

PLANNING SERVICES

**TOWN & COUNTRY PLANNING (DETERMINATION BY INSPECTORS)
(INQUIRIES) RULES 2000**

Nick Baxter

**PROOF OF EVIDENCE
FOR PUBLIC INQUIRY COMMENCING ON 15th of September 2020**

APPEAL SITE

Former Hampstead Police Station,
26 Rosslyn Hill,
London NW3 1PD

APPELLANT

The Department for Education and Anthem Schools Trust

SUBJECT OF APPEAL

- Refusal of planning permission and listed building consent for change of use of the site from a police station (sui generis) to a one-form entry school (Use Class D1) for 210 pupils and business/enterprise space (Class B1) including alterations and extensions to the rear and associated works.

COUNCIL REFERENCE:

2019/2375/P (Planning Application); 2019/2491/L (Listed Building Consent Application)

PLANNING INSPECTORATE REFERENCE:

APP/X5210/Y/20/3248002 & APP/X5210/W/20/3248002/3248003

PROOF OF EVIDENCE OF NICK BAXTER

MY QUALIFICATIONS

- i. I have a Bachelor of Arts Degree in French and an MSc in European Urban Conservation from the University of Dundee. I have worked in the Council's Planning Service as a conservation officer since July 2013. Since December 2014, I have been a senior conservation officer.
- ii. Before that, I was a conservation officer at the London Borough of Lambeth for three months.
- iii. I am an affiliate member of the IHBC.
- iv. I understand that in providing evidence to the Inquiry my professional duty is to the Inquiry and this duty overrides any obligation to my employers. I confirm that the facts stated are to the best of my knowledge true and accurate, and that the opinions I have expressed represent my professional opinion.

STRUCTURE OF THIS PROOF

i. My proof will consider the heritage and conservation implications of both appeals and explain the reason for refusal of listed building consent in respect of the Appeal Scheme, namely that “the proposed internal works would result in the loss of plan form and original fabric including the fixtures and fittings of the magistrates court which would fail to preserve the special architectural and historic interest of the host building, contrary to policy D2 (Heritage) of the London Borough of Camden Local Plan and policy DH2 (Conservation areas and listed buildings) of the Hampstead Neighbourhood Plan”. In relation to both appeals, planning legislation, case law and policy require heritage impacts to be given considerable importance and weight in the decision-making process. Mr Sheehy deals with the planning balance in relation to both appeals and my evidence provides the assessment of heritage effects of the proposals upon the listed building to inform that exercise.

ii. My evidence is divided into 12 sections:

In Section 1, I will briefly outline the findings of this document.

In Section 2, I will discuss the site and its special interest.

In Section 3, I will discuss the appellant’s first justification for the scheme.

In Section 4, I will discuss the appellant’s other justification for the scheme.

In Section 5, I will discuss the effects of the scheme upon the integral courtroom.

In Section 6, I will discuss the effects of the scheme on the historic fabric of the rest of the site.

In Section 7, I will discuss the effects of the scheme on the original plan form of the rest of the site.

In Section 8, I will discuss the effects of the scheme's servicing on the site.

In Section 9, I will discuss the proposed rear extension.

In Section 10, I will discuss the effects of the proposed ramp across the façade.

In Section 11, I will assess the heritage statement's justification of the widespread demolition within the listed building.

In Section 12, I will summarise and conclude.

1 Assessment of the proposal

- 1.1 The proposed development will cause a large degree of loss of surviving historic fabric and plan form of the grade-II-listed building, without satisfying the relevant requirements for justification required by the NPPF and Policy D2 of the Camden Local Plan.

2 Special interest of this site

- 2.1 This grade-II-listed building is described as a “former police station and courthouse, including stable and harness room, railings and lamps”. It stands in the Hampstead Conservation Area. Both the listed building and the Conservation Area are designated heritage assets (“DHA” for the purposes of the NPPF).
- 2.2 The special interest of this building lies, in part, in its integration of two of the branches of justice – enforcement and the judiciary – of which the list description says the site is “an early example of a combined police station and courthouse, and possibly the first to provide facilities for dealing with juvenile suspects; an excellent example of the design capabilities of John Dixon Butler, one of the most accomplished Metropolitan Police architects”. A third function, that of accommodation for married and unmarried policemen, was also included.
- 2.3 Of the interior, the list description states that the building is “intricately planned to provide separate areas for the different primary functions of the building, with careful consideration of the requirements of the various parts; the hierarchy of spaces is expressed in the internal detailing, and the stairs, in particular, reflect the status and character of the different areas; 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; 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”.
- 2.4 For a list description to give details of the interior is unusual. Here it is useful to note that the interior, both its plan and fabric, are considered significant. Of particular special interest are the integral courtroom and the revolutionary suite of juvenile facilities adjoining the magistrates’ room, which would have provided a less intimidating examination space for youths. The building also contains a complete custody suite.

- 2.5 So, at this site we learn about the development of law enforcement and society's attitude towards it. We learn that hitherto juveniles were tried in adult courts, and we see the birth of a more humane approach; we see that experiments were being made to combine courts with police stations, and this is an early example – even if the aerial walkway linking the court to the cells might seem an eccentric solution in a brand new building. This building is the forerunner of things that have come to be seen as normal, and it largely tells this story with its interiors and their skilful planning.
- 2.6 The building's three linked functions were independent and reached by their own front door. As the requirement for live-in accommodation was reduced, the corner accommodation block was breached to provide communication between the police station and the court block and other changes have occurred over time, as the site has evolved in step with police practice. However, despite this, as the list description says, "the general planning has survived".
- 2.7 Current conservation practice is largely based on the "SPAB approach", itself based on William Morris' *Manifesto*. Among other things, this recognises the contribution of all periods of a building's development and opposes the tendency to strip buildings back to their assumed, original, "ideal" form. This is not to say that the removal of later additions is never appropriate, but rather that it is not, in itself, a worthwhile end that justifies other harm.
- 2.8 For a proposal involving extensive internal demolition, this scheme is unusual in lacking several documents. It would be usual to provide a phasing plan. This would indicate diagrammatically the age of each partition by giving it a different colour. Such a diagram would allow the relative importance of each partition to be better understood. Fortunately, in this case some original drawings survive, as will be shown.
- 2.9 A walk around the site reveals interesting surviving details. Again to quote the list description, in the police station "moulded window architraves survive throughout, as do simple internal doorway architraves. Within the areas where suspects were held, that is, the charge room, cells and detention rooms, and matron's and surgeon's room, the angles of the internal walls are rounded. The cells retain heavy metal doors with hatches, possibly dating from the mid-C20. The stair, which rises the height of the building, is a simple iron construction with a modern handrail and is tiled to dado

height with white tiles with green borders; these have been painted over". The courtroom survives completely intact, as do its anteroom and its three routes of approach. Below the courtroom, the juvenile suite also survives intact.

