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PROOF OF EVIDENCE OF SARAH WATT, MCIFA

In respect of

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

**PINS Refs: APP/X5210/W/20/3428002 and
APP/X5210/Y/20/3248003**

LPA Refs: 2019/2375/P and 2019/2491/L

On behalf of

Hampstead Community for Responsible Development

AHC REF: SW/9458

Date: August 2020

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1. Letter to David Fowler 10.06.19 (objection to applications on heritage grounds on behalf of HCRD)
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3. ‘Significance’ plans included in the Heritage Statement produced in 2016 by the Built Heritage Consultancy
4. Email from Antonia Powell to David Fowler 01.08.19
5. Superseded drawing D-1732-101 C (Ground Floor Plan - Demolition)
6. Historic England consultation response in relation to the 2016 applications, 25.04.16
7. Historic England’s ‘Law and Government Buildings Listing Selection Guide’, December 2017 edition
8. Extract (p.15) from ‘Conservation Response’ document in relation to Hackney former police station applications 2015/3306 and 2015/3316

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QUALIFICATIONS AND EXPERIENCE

SARAH LUCILLE WATT, B.A.(Hons) PGDipArchaeol DipEnvPol PGCert Arch Hist MCIfA
Director of Asset Heritage Consulting Ltd.

After reading Ancient History and Archaeology at the University of Birmingham and completing a post-graduate qualification in archaeology there, I worked for several years as an archaeologist, both in the United Kingdom and abroad, for Birmingham University Field Archaeology Unit. Between 2001 and 2005 I held two part-time positions, as an archaeological consultant at CgMs Consulting Ltd. and as a Research Assistant in a post funded by English Heritage coordinating the production of the West Midlands Regional Research Framework for Archaeology, of which I edited the resulting published volume.

In 2005, I moved within CgMs to a full-time post as a historic buildings consultant, undertaking a post-graduate course in Architectural History at the University of Oxford alongside this. Since 2005, I have continued a career in the historic built environment, becoming a Senior Associate Director at CgMs in 2010.

I left CgMs in 2011 to join the recently-established Asset Heritage Consulting as a Director, a specialist heritage consultancy based in Oxford but working across the country.

I am a Member of the Chartered Institute for Field Archaeologists and also a member of the Society of Architectural Historians of Great Britain.

My clients have included universities, schools and Oxford Colleges, various NHS Trusts and local planning authorities, the Ministry of Justice, major house builders and numerous private individuals.

As part of my instruction to prepare this proof of evidence (see Section 1.0 below) I have visited the appeal site and surrounding area, and I believe that my qualifications and experience make me an appropriate person to give evidence on behalf of the Rule 6 party to this inquiry.

In providing this evidence I have also taken full account of the representations of others on the appeal.

1.0 INTRODUCTION AND SCOPE OF EVIDENCE

1.1 My proof of evidence relates to the heritage impacts of the appeal scheme. It sets out the significance of the former Hampstead Police Station ('the appeal building'), briefly considers the relevant policy, and then discusses the heritage issues and describes the harm the proposals will have on the significance and 'special architectural and historic interest' of the appeal building as a Grade II listed building. It also refers to the impact on the character and appearance of the Hampstead Conservation Area.

1.2 This proof supports Refusal Reason 1 given in the Decision Notice issued by the London Borough of Camden ('LBC') for the listed building consent application, which states:

'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'.

1.3 The proof will also demonstrate that the appeal scheme fails to comply with heritage policy and law by reason of the alterations to the external front elevation of the appeal building, and that planning permission should also be refused for these works.

1.4 I have been advising HCRD on the proposals for the appeal building since April 2016 when Asset Heritage Consulting was instructed by them to prepare an objection on the grounds of heritage impact to applications for planning and listed building consents (refs: 2016/1590/P and 2016/2042/L; 'Heritage Report' dated April 2016). These applications were refused on 9th August 2016, the refusal reasons for both planning and listed building consents including the impact on the listed building and the conservation area.

1.5 HCRD approached me again in May 2019 to obtain my view of the heritage impacts of the newly submitted scheme that is now the subject of these appeals.

I advised HCRD that although the degree of impact on the listed building and conservation area appeared reduced from the 2016 applications, in my view there were still significant heritage impacts arising that could warrant reasons for refusal of the applications. I was duly instructed by HCRD to prepare an objection to the scheme on heritage grounds on their behalf; this took the form of a letter (dated 10th June 2019; **Appendix 1**) to Mr David Fowler, LBC's planning case officer, and was submitted as part of HCRD's wider objection to the scheme, which was made on various grounds.

- 1.6 Following this, the appellant's heritage consultant (JLL) prepared a 'Heritage Review' (September 2019; **CD01/24**), which responded to comments made both by LBC's Conservation Officer during the determination period of the applications and by me in my objection on behalf of HCRD. In the Heritage Review, JLL stated *inter alia* that as I had not seen the interior of the appeal building then the comments about harmful impact to its interior made in my June letter of objection could only be afforded limited weight.
- 1.7 Following a request made by HCRD, the appellants subