condition for its age and type. All the items listed in Table 1.2 of the Montagu Evans report constitute routine repairs and internal upgrading that are normally to be expected as part of the refurbishment of any building. They are certainly not contingent upon nor justify the erection of a substantial and harmful rear extension. The only tangible public benefit offered is the provision of a new gate and railings to the front boundary wall, which, subject to detail, is unobjectionable. None of these modest benefits either individually or collectively outweigh the demonstrable harm caused to the special interest of the listed building, or to the character and appearance of the conservation area, by the erection of the proposed extension.
- 6.5 In addition to the fundamental issue of principle of seeking to add an extension to the intact rear frontage, the proposed design is poorly related to the parent building. In section 4.2 of the Design Principles set out in the Design and Access Statement the applicants have stressed that they *'chose to design the extension to be stylistically distinct from the existing building in order to prevent producing a pastiche of conflicting features and details between the two.'* Ironically the result is just the conflict of features and details that the applicant is trying to avoid. Far from retaining the existing architectural qualities of the rear elevation, which derive (to an important degree) from its intact symmetrical form, the substantial extension proposed is in a consciously-selected, disharmonious design would be alien to the listed building to which it is attached. Visually it would throw the whole elevation into imbalance. This would be exacerbated at night time when the large areas of glazing and the transparent link would throw light across the rear elevation drawing the eye to the extension at the expense of the original elevation.
- 6.6 The extension is unacceptable, in principle, because of the harm it causes to the listed building. Contrary to what is asserted in the Design and Access Statement, that harm

is exacerbated by its excessive size, height and overall projection of 5.765 m. from the rear elevation, equivalent to 80% of the depth of the entire house. This is wholly excessive. It constitutes the overdevelopment of a modest listed cottage which is not only detrimental to the character, appearance and integrity of the listed building, but also to the wider conservation area.

- 6.7 The applicant alleges that the substantial kitchen extension is necessary to provide a more easily navigable living space on the ground floor and to ensure that the modern kitchen will be within an appropriately modern space. The applicant goes on to refer to fire safety, escape routes, “impaired access” to the garden, and the easy transport of tableware from kitchen to dining area. Whilst taking in to account that the applicant is accustomed to commercial property ventures, when dealing with listed buildings, the presumption is for occupiers to adapt their use of space to fit the building and not to expect to add major new extensions which are fundamentally detrimental to its special interest. It is commonplace in historic London terrace houses of this nature for the basement to continue to be used, as it always was, as kitchen space. There is no reason why this should not continue to be the case here and for the kitchen to be extended into the adjacent front room.
- 6.8 The design of the extension is poor. It is not of a quality or standard that one would expect for an extension to a listed building of this significance. The drawings do not inspire confidence in the end result. In paragraph 4.2 of the Design and Access Statement the applicants allege that *‘the design of the extension is based on the concept of the traditional Georgian conservatory.’* This is risible. It bears no resemblance to a Georgian conservatory. It is a substantial brick extension with Crittall glazing with solid base kickplates in an assertive modern idiom. The black steel-framed industrial fenestration is completely alien to the domestic character of the parent building and the neighbouring listed building at No 7 where traditional painted timber windows are consistently used. No details are given of the window and door profiles. The window to the north elevation is shown as a sash window yet the subdivision of glazing bars is at variance with the proportions of those on the original house and it has no meeting rail. Even more damaging, the extension is separated from the main house by a 600mm glazed link which rises above the roof line. This would be visible in long views from the garden and from the public space around the

chapel beyond creating a discordant relationship with the parent building. The parapet of the extension is shown as a crude flat fascia separated from the segmental brick window arches beneath by a mere single brick course. This poor detailing undermines the overall balance of solid to void in the extension and betrays a distinct lack of understanding of classical / vernacular architectural vocabulary and detail.