- 2.10 Yet no survey has been provided of surviving historic features, as would usually be expected to support demolition within a listed building. Similarly, the majority of the ceilings in the building have been lowered. No attempt appears to have been made to present a survey of what might survive above these lowered ceilings in the way of cornices, historic light fittings, plaster ceilings, etc.
- 2.11 Even without these three surveys, it is manifest that the site retains fittings and surfaces, planning and fabric that endow it with great significance internally as well as externally. Because of this lack of research, there is very likely to be additional fabric that has not been discovered, and consequently the site may be more significant than we realise.
- 2.12 It will be shown that the interior as much as the exterior, and the back elevation as much as the façade of the site are of considerable interest because of the story they tell. It should not be held against it that that story partly takes place in utilitarian circumstances; that is the nature of police work. Certainly the site has seen some alterations, but it has seen nowhere near as much change as the applicant claims, and some of the changes are instructive in themselves. The significance of this site is historical and evidential as much as aesthetic; it is a physical manifestation of developing ideas about the law at the start of the 20th century.
- 2.13 Being a listed building, the asset is already considered to embody considerable special interest and there is a presumption against harm. This means that alterations should be respectful and circumspect and, where harm is proposed, it should be fully justified.
- 2.14 One of the justifications for less-than-substantial harm allowed by the NPPF is "the public benefits of the proposal including, where appropriate, securing its optimum viable use".

3 Appellant's first justification: beneficial use

- 3.1 The appellant's planning statement says, as one of the key planning benefits of the proposal, that it will "bring a vacant public building back into beneficial community use" (PS, p3). It goes on to state

that “the design has been carefully developed to ensure that any alterations to the historic building fabric have been kept to a minimum and areas of historical significance have been preserved and enhanced such as the main facades, the magistrates court, and the magistrates’ stairs, to name a few” (PS, p4).

3.2 This raises two questions: the first is “does the proposal bring the building back into optimum beneficial use?”

3.3 A school has very rigid requirements for certain types of space, usually large, which are not present in this building. It is therefore not a suitable site for this use and cannot be made so without considerable harm, as will be shown. Given the site’s original design as three linked but separate uses (court suite, housing, station house), each with a dedicated entrance, along with another entrance to the rear, it could easily be broken back into up to three units if necessary and so lend itself to office use if desired, with minimal alteration. Therefore, school use is not the only conceivable beneficial future use for this site.

3.4 There is no evidence that other, less damaging, uses have been considered for the site.

3.5 The second question is “are alterations to historic fabric kept to a minimum and areas of historical significance preserved and enhanced?”

3.6 As will be shown, the level of physical alteration required to convert this building into a school is very damaging, amounting to the almost total loss of the building’s interior. The three elements listed above (facades, courtroom, stairs) “to name a few” as the heritage statement puts it, are almost the *only* elements of above-finished-floor-level fabric and plan to survive at all, and even then, the historically significant magistrates’ court is to be stripped of almost all of its fittings.

4 Appellant’s final justification: removal of “new-build elements”

4.1 Apart from bringing the building back into beneficial use, the proposal states as a benefit that it will remove “new-build elements”, “stripping back the exposed services to reinstate as much of the appearance of the rear as possible” (PS, p26). It repeats this sentiment in the heritage section (PS, p30).

- 4.2 As noted above, at 2.7, the notion that removing later additions is, in itself, a heritage benefit, is spurious.
- 4.3 The rear elevation was not conceived by Dixon Butler as a polite composition, so there is no “ideal” former state to strip it back to. Being a working police station, the true and appropriate character of its rear elevation is utilitarian, especially since it was mostly concealed from view by its enclosed layout, and this contrast between public front and in-house rear forms part of the special interest of the building.



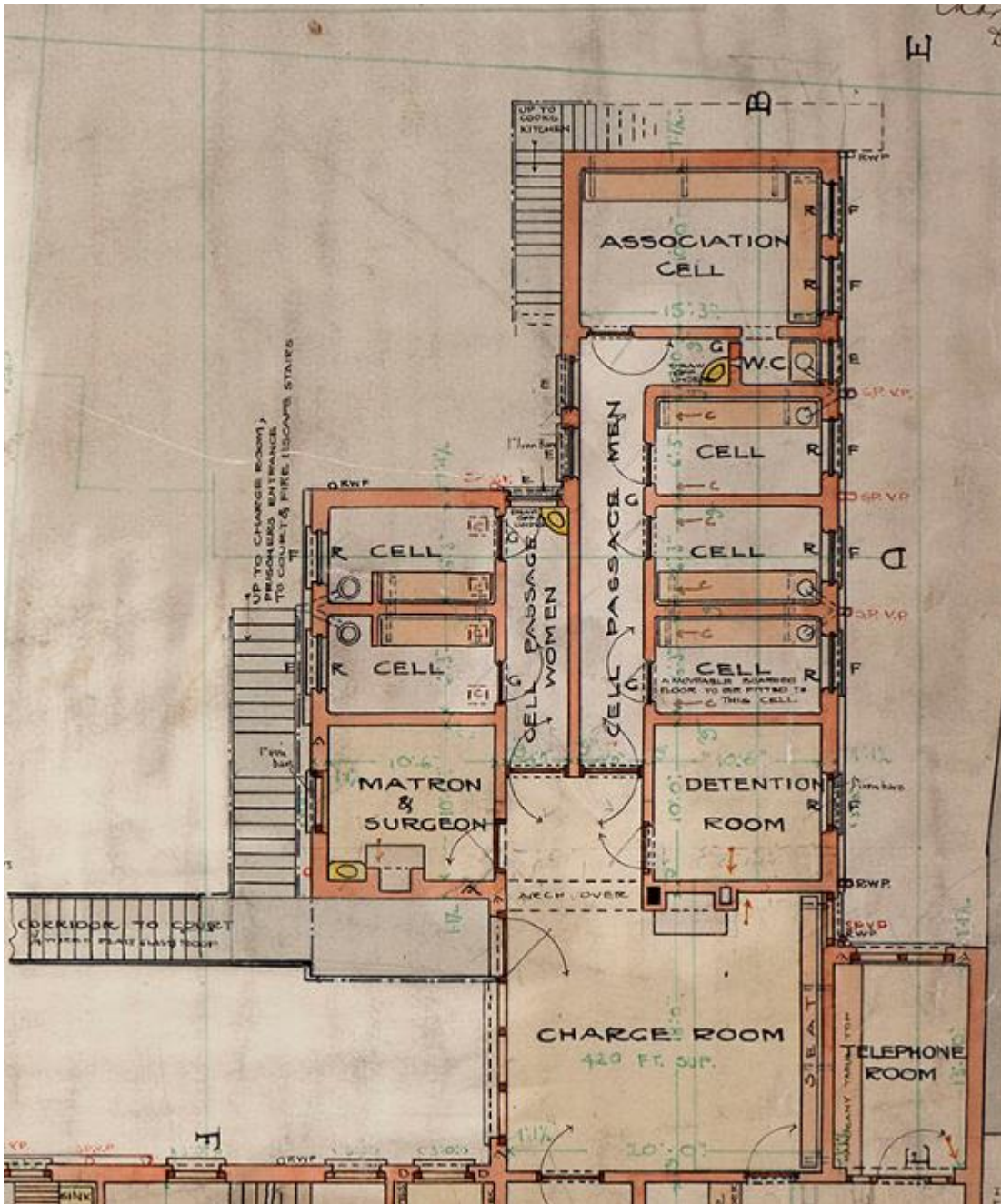
- 4.4 A glance at Dixon Butler’s 1912 elevation, above, shows that the bridge, and the various other external staircases, were original features of his design. Unfortunately, the appellant seems to have mistakenly identified them as later additions and asserted that their removal is therefore *per se* beneficial.



- 4.5 The proposed rear elevation (P1732 202D), above, shows all of the historic communication removed in the guise of a “heritage benefit” (this drawing also fails to show any of the new user’s services or air-handling equipment, which will be discussed later).
- 4.6 Although the bridge’s fabric has been renewed, it is an original feature and provided a direct (if unorthodox) route from the cells to the courtroom without having to go outside or, indeed, through the married officers’ accommodation (which was not possible in any case). Other utilitarian parts of the building, such as the steps down to the former parade room, now cells, and the other external staircases are also seen to be features of the original design.
- 4.7 Below is a photo of the police wing, tucked in to the east of the site (the same area is shown on the very left of the drawing above). The police cells are behind the row of rectangular windows on the first floor. In the present day, there is a duct associated with the boiler, an oil tank, a ventilation system connected to the cells, and an emergency generator.



- 4.8 This material could be removed without harm. But these elements are completely concealed behind the building and it would be easy to overstate the heritage benefit this would bring. It certainly does not outweigh the proposed damage to the interior. Furthermore, as seen in the drawing at 4.5, it has not been made clear to what extent the proposed school will itself require external servicing, particularly for its air handling equipment.
- 4.9 The following plan of the lower-ground and ground floors, held by the Metropolitan Police Archive, is shown in full at Appendix 1.



- 4.10 The iron steps on the northern end of the cell block are shown on the 1912 plan, above (“up to cook’s kitchen”), so again, even if they are not definitely historic fabric, they are certainly part of the historic plan.
- 4.11 Moving into the central yard, there is now a lean-to bin store which appears to be a later addition. But since the proposal would infill this area with extensions, the removal of the bin store cannot sensibly be presented as a heritage benefit. The removal of non-historic fabric only immediately to replace it with different non-historic fabric is

hardly a bonus. The same point can be made about plan form. And the proposal entails a larger bin store further to the east.

- 4.12 Further into this yard, there is a metal tower enclosing a staircase. This too appears on the 1912 plan (“up to charge room”), so is part of the original design.
- 4.13 Beneath the arrangement of walkways and staircases a small lock-up containing two cells has been created at some point after 1913, presumably for persons waiting to be put in vans. Again, this interesting penal fabric that tells the story of the development of the building is to be replaced with the extension, so its removal cannot be said to be a historical benefit.
- 4.14 Apart from these elements there is little to strip away in the way of external servicing other than traditional cast-iron drainpipes. Demonstrably, the elements to be removed are either not prominent/not harmful to the special interest of the listed building or can, on the contrary, be said to contribute to it. Any benefit that might accrue will be immediately outweighed by the extensions and equipment that will replace them.
- 4.15 While it might or might not be considered expedient to retain the external stairways and walkways, and some of their fabric has been renewed, it is typical of this application’s approach that these elements have been misidentified and their removal presented as a heritage benefit, rather than acknowledged as a crucial aspect of the building’s original circulation.

5 Harm the proposal would cause to the courtroom

- 5.1 As noted in the list description, significance is attached to the site’s groundbreaking integrated courtroom, said to be among the – if not the actual – earliest in the country. This suite of iron and timber fittings has survived intact, with the bench on a raised dais, the advocates’ and clerks’ desks and the dock, along with a public gallery, all in a room panelled to door height with a vaulted top-lit ceiling. “Later alterations” cited in the heritage report are in reality limited to a glass screen around the public gallery, the lights and an *abri soleil*. The separate entrances for the public, the magistrates and the accused are fully legible, each approached from a different part of the building to prevent unfortunate encounters. The public anteroom has also retained its fitted benches. Despite being one of the three components which the appellant recognises as significant, the proposed drawings show almost all of this material entirely

removed, as the existing (E1732 102C, top) and proposed (P1732 102G, bottom) drawings, below, indicate.



- 5.2 The appellant’s justification for the removal of this important and completely intact set of historic fabric is that local interests insisted that the space should be impossible for the school to expand into at a later date (PS, p28). Community use was considered but, to avoid a surplus of such space, business use was settled upon. This chain of negative reasoning cannot be said to constitute a clear justification for the “optimal beneficial use” and has, instead, led to the unjustified proposal to remove the suite of fittings.
- 5.3 Given that the end use of the space does not appear to affect the viability of the scheme, the proper course of action here would have been to retain the space as it is, in the hope that, in future, a beneficial and non-harmful use might be found, such as a meeting room, perhaps with occasional use as a film or TV set. Not only is it inappropriate to gut this important and revolutionary feature simply to create an open-plan office space – it is not even necessary to the proposal.

6 Harm the proposal would cause to other surviving historic fabric

- 6.1 Throughout, there are traces of the building's original use, and numerous interesting details survive showing how the building was used. Surfaces give clues: despite its grand exterior, many interior walls within the police areas are utilitarian, painted brick. In several areas, such as the matron's room, the walls are of glazed brick, now painted over. Wall junctions are usually curved, presumably to prevent injury. In higher status areas, there are terrazzo or parquet floors. The staircase and some corridors are tiled in white and green.
- 6.2 No attempt has been made in the drawings to identify, let alone show as retained, the majority of these surfaces or details, and no schedule has been submitted. This is a serious omission in a scheme affecting a building like this. The heritage statement asserts that the features will be retained, but without a schedule showing what is present and where, this is impossible to police. The minimal amount of architectural detailing noted in the application documents and drawings means that, if this appeal was allowed and a loss of valuable historic fabric and finishes subsequently took place, this loss could not be enforced against by the Council.
- 6.3 As previously pointed out, the majority of the ceilings in the building have been lowered. The first step in assessing the quality of the interiors should therefore have been to identify what, if anything, is above these ceiling tiles. This work does not appear to have been done and this is another serious omission. Here and there, where a tile has been dislodged, a cornice is visible. No assessment of the value of the surviving interiors is possible without this.
- 6.4 The attractive but utilitarian iron-and-stone central staircase is to have its bannisters boxed in for building regulations reasons. The standard, heritage-led approach would be to investigate inserting glass panels within the large gaps.
- 6.5 It appears from these failings that this is not a sensitive, heritage-led scheme but, rather, one where whatever has to be done will be done to crush a school into the external envelope of this historic building.

7 Harm caused by the proposal to the surviving plan form

- 7.1 The heritage statement outlines a number of alterations that have taken place during the 20th century, mainly in the form of subdivision of larger spaces and an extension at second floor level, evident externally from its different coloured brickwork. But, from comparison with the two surviving 1912 Dixon Butler plans, of the

lower-ground and ground floors, it is clear that the original plan form survives largely intact. Where it has been altered, it is usually by addition rather than demolition.

- 7.2 Under the heading “layout”, the planning statement says “due to the building being a Grade II Listed Building, the layout of the design has carefully been undertaken to balance the historic significance and the provision of a high-quality designed school” (PS, p29). From the review which I have undertaken, it is difficult to detect this care or this balance.
- 7.3 Some degree of amalgamation of rooms may be possible, especially where partitions are modern. Instead, the proposal entails the wholesale demolition of the interior.
- 7.4 The proper starting point would have been an analysis of which walls are original and which are later insertions, leading to a proposal where the original form was retained/reinstated as far as possible, certainly on the principal floors. Instead, the east wing is almost completely gutted, while the only parts of the west wing to survive are the magistrates’ court – albeit stripped of its fittings – and its anteroom, about whose fitted benches the drawings are silent.
- 7.5 As for the southern façade block, apart from the central staircase, whose bannisters will be boxed in, it is difficult to discover any retained fabric or plan form.



7.6 Above left (1912) and centre (E1732 101C) are the as-built and existing conditions of the ground floor, a principal storey, which are substantially similar. The only major change is where a corridor was driven through the back offices of the flat on the corner to link the police station and the court wing. On the right is the proposal (P1732 101E).

7.7 It will be seen that chimney breasts – often triangular corner ones – that survive in the sitting room, bedroom and kitchen, and in the inspectors’ office are to be removed, along with *every internal wall*.

7.8 Four of the 10 windows facing Rosslyn Hill on this level – principal rooms in the principal elevation – are to be given over to lavatories, extremely poor planning that wastes the outlook from these rooms and means that the glass will have to be obscured, harming the appearance of the facade.

7.9 Despite the building already having two staircases, the grand rooms to the south on each storey are to be compromised by the introduction of a third stair.



7.10 Above left and centre are the as-built (1912) and existing (E1732 101C) drawings of the ground floor of the western wing, which are, again, largely the same as one another. The proposal is on the right (P1732 101E). The noted juvenile facilities which survive as built (“the forerunner of the juvenile justice system”, as the heritage statement points out (HS, p12)) are swept away to create a “business enterprise space” and “business enterprise lobby”.

7.11 No attempt has been made to identify and differentiate historic fabric from later fabric, as would normally be expected, and then justify alterations. The loss of plan form and historic fabric is near total. Almost everywhere, we see walls and chimney breasts removed.

8 Servicing

8.1 The ability satisfactorily to provide services without harming special interest is fundamental to any change of use in a listed building.

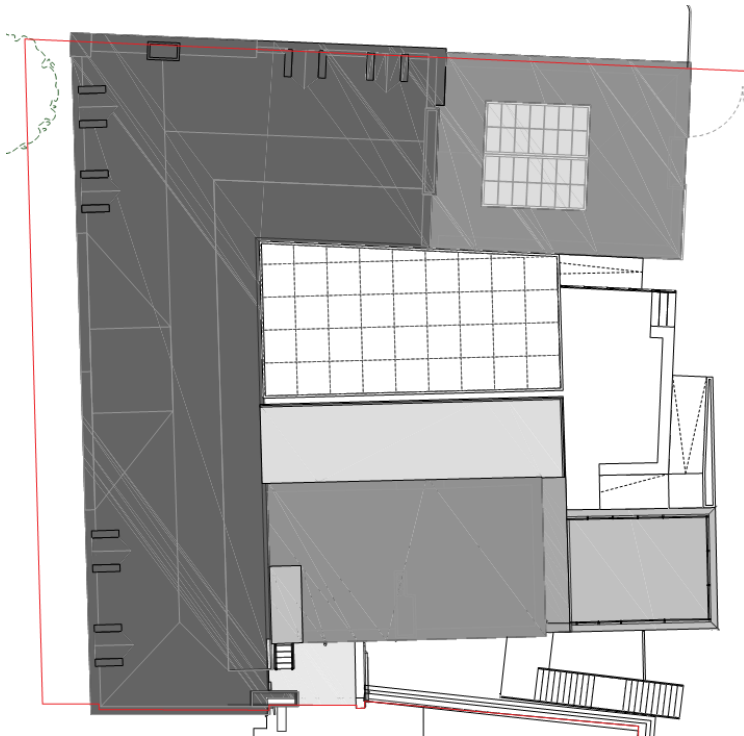
8.2 The conversion of the rooms facing Rosslyn Hill and Downshire Hill to new, sensitive, school-related uses is likely to require a high level of noise proofing. In addition to secondarily glazing the windows, this will require them to be kept permanently closed. This will in turn require the building to be heavily mechanically ventilated, meaning widespread introduction of internal ducts and external plant, all of which has the capacity to be harmful.

