

**STATEMENT OF OBJECTIONS**  
**COSSEY COTTAGE, 9 PILGRIMS LANE**

APPLICATIONS FOR PLANNING PERMISSION AND LISTED BUILDING  
CONSENT (REF:2020/2462/P & 2553/L)

Philip Davies (Heritage and Planning) Ltd

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

## 1.0 Introduction

1.1 Applications for planning permission and listed building consent dated 5 June 2020 have been submitted by the BB Partnership for the erection of a single storey rear extension at ground floor level to allow the kitchen to be moved from basement to ground floor as well as various repair and restoration works to the existing house.

1.2 This is the third in a series of very similar applications submitted by the applicants, the two previous schemes having been withdrawn following extensive local objections. For the reasons set out below, other than a change in the proposed dimensions of the extension, nothing has changed in respect of the conservation and planning issues raised. As indicated in the statements submitted in respect of both previous applications, the proposed development would cause demonstrable harm to the character, integrity, special

interest and significance of Cossey Cottage as a grade II listed building, and also to its wider setting and the character and appearance of the Hampstead Conservation Area.

- 1.3 A copy of the comprehensive Heritage statement submitted in respect of the previous application is attached. It should be read in full in conjunction with the points set out below. That statement sets out at length the historical development of the building, the relevant national, regional and local policies which apply and a full set of photographs and illustrations.
- 1.4 Philip Davies (Heritage and Planning) Ltd has been appointed by C Green of 7 Pilgrims Lane to provide a summary statement of objections in relation to the current applications.

## **2.0 Pre-application Discussion**

- 2.1 As was the case with the previous applications, there has been no prior discussion with directly-affected neighbours in spite of extensive objections being submitted on both previous applications which were very similar in form, scope and design.
- 2.2 There has been prior discussion with the Council. In July 2019 the Council's conservation officer, Sanchita Raghunathan, advised that the design *'creates asymmetry in a very symmetrical setting and does not relate to the existing context'* She considered *'any extension to be unacceptable in principle,'* and that *'vegetation cannot be used to screen a design which can be obtrusive.'* I thoroughly endorse this advice which the applicant has chosen not to follow. She concluded *'it will exert an adverse impact on the historic plan form and spatial character of the building. The development is therefore considered contrary to Policy D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017.'* That is still the case.
- 2.3 The same discussion took place during the second application in December 2019, when the Council commented that *'they're pushing for much the same thing but justifying it with improvements internally to the property'*.
- 2.4 Subsequently another Council conservation officer, Elizabeth Martin, stressed that *'the consideration of the listed building must outweigh the needs of the client re the arrangement of the living space'*. This is sound advice and should always be the case. When dealing with listed buildings, the presumption for occupiers is to adapt their needs to fit the building and not to expect to add major new extensions, which are detrimental to its special interest. None of the subsequent changes to the proposals have addressed the fundamental points raised by the Council, or its policies, or the objections raised in relation to the similar earlier proposals. This is particularly noteworthy because the proposed kitchen is only negligibly larger than the existing one.

## **3.0 Summary of Objections**

For the avoidance of doubt, and for the reasons set out below which are amplified in the earlier Heritage Statement, strong objections are raised to the current applications.

- 3.1 **Policy:** The proposals are contrary to national, regional and local policies and guidance,

in particular, the Council's adopted Heritage and Design policies D1(7.2) and D2 of its Local Plan, policies H26, H27, H28 and H29 of the Hampstead Conservation Area Statement and policy DH2 of the Hampstead Neighbourhood Plan. Policy H28 of the Conservation Area statement explicitly states that *'rear extensions would not be acceptable where they would spoil a uniform rear elevation.'* This is precisely such a case.