- 6.9 The roof of the proposed extension is sloped adjacent to the boundary wall to No 7, but no section nor elevation has been provided to demonstrate how this would look, how the conjunction of the north and west elevations would be resolved and detailed, or how it would relate to the windows of the habitable rooms at No 7. This relationship is of crucial significance to the visual amenity and daylighting of my client's property, yet its treatment remains entirely unresolved with an uncomfortable and potentially discordant conjunction between the rear and side walls of the extension. It is likely to be a poorly-conceived and articulated hybrid of old and new in direct view of No 7's ground floor kitchen windows and dining room window. This would be detrimental to the character, appearance, integrity and setting of both listed buildings and the character and appearance of the conservation area.
- 6.10 In addition to its excessive depth, with a 667mm overrun the extension rises even higher than the boundary wall with No 7 than was the case with the previous withdrawn scheme. It relies on the impact to No 7 being concealed by existing vegetation on the wall. This is problematic for several reasons. The existing vegetation is misrepresented in the application and does not extend close to this height. In fact, it rises only about 100mm above the top of the boundary wall in the most visible areas. The applicants' plans portray the height of the foliage as almost seven times higher than it actually is on site. Furthermore, unacceptable development cannot be justified on the basis that it can be concealed by vegetation which is transient. Indeed, the ground disturbance caused by the development is highly likely to destroy any existing planting in this area, particularly the foliage in question, which is rooted on No 9's side.
- 6.11 The additional height of 667mm above the wall increases the sense of enclosure and reduces daylight to the ground floor kitchen and dining room windows along with the two lower ground floor windows beneath them, including a lower ground floor dining

room. The client has commissioned Charles McMahon of Right of Light Consulting Ltd to undertake an analysis of the new proposals. His conclusions will be set out in a separate letter, but indicate that the applicants have relied on a desktop study rather than specific on-site analysis. The applicants have also used inaccurate outdated plans of No 7; and refer to generic standards for the impact of high-rise buildings rather than the relationship between two sensitive historic buildings. Therefore, the applicants have been unable to demonstrate that their proposals comply with BRE guidelines. The current proposals are even taller and therefore worse than the earlier proposals. As a result, the proposed extension would be detrimental to the residential amenity of No 7 on the grounds of both daylighting and increased sense of enclosure.

- 6.12 The raised boundary wall also clearly contravenes the covenant referred to in paragraphs 4.6, 4.7 and 4.8 above, as shown on the deed (Appendix 13-16 pp.35-38), and the title of Cossey Cottage (Appendix 17-18 pp.39-40).

7.0 Summary

- 7.1 The proposed development of an even more substantial rear extension to Cossey Cottage than was previously submitted (and withdrawn) would cause demonstrable harm to the listed building by reason of its form, design, increased size, height, projection, detailing, fenestration and relationship to its listed neighbour at No 7, and to the wider setting of the building and the conservation area. All are primary heritage assets. The NPPF emphasises that when considering the impact of a proposed development on the significance of a heritage asset great weight should be given to the asset's conservation. This is broadly the same proposal as previously submitted, but larger and more errant in its justification, being based on inaccurate measurements, incorrect floor plans and misleading interpretations of past consents.
- 7.2 The development proposals are contrary to national, regional and local policy and guidance. They fail to preserve or enhance the character or appearance of the conservation area in accordance with Section 72 of the Act. They do not comply with the paragraphs 192 and 196 of the NPPF as they comprise less than substantial harm without sufficient public benefit to outweigh that harm. They fail to follow the

guidance on setting in English Heritage's *Historic Environment Good Practice Advice in Planning 3: The Setting of Heritage Assets*, in particular on maximising enhancement and minimising harm.

- 7.3 At a local level, the proposals directly contravene the Council's Heritage and Design policies D1 (7.2) and D2 set out in the Local Plan, policies H26, H27, H28 and H29 of the Hampstead Conservation Area Statement, and policy DH 2 of the Hampstead Neighbourhood Plan. It is self-evident that if the Council's policies are to be upheld, then the application must be refused.
- 7.4 The applicants have signally failed to justify the erection of a very substantial 5.765m rear extension to the intact rear elevation of the listed building in relation to current national, regional and local policy and guidance.
- 7.5 The Council is urged to uphold its own conservation and design policies and national policy and guidance and to refuse planning permission and listed building consent for the proposed development for the reasons set out above.