8.3 To address this, the heritage statement says “the servicing of the building has been paramount to the design development of the proposals. Detailed drawings have been submitted as part of the

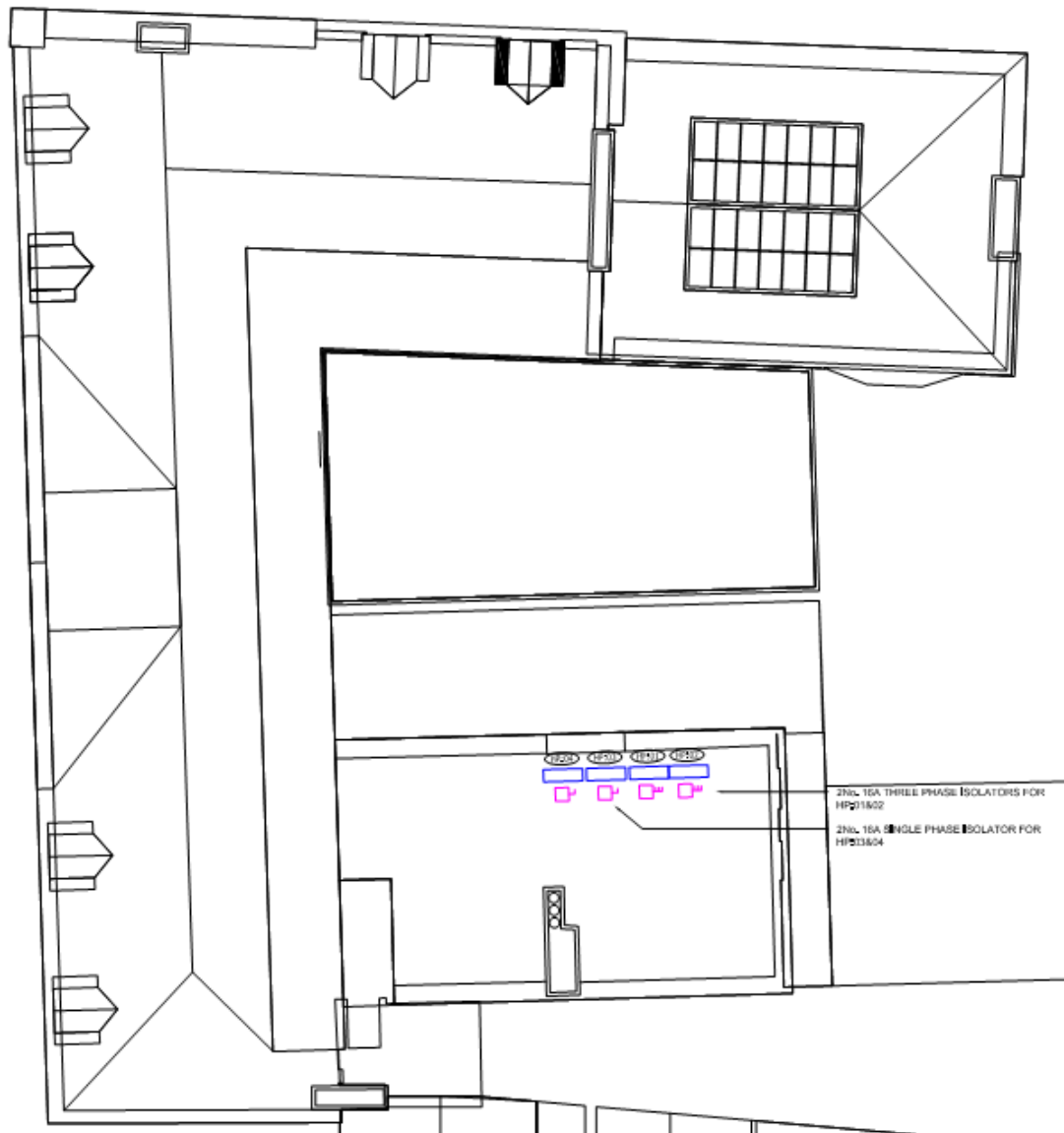
application proposals which deal with how the building will be serviced with the identification of pipe and cable runs as well as mechanical ventilation. This comprehensive approach to development ensures that the application proposals are deliverable and will preserve the significance of the listed building” (HS, p40).

8.4 Unfortunately, each of these three statements appears to be inaccurate. The submitted ventilation diagrams indicate pipework and ducts with yellow and green lines that become harder to see the more one zooms in on them. They are merely schematic, and rather than indicating pipe runs, they show the pipes travelling around the site at right angles and a fixed distance apart. They give no sense of what these services will actually be like, how they will interact with fabric or the effect they will have on the character of the interiors. Coolant pipework for air conditioners can have a relatively small bore (although that is not made clear here and may not be true of this application), but the ventilation component will require the movement of air both in and out of the various rooms, and so will be considerably more substantial.

8.5 No ducts or rooftop heat exchange units appear to be shown on the GA elevations or plans, the drawings that are principally relied upon by decision makers to assess visual impact. Below is the proposed roof plan (1732 250B). Any reasonable person would conclude that no external rooftop plant was proposed:



- 8.6 The M&E drawing showing ventilation for the ground floor (00 PL M 4301) deals with the proposed kitchen in the east wing. It is simply annotated “extract ventilation to be designed by kitchen specialist”. Again, no clue, indicative or otherwise, is given on the GA drawings that there will be external plant here.
- 8.7 The heritage statement mentions “grilles required for the M&E solution” (HS, p38), but confines itself to saying that they will be on the back of the building, meaning that “any change to the principal elevations (i.e. those facing Rosslyn Hill and Downshire Hill) is limited”.
- 8.8 The M&E drawing that generically specifies these grilles (XX DT M 4300 A) disapprovingly remarks that “placing an external grille at the duct would yield additional unknown resistance to the ventilation systems causing oversized fans”. This suggests that the grilles that the applicant hopes will make this part of the air handling system cosmetically acceptable will in fact compromise the cooling system, presumably resulting in larger and therefore more harmful machinery inside.
- 8.9 The sizes of the grilles are described as “indicative only”, as is the design. While they are shown as three bricks wide and five bricks tall, this wording suggests that they will eventually be as large as turns out to be necessary.
- 8.10 Extract grilles are not generally enough to operate large-scale air-cooling systems. It is possible that small rooms might each be individually ventilated to the exterior. Certainly, the ceiling cassettes in each room appear to be shown as directly connected to the extract grilles, via lengthy pipe runs of an unspecified nature and dimensions. But in my experience, even in a largish house, air cooling usually involves external rooftop plant.



- 8.11 Four rectangles appear on one (not all) of the M&E roof plans (RF PL ME 8301 B, above). They are labelled as HP:01 to HP:04. A determined specialist might extrapolate that these represent the Mitsubishi external heat pumps mentioned on the M&E schedule (XX SC M 4001). However, no indication is given of what these devices actually look like or how big they are. In addition to being omitted from all of the GA elevations and the roof plan shown at 8.5, they are surprisingly omitted from the two M&E elevations (e.g. XX EL M 4301 and XX EL M 4300).
- 8.12 It might be argued that conventionally, air conditioners should not be shown in M&E elevations that don't depict the air conditioning system. But, cumulatively this means that *no elevation* shows the proposed existence of these four machines. And, out of more than three dozen M&E drawings, two plans depict the roof, and one of

those shows it with no air conditioners (because it's not an air conditioning plan).

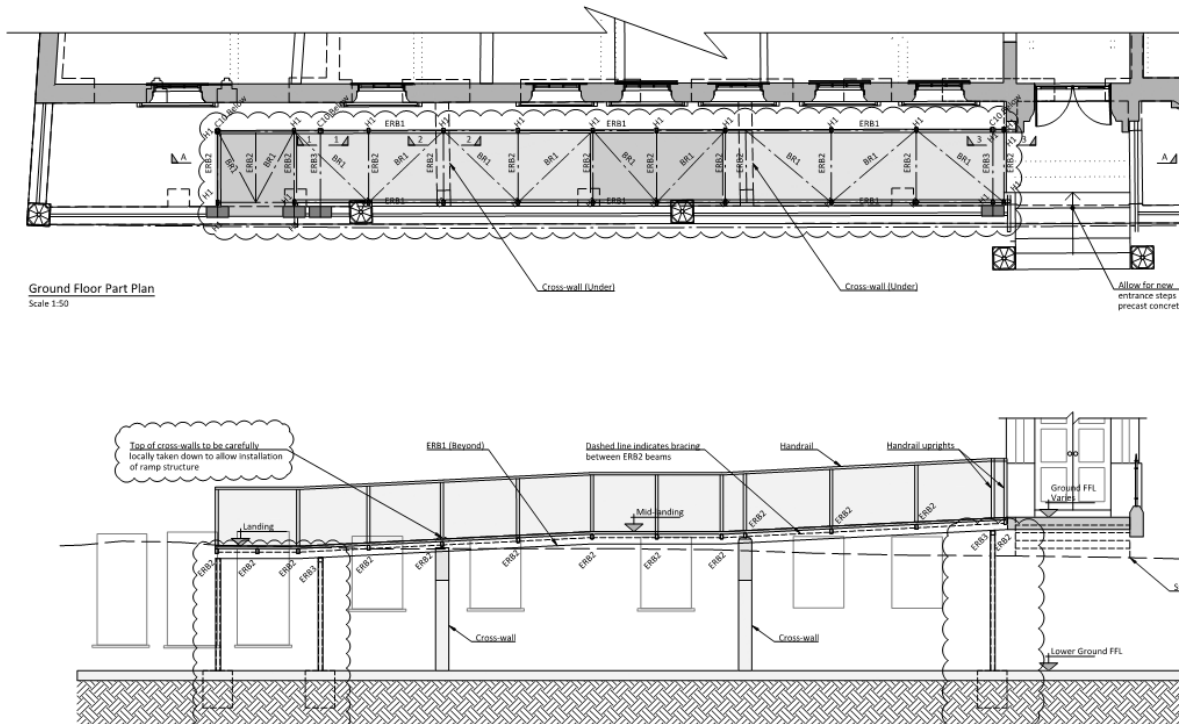
- 8.13 It has been my experience that air conditioners, or external heat pumps, have to stand on substantial frames to eliminate vibration and have to be enclosed within bulky acoustic structures, much larger than themselves, to control noise while allowing air flow. If this is the case here, their purely schematic representation in plan, and their omission from all of the elevations in the M&E drawings, in no way communicates this, and their omission from the GA drawings is unacceptable.
- 8.14 In terms of impact, the drawing (RF PL ME 8301 B, above) appears to show them near the parapet on top of the east wing next the chimney.
- 8.15 If proposed, the addition of this machinery and its bulky enclosures to the skyline will be harmful to the special interest of the listed building.
- 8.16 As with the other supposed "benefits" of removing accretions, only to replace them with newer, larger accretions, if heat pumps are proposed on the roof, they will more than outweigh any possible benefit caused by removing existing plant elsewhere.
- 8.17 This further undermines the appellant's claim that the considerable degree of harm he intends to cause to the listed building is outweighed by the benefit of removing later accretions, "stripping back the exposed services to reinstate as much of the appearance of the rear as possible" (PS, p26).