- 3.2 **Applicant's Heritage Statement:** A full assessment of the relationship between No. 7 and No. 9 was set out in my earlier Heritage statement. The applicants have chosen not to correct their latest Heritage statement in support of the current applications. It remains confused and inherently contradictory, as explained in detail below. For that reason, it cannot be relied upon for an accurate understanding either of the significance of the building, its special interest or its relationship with No.7.
- 3.3 The applicant's statement disregards the shared history of No.7 and its sole surviving wing at No. 9. All the available evidence confirms without doubt that they were one residence, as stated in the listing entry and as verified by the incontrovertible physical evidence of a doorway connecting the properties at basement level (illustrated at figure 19 in the original Heritage statement, which is also attached).
- 3.4 Paragraph 4.11 of the applicant's statement claims that No. 9 *'was an attached but separate residence from the outset,'* but in paragraph 4.13 it contradicts itself entirely by confirming *"an association"* with No 7 that was subsequently broken. It also attempts to deny the past existence of a south-west wing, which, once again, is at odds with the actual listing entry and with its well-documented history. To add further confusion, in paragraph 4.2 it refers to *'the footprint of the building to the south'*, which earlier it claimed did not exist. It is indisputable from all the available evidence that No.7 and No. 9 once formed one residence, and that the proposed alterations thus affect the inherent special interest of both.
- 3.5 The connection with the Duke of Devonshire is verified by the previous owners, supported by writing on the deeds. The binding covenant also affirms the close relationship between the two buildings. Illustrations of both were attached to my earlier Heritage Statement at figures 13-16.
- 3.6 In terms of the analysis of the significance of the building, the applicants allege in paragraph 4.8 of their statement that No 9 *'does not yield particular insight into domestic life or craftsmanship of its period.'* This is incorrect. The cottage is actually listed as a service wing to No 7, it has evidence of a connecting doorway and it retains interesting vernacular cottage details such as the horizontal sliding sash (Yorkshire casement) at basement level. It is inconsistent for the applicant to emphasise the careful restoration of the interior and its surviving features while ignoring far more unique and significant survivals like the Yorkshire casement.
- 3.7 In paragraph 4.22 the applicants incorrectly assert that the rear is not visible from any public areas. This is untrue. The rear elevation of No.9 is visible in long views from the public property around the grade II listed Rosslyn Hill Chapel in spite of the owner having erected a fence to attempt to obscure it.
- 3.8 In assessing the significance of the rear elevation of No. 9, the applicants claim that

the rear elevation *'plays a very slight role'* in the Conservation Area and attributes *'limited significance to it'*. It states that *'careful analysis of the building has located where the significance ... is to be found and it is not on the rear elevation.'* This is disagreed. It is not supported by the Council's conservation officer who attributed particular significance to the rear elevation and whose statement I entirely endorse. Sanchita Raghunathan wrote that the applicant *'didn't do a robust significance assessment of the rear.'* The rear elevation is a significant component of the overall special interest of the building. Unlike the front elevation, which has been altered by the addition of a Victorian canted bay, visually the rear retains its simple vernacular cottage character as a subordinate wing to No 9. Architecturally its overall symmetry and simple details create a far more coherent composition than the front. In fact, the only addition the rear elevation has had in over two hundred years was a matching window in 1986, which served to reinforce the symmetry. As a significant uniform rear elevation, the specific policy set out in H28 of the Hampstead Conservation Area Statement applies.

**4.0 Height:** The Council advised at pre-application stage that *'the height [of the rear extension] should be reduced to no higher than the boundary wall.'* Although the dimensions of the extension have been reduced, the overall height still exceeds that of the boundary wall to No7 by 565mm. In addition, the foliage measurements on the current drawings are incorrect and misleading, and, in any event, the vegetation is likely to be destroyed by any development of No.9 in this area. The works also contravene the one hundred-year old covenant binding the two properties, details of which were set out in the Heritage statement submitted in relation to the previous applications.

**5.0 Roof Profile:** It is indicative of the overdevelopment of the building that the applicant has been forced to contrive an unsatisfactory angled roof slope on the boundary with No. 7 in order to minimise the sense of enclosure and adverse impact on daylighting to rooms within No 7, details of which were set out in my earlier Heritage Statement. In spite of repeated requests, no details of this have been provided. We have no idea how that slope would drain into the gap between the boundary wall and flank wall of the extension or what it would look like. For instance, would there be a gutter along the flank elevation? How would the proposed green roof be drained and maintained?

**6.0 Design:** The proposed design is fundamentally unacceptable in principle as it would destroy the symmetry and simple vernacular character of the rear elevation. It would cause demonstrable harm to its special interest as a listed building and its wider setting, particularly in relation to No 9. It would also be detrimental to the character and appearance of the conservation area.

**6.1** The design as a whole is incoherent and poorly detailed. It has not been prepared with the necessary understanding of the architectural vocabulary of the parent building or the vernacular architecture of the period which is essential when extending or adapting listed buildings of this date and type. The crude fascia board to the parapet is wholly inappropriate. An authentic stone-coped parapet is the established design solution in such a situation.