Philip Davies (Heritage and Planning) Ltd

January 2020

APPENDIX



1. Rear elevation of Cossey Cottage from public grounds of Rosslyn Hill Chapel.



2. Rear elevation of Cossey Cottage from No 7 Pilgrim's Lane



3. View of flat-fronted rear elevation of Cossey Cottage showing the position and the potential impact of a 5.765m. rear extension.



4. View of the wider group of (l to r) No. 9, No. 7 and No. 7A from the public area around Rosslyn Hill chapel.



5. View of the boundary between No 7 and No 9. The proposed extension would rise 667mm above the top of the wall.



6. The narrow recess at No 7 alongside the boundary wall. The increase in height of 667mm would adversely affect the sense of enclosure and daylight to the dining room window (seen here), the basement beneath and the kitchen windows to the right.



7. Front elevation of No 7 Pilgrim's Lane.



8. Front Elevation of Cossey Cottage, 9 Pilgrim's Lane

9. NATIONAL HERITAGE REGISTER FOR ENGLAND

LIST DESCRIPTIONS

Cossey Cottage, 9 Pilgrim's Lane

GV II

Service wing to No.7, Sidney House (qv), now private residence. Late C18, partly refaced early C19. Yellow stock brick. 2 storeys and semi-basement. 1 window plus 3-window canted bay to right. Plain segmental-arched doorway on east return. Gauged brick flat arches to recessed 2-pane sashes; those to canted bay enlarged mid C19. Parapet. INTERIOR: not inspected.