9 Rear extension

- 9.1 The proposal would see a two-storey extension and a canopy attached to the rear of the building. While it is not unheard of to add rear extensions to listed buildings, this proposal would demolish the interior of the east wing, containing the custody suite, and enlarge its envelope towards the west, so cannot be considered to be an extension. The loss of this degree of external and internal fabric, and the enlargement of the building into the yard is harmful. As has been shown above, the existing back elevations and internal features are of historic interest in their own right.

10 Full-width ramp across the facade

- 10.1 Generally speaking, the one part of a listed building whose significance is respected in conversions is the façade. Here, the list description opens by calling the building “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”.
- 10.2 An example of this quality is the use of fine, rubbed-brick window heads only on the lower-ground floor, while those of the upper storeys are framed in stone, showing that despite this level being subordinate, the craftsmanship is still of conspicuously high quality.
- 10.3 The list entry describes the asset as a “former police station and courthouse, including stable and harness room, *railings and lamps*” (my italics). The railings and lamps are considered important enough components of the façade to be specifically mentioned.
- 10.4 While it is considered desirable to unite disabled access with non-disabled, in the case of listed buildings, if the provision of façade access is harmful to the building, this preference can be relaxed.
- 10.5 The building has a lower-ground floor (rather than a basement), meaning that five stone steps lead up to its grand porch, spanning a wide basement area, which is surrounded by iron railings braced against the facade. Two brick arches with stone cappings act as buttresses to the retaining wall.
- 10.6 The proposal entails an access ramp, shown below with glass-sided handrails, running almost the full width of the façade. The GA drawings show the ramp with metal railings, meaning three sets of railings would run in parallel in close proximity, resulting in a near-opaque thicket of cast iron (P1732 301A).



10.7 The prominent insertion of this historically atypical and materially alien feature will require:

- a) the loss of a section of the above-noted railings and two of the railing braces,
- b) an unspecified amount of interference with the retaining brick arches (“Top of cross walls to be carefully locally taken down to allow installation of ramp structure”, drawing above, 4343 501 P3, stage three drawings by Blue Engineering),
- c) the insertion of an unspecified number of supporting steel legs set into concrete blocks,
- d) the roofing-over and visual loss of most of the area,
- e) the concealment of the lower-ground-floor windows and their fine, rubbed-brick heads, as mentioned at 10.2,
- f) the loss of views out of and most light into those windows,
- g) the demolition of the stone front steps and their replacement, in a new position, in concrete (“Allow for new entrance steps in precast concrete”, 4343 501 P3, above) and
- h) the dismantling and re-siting of the above-noted police lamps, in a new position.

10.8 About all this, the heritage statement says “the package of works proposed will enhance the external appearance” (HS40).

- 10.9 Given the building's listed status and the quality of this elevation, these works are harmful, both to fabric and to architectural composition.
- 10.10 Part of the spatial character of the rooms in the front elevation is the quantity of light they receive through their generous windows. The rooms of the lower ground floor are no exception to this. The rooms appear to have been intended for a variety of activities – although I confess to not knowing what went on in a brushing room – and Dixon Butler endowed them with large windows and a wide area, allowing day light to enter from a variety of angles, shallow and steep. The proposed ramp would all but deprive the rooms of natural light, requiring them to be artificially lit at all times and so harming their character.
- 10.11 Another part of the internal character of rooms is the outlook from within them. The ramp will almost completely block the view upwards from most of the rooms in the lower-ground floor. Where there is currently visual connection with the pavement, the steps and the sky, the proposal would block almost all views, leaving just a vista of the bottom of a metal ramp.
- 10.12 Similarly, the view from the principal rooms on the ground floor would be compromised by having a close-up view of the new ramp. Instead of looking into or across the unenclosed area and through a single line of original iron railings to see the pavement beyond, as is currently the case, the inhabitant would have three sets of railings to look through. This would be historically incorrect and visually jarring, and would diminish the traditional quality of inhabiting the rooms.
- 10.13 Level access can much less harmfully be provided through the Downshire Hill elevation, where it can be achieved by releveling the pavement. This elevation fronts the magistrates' court, so is of no lesser status than the Rosslyn Hill one and is no harder to get to.

11 Response to justification of demolition in the heritage statement

- 11.1 With an unusual lack of detailed analysis for a building of this architectural calibre and social and historical importance, the heritage statement only fleetingly attempts to justify the alterations floor by floor, and this will now be addressed. The heritage statement is quoted in italics:

11.2 **“Lower Ground Floor**

5.26 At lower ground floor, the modern cells (situated next to the vehicular entrance from Downshire Hill) will be removed, reinstating the original proportions of the Parade Room. A series of small cellular rooms will also be formed on the Rosslyn Hill facing side of the buildings. Further, two new classrooms will be formed within the rear wing. The lower ground floor was always intended to be subject to change as the operation of the building as a police station changes over time (as shown by the modern cells at this level) (HS, p38).”

11.4 While this floor is of relatively low significance and some change is possible, really there is little resemblance between the parade room and the proposed reception classroom, which is L-shaped, having a lavatory block inserted within it. The proposed plan shows the absence of a flight of eight steps, which is explained by section DD (P1732 250B), which shows that the entire of the lower-ground floor in this wing is to have its levels altered. The reinstated “parade room” has its floor raised by 78cm and the rest of the wing has its floors lowered by 56cm. The heritage statement is silent about this considerable change to spatial character, relationship with windows, etc, and loss of fabric.

11.5 A lift is inserted, blocking the connection to the front, southern range, and interfering with fabric all the way up the building. The rooms to the front – the mess, drying room, brushing room and clothes room, all of which currently retain their historic dimensions – are to be diced into a series of smaller spaces. The eastern wing completely loses its interior and is extended westwards.

11.6 **“Ground Floor**

5.27 At ground floor, the retention of the stair compartment continues and will remain as a central element in the building. It is proposed to remove the internal structure to the rear wing to open up as a single space for use as a large hall. It is at this level where the small double storey extension allows for the creation of a regularly shaped space.

5.28 The creation of the school hall involves the loss of the original police cells. These cannot be re-used as part of the school as it is not reasonably practicable to create a hall of sufficient size elsewhere within the building. In removing the original cells, two of the cell doors will be relocated within the proposals to ensure that there is a memory of the former use of the building.