**6.2** The proportional relationships between the component parts of the extension are

incoherent. The sash window to the extension is shown a mere single course below the fascia and it reads too high in the wall. The level needs to be dropped and the internal layout amended accordingly. The same point applies to the double doors on the flank elevation. These are crudely-detailed with inappropriate sub-division. The application form states that both the doors and new window would still be formed as black, steel-framed industrial fenestration, which is completely alien to the parent building, the adjacent listed building at No.7 and the prevailing character of the Conservation Area.

6.3 The extension is separated from the rear wall of the main building by an obtrusive glass link in the form of an interstitial box which rises 600mm above the roofline. This would be a highly discordant feature on the rear elevation. It is completely alien to the character of the listed building, detrimental to its wider setting and to views from the Conservation Area. It would also completely occlude the rare surviving horizontal sash window at basement level. When lit internally, it would adversely affect the residential amenity of half a dozen windows in No 7 including three bedrooms.

6.4 The applications include proposals for railings along the front boundary wall and the enlargement of the central entrance gate. The Council's conservation officer Elizabeth Martin had previously criticised this proposal. The character and special interest of No 9 is that of a subordinate cottage historically related to No 7 as a former service wing. The alterations to the front boundary wall and entrance constitute an aggrandisement of the frontage of No 9 in an attempt to create a more assertive street presence. This would undermine both the historical and architectural relationship between No 7 and No 9.

## 7.0 Conclusions

This is the third attempt to pursue a set of proposals which essentially have remained unchanged and fundamentally unacceptable throughout. The justification for the development in the applicant's Design and Access statement is that the existing kitchen is '*insufficient for use by a modern family*' and that the extension would make the kitchen the 'hub' of the house. However, this objective is not achieved by the plans. The kitchen is virtually identical in size to the existing, which is in its historic location, and from where it is far more able to act as a 'hub' rather than as a detached outshot at the rear of the house. Thus a significant level of harm would be caused to the special interest and significance of the listed building for a scheme which self-evidently does not meet the fundamental requirements of the brief. The heritage cost is unsupportable.

The proposed development is objectionable for the following reasons:

- it is unacceptable, in principle, as it involves a harmful extension to an otherwise uniform rear elevation contrary to the Council's policies and, in particular, to policy H28 of the Hampstead Conservation Area statement, a point stressed by Camden's own conservation officer.
- it would cause demonstrable harm to Cossey Cottage, a grade II listed building, by reason of its form, design, size, height, inappropriate detailing, fenestration, materials and relationship to its listed neighbour at No.7, and also to the wider setting of the building and to the character and appearance of the conservation area, which it would neither preserve or enhance.

- it is contrary to the National Planning Policy Framework in that it constitutes development that would cause significant harm to a designated heritage asset, which is not outweighed by public benefit.
- it is clearly contrary to national, regional and local policies and guidance, including the Council's adopted Heritage and Design policies set out in 3.1 above.
- it fails to preserve or enhance the character or appearance of the Hampstead Conservation Area.
- it fails to acknowledge and undermines the long-standing historical relationship between No.7 and No. 9.
- in the absence of the necessary drawings, it may adversely affect 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, including the lower ground floor dining area, by increasing the sense of enclosure and diminishing light to those rooms.
- it contravenes a covenant relating to the height of the boundary between No. 7 and No 9 Pilgrims Lane, as referenced in the title of Cossey Cottage.

## **8.0 Recommendation**

8.1 This is a poorly-conceived and designed scheme which will cause demonstrable harm to the heritage assets. The Council is urged to refuse both planning permission and listed building consent for the following reasons:

- i) The proposed development would cause demonstrable harm to the character, appearance, significance and integrity of Cossey Cottage, a grade II listed building with a symmetrical uniform rear elevation, by reason of its form, design, size, height, inappropriate detailing, fenestration, materials and relationship to its listed neighbour at No. 7 Pilgrims Lane. It is detrimental to both the wider setting of the listed building and also to the character and appearance of the Hampstead Conservation Area, which it would neither preserve nor enhance.
- ii) The proposals are contrary to national, regional and local policies and guidance, in particular, the National Planning Policy Framework and the Council's adopted Heritage and Design policies D1(7.2) and D2 of the Camden Local Plan, policies H26, H27, H28 and H29 of the Hampstead Conservation Area Statement and policy DH2 of the Hampstead Neighbourhood Plan.

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