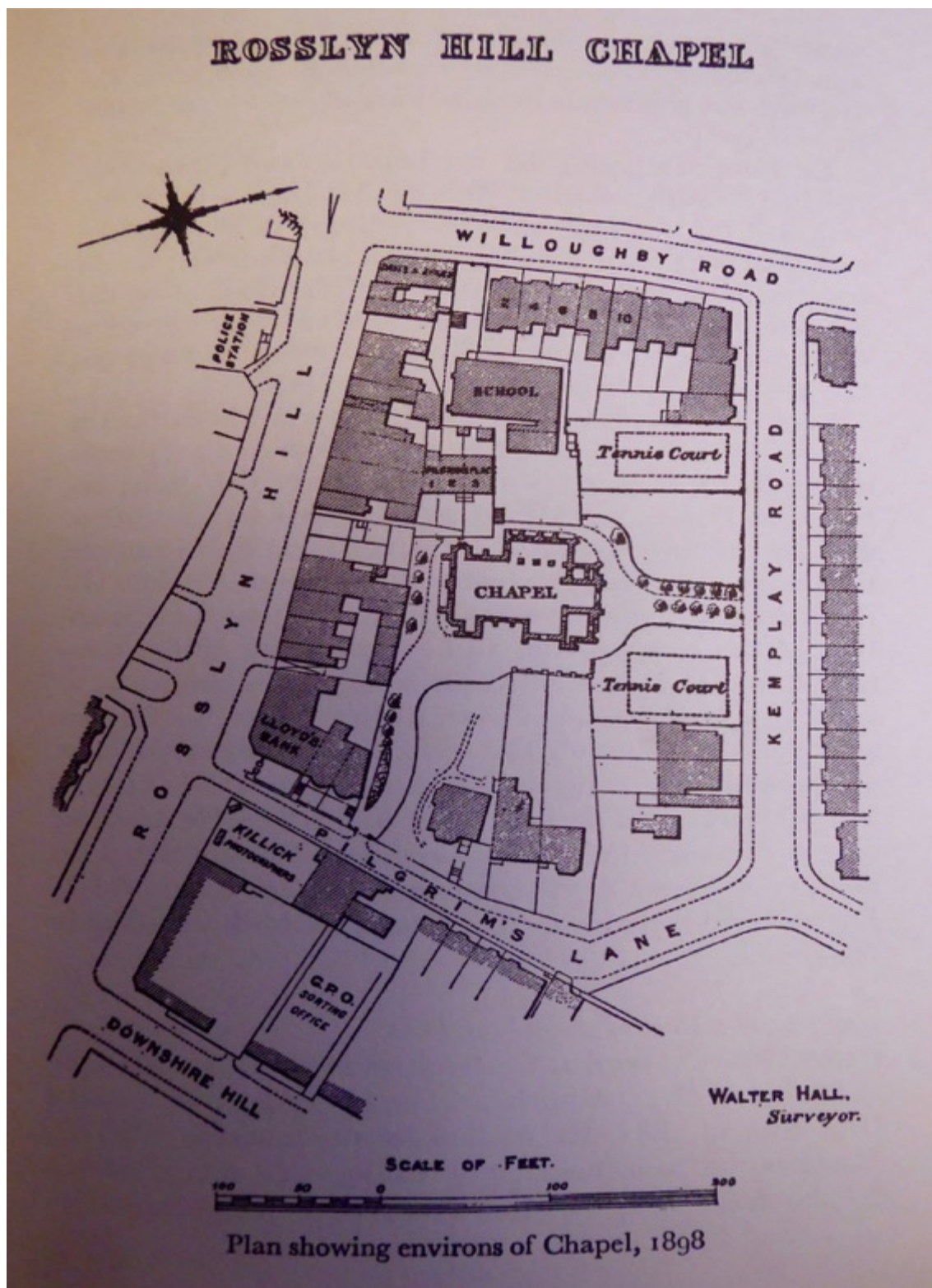
Sidney House, 7 Pilgrim's Lane

GV II

Semi-detached house. Late C18, refaced early C19. Yellow stock brick. 4 storeys and semi-basement. 2 windows plus 1 window entrance bay on south-west side. Round-arched doorway with patterned fanlight, having an inset lamp, and panelled door approached by steps with wrought-iron railings. Gauged brick flat arches to recessed sashes; 1st floor casements with continuous cast-iron balcony having large brackets. Parapet. INTERIOR: not inspected. HISTORICAL NOTE: Sidney House formerly had flanking service wing extensions of which the north-eastern now forms No.9, Cossey Cottage (qv); the south-west wing was demolished when the house was remodelled in the early C19.