5.29 It is also proposed, at this level, to create a new entrance space more akin to the original, which will improve the appearance of the buildings. Further along the Rosslyn Hill facing part of the building, a series of small cellular rooms will be created for the everyday use of the school. These will involve the loss of modern partitions and some elements of the fabric of the building.

5.30 A new business and enterprise space is proposed for the Magistrates Courts part of the building. This will involve the creation of a large open plan space at ground floor level. This involves the loss of modern partitions and no historic fabric.”

11.11 Again, the eastern wing containing the custody suite – an important feature in a listed police station, and probably the third most significant part of the interior – is entirely destroyed internally.

11.12 The heritage statement laments that a use cannot be found for the series of small, cellular cells but then immediately goes on to explain that “a series of small, cellular rooms” are to be created behind the principal façade, to be used as lavatories. The rooms to be converted into these lavatories are the entirely legible married quarters flat and CID room. The glass in the windows of these rooms will have to be obscured.

11.13 As described above, the second most notable part of the interior, the revolutionary suite of juvenile facilities connected directly to the magistrates’ room, is cleared to create an open-plan office. The heritage statement describes this part of the building as consisting of “modern partitions and no historic fabric”. However Dixon Butler’s drawings reveal this not to be the case. As noted above, the proportions of the inspectors’ room are to be substantially altered to insert the additional staircase to the east.

11.14 **“First Floor**

5.31 At first floor, the same principle of development continues, with the retention of the integrity of the stair compartment with its restored glazed tiles and the division between the School and the new Business and Enterprise Space. There will be some removal of internal structure to allow open plan class rooms, but much of this is modern and not of any historic note. Whilst a chimney breast will be removed in the rear wing, it is proposed to retain and support the chimney so that there will be no change to the external expression of such elements.

5.32 The Magistrates Court is proposed to be re-purposed for use as a Business and Enterprise Centre. At first floor, this includes the loss of the modern suspended ceiling within the entrance hall, reinstating the space with its original decorative features. This will also involve the loss of some of the court furniture, including the advocates bench, the public gallery and the dock. It is proposed, however, to retain the Magistrates bench so that the original use of the space can be discerned. As part of these works, the wood panelling to the walls will also be refurbished and, where necessary, repaired.”

11.17 The loss of a chimney breast would normally be resisted in a listed building application on grounds of loss of plan form and historic fabric. However, it almost pales into insignificance compared to the harms to the courtroom suite, already discussed in detail above.

11.18 “Some removal of internal structure” means that the eastern wing is, again, gutted at this floor. The Metropolitan Police Archive has been unable to find its historic drawings of this level and the plan form is less clear, so a degree of change might be appropriate. There is, however, harm where the dividing wall between the south range and the west range is demolished, and it is, again, inappropriate and wasteful to plan toilets along a quarter of the principal elevation.

11.19 **“Second Floor**

5.33 To the second floor, modern partitions will be removed to create a series of larger rooms, to be used as a meeting room, classroom and small hall. The creation of a small hall will involve the loss of the columns within the space, reinstating this area as a single open space. This will preserve the significance of the listed building.”

11.21 Again, no historic drawing has been found of this level and the plan is difficult to interpret. Despite this storey’s relatively lowly status, the harm to the front room caused by the new staircase is significant, along with the insertion of more lavatories in the front elevation. These lavatories, combined with those on the floors below them, will read as a series of obscured windows running in a wide band up the façade. Each lavatory will also need an extract vent to the exterior. These will either have to be on the façade, or will have to be carried through the building to the rear elevation. In the absence of a ceiling inventory, this harm cannot be assessed. The lavatories will also need waste plumbing, which will lead to further harm to surviving fabric.

11.22 **“Stable Block**

5.34 The stable block in the south east corner of the site is noted in the revised list description as forming part of the original phase of development, albeit that it has been subject to alteration with the loss of the stables and their replacement with a modern extension. The building will be repurposed for two new classrooms. As part of these works, the internal structure (which is of no merit) will be removed to allow the creation of open plan spaces. A small lightwell will also be infilled. Whilst there will be some minor amendments to the fenestration and door pattern to the stable block, these are not considered significant and the appearance of the stable block will be preserved."

- 11.24 It is difficult now to discern the stable block. There is a small modern storage building used to keep evidence, attached to a pitched-roofed building, which has a partially bricked-up dormer thought by Historic England to have once led to a hayloft. Under the proposal, with no historical analysis at all, there is to be complete loss of internal fabric and plan form and significant alterations to the façade, including the loss of one entrance. The building will have an external lift shaft attached, so that the appellant can benefit from more space inside. The planning statement puts it baldly: "The internal structure will be removed to allow the creation of open plan spaces."
- 11.25 Taking the stable block on its own merits, this is unjustified. It is specifically mentioned on the list heading yet it is being treated as an afterthought, rather than as a designated heritage asset. An obvious proper beneficial use is as a house. The harm caused by the installation of an internal lift, let alone an external one, would normally give cause for concern.
- 11.26 The heritage statement describes the stable block's interior as being "of no merit", but on what grounds? Upon entering, one finds a ground-floor room and the remains of a staircase. Upstairs, one finds two more rooms off a corridor. It is difficult to understand why this plain, domestic interior should be said to be of any less merit than the interior of any other small, listed house. And yet there is interest here: the ground floor appears to be smaller than the first floor. One presumes this is because the stable element of the building was separate and was entered through the second front door (which is to be removed). There is a story to be teased out here, but, if an attempt has been made to understand the relationship between the layout of the building and its equestrian heritage, it is not revealed in the heritage statement.

12 Summary and conclusion

- 12.1 Paragraph 192a of the NPPF notes that when determining applications local authorities should consider “the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses *consistent with their conservation*” (my italics).
- 12.2 The scheme proposed requires a level of change that is not consistent with the asset’s conservation and so the proposal fails this test.
- 12.3 As for the level of harm, almost the only parts of the building that will survive are the three outlined earlier by the appellant: fragments of the courtroom, the magistrates’ stairs and the external envelope.
- 12.4 The planning balance will be carried out elsewhere but, for the reasons given above, namely extensive loss of historic fabric and extensive loss of legible and intact plan form, I consider that the level of less-than-substantial harm is as high as it can be without becoming substantial.

Appendix 1