10. The 5th Duke of Devonshire and Georgiana, Duchess of Devonshire



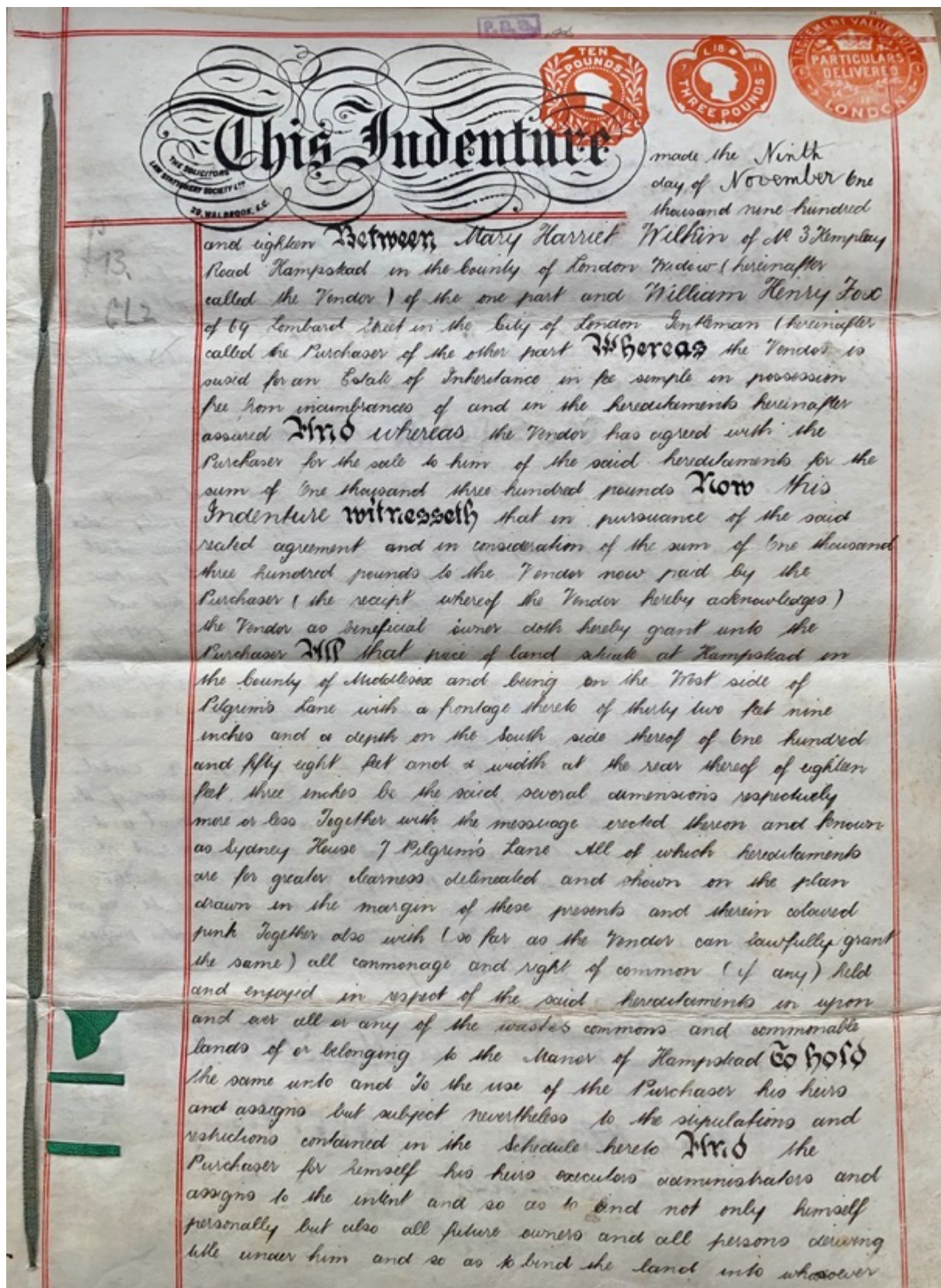
11. Plan of 1898 showing the wider context and the carriage drive from Pilgrim's Lane to the Rosslyn Hill Chapel.



12. View of Rosslyn Hill Chapel 1911 showing the carriage drive with the perimeter of Sidney House to the right.

13-16. The Conveyance dated 9th November 1918 containing the Covenant.





hands the same may come for the benefit of the Vendor her heirs
and assigns and the occupiers for the time being of her adjoining
or neighbouring property hereby covenants with the Vendor her heirs
executors administrators and assigns that he his heirs executors
administrators and assigns will henceforth duly keep perform and
observe all the stipulations and restrictions specified and set forth in
the Schedule hereto **In witness** whereof the said parties
hereto have hereunto set their respective hands and seals the day
and year first above written.

The Schedule above referred to.

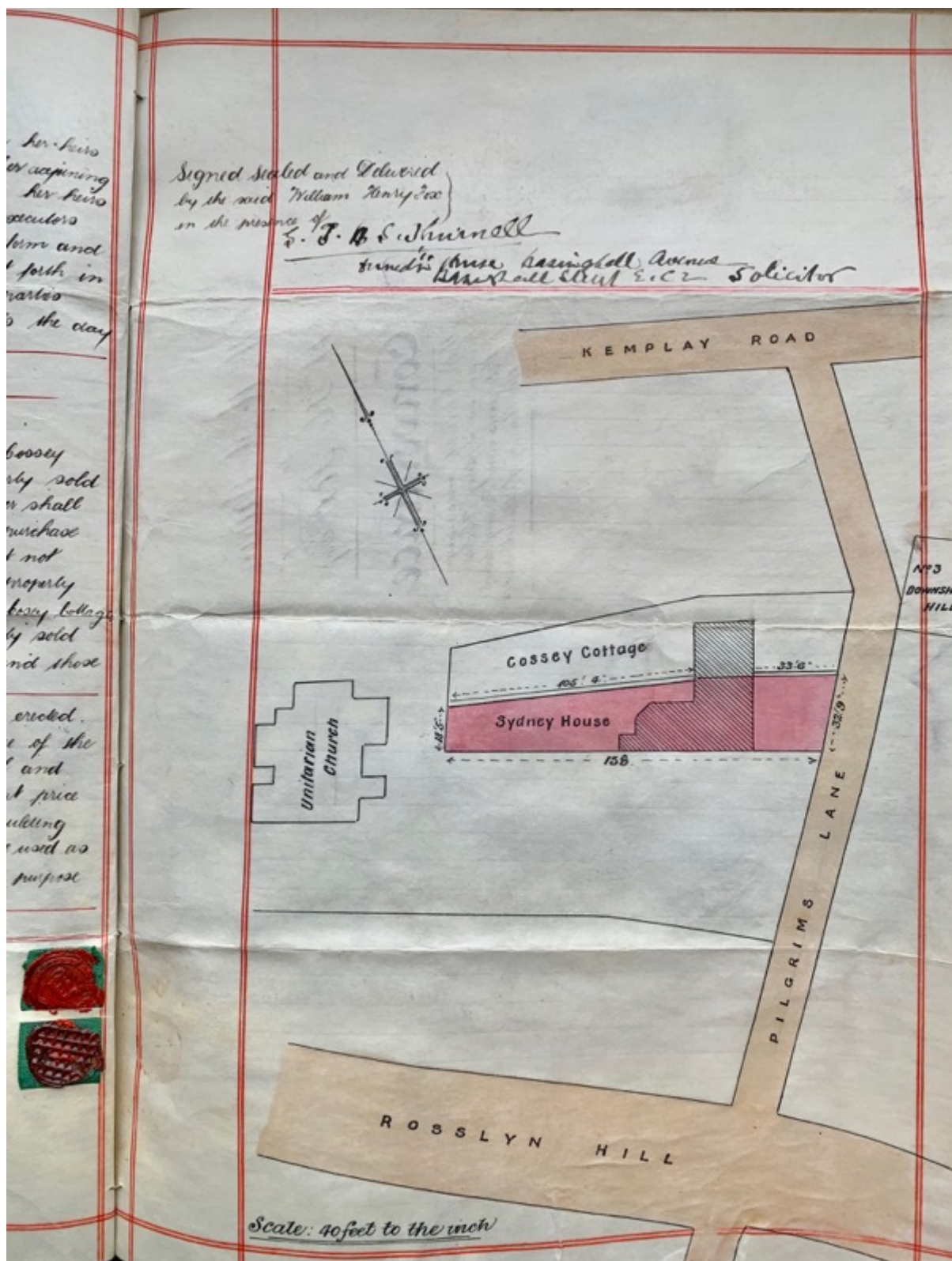
1. Fences. The wall between the property sold and Gossey
Cottage on the north or north east side of the property sold
will remain the property of the Vendor. The purchaser shall
erect within twelve months of the completion of the purchase
and afterwards maintain an Oak Pale Fence six feet but not
exceeding six feet in height in the back garden of the property
sold along the boundary between Sparrow House and Gossey Cottage.
2. Building Lines. Nothing is to be erected on the property sold
in front of the present line of the house except fences and those
not more than six feet high.
3. Value of Buildings. No house which may be hereafter erected
on the land shall be of less value than £1000. The value of the
building is the amount of its net first cost in material and
labour of construction only estimated at the lowest current price.
4. Uses so Prohibited. The property sold and any building
which may be hereafter erected on the land shall not be used as
licensed premises, a nursing ^{home} or asylum nor for any other purpose
than that of a private dwellinghouse.

Signed and Delivered
by the said Mary Harriet Wilkin
in the presence of

Mary Harriet Wilkin

Mary H Bogd
Boslyn Sidmouth
Widow

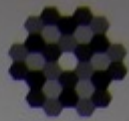
W A Fox



16. The Plan attached to the Conveyance dated 9th November 1918 showing the line of the boundary fence.

17-18. Register of Title to 9 Pilgrim's Lane referring to boundary fence

HM Land Registry



**Official copy
of register of
title**

Title number 307197 Edition date 31.07.2018

This official copy shows the entries on the register of title on 05 APR 2019 at 11:37:12.

This date must be quoted as the "search from date" in any official search application based on this copy.

The date at the beginning of an entry is the date on which the entry was made in the register.

Issued on 05 Apr 2019.

Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.

This title is dealt with by HM Land Registry, Croydon Office.

A: Property Register

This register describes the land and estate comprised in the title.

CAMDEN

1 (19.05.1925) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being 9 Pilgrims Lane, London (NW3 1SJ).

2 (19.05.1925) The land has the benefit of the following covenant contained in a Conveyance adjoining the land in this title dated 9 November 1918 and made between (1) Mary Harriet Wilkin the (vendor) and (2) William Henry Fox (Purchaser).

And the Purchaser for himself his heirs executors and assigns and to the intent and so as to bind not only himself but also all future owners and all persons deriving title under him and so as to bind the land into whose hands the same may come for the benefit of the Vendor his heirs and assigns and the occupiers for the time being of the adjoining or neighbouring property hereby covenants with the Vendor his heirs and executors administrators and assigns that he his heirs executors administrators and assigns will henceforth duly keep perform and observe all the stipulations and restrictions specified and set forth in the Schedule hereto.

THE SCHEDULE above referred to

1. FENCES. The wall between the property sold and Cossey Cottage on the north or north east side of the property sold will remain the property of the Vendor. The Purchaser shall erect within twelve months of the completion of the purchase and afterwards maintain an Oak Pale fence 6 feet but not exceeding 6 feet in height in the back garden of the property sold along the boundary between Sydney House and Cossey Cottage.

2. BUILDING LINES. Nothing is to be erected on the property sold in front of the present line of the house except fences and those not more than 6 feet high.

3. VALUE OF BUILDINGS. No house which may be hereafter erected on the land shall be of less value than £1000. The value of the buildings is the amount of its net first cost in material and labour of construction only estimated at the lowest current price.

4. TRADE ETC. PROHIBITED. The property sold and any building which may

1 of 2

Title number 307197

A: Property Register continued

be hereafter erected on the land shall not be used as licensed premises a nursing home or asylum nor for any other purpose than that of a private dwelling house."

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (31.07.2018) PROPRIETOR: RENOS PETER BOOTH and HELEN MARY BOOTH of 9 Pilgrims Lane, London NW3 1SJ.
- 2 (31.07.2018) The price stated to have been paid on 27 July 2018 was £3,600,000.
- 3 (31.07.2018) RESTRICTION: No disposition of the registered estate by the proprietor of the registered estate or by the proprietor of any registered charge, not being a charge registered before the entry of this restriction, is to be registered without a written consent signed by the proprietor for the time being of the Charge dated 27 July 2018 in favour of National Westminster Bank PLC referred to in the Charges Register.

C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 (31.07.2018) REGISTERED CHARGE dated 27 July 2018.
- 2 (31.07.2018) Proprietor: NATIONAL WESTMINSTER BANK PLC (Co. Regn. No. 929027) of Mortgage Centre, P.O. Box 123, Greenock PA15 1EF.

End of register



19. Bricked-up basement opening between Sidney House and Cossey Cottage

20. Extract from Sporting Review, 1840

Saturday, March 14th. Turned out on the Common, going to the left of Scratch, by Barnet Common, to the back of the town, where we ran into view ; the fastest twenty minutes I ever rode to ; stopped the hounds ten minutes ; went away a fair pace, nearly the same line, to Scratch, through the Wood, and from thence straight across the fine grass country to Hendon ; bearing to the right down to the river Brent, where our deer laid up ; after making two or three wide casts, he was viewed stealing away from the water, and, facing the open once more, he brought us to Kilburn, turning to the left to Primrose Hill, and was eventually taken near Hampstead, after a fine hunting run of two hours and a half, over a great extent of country, nearly all grass, with some very severe fencing. Amongst those who went the



21. View of newly-installed scaffold boards to boundary wall between No 9 and Rosslyn Hill Chapel car park.



22. View of rear gardens and boundary walls of Nos.7&9 showing the newly-installed boarding at No.9 with the listed Rosslyn Hill Chapel public space and car park beyond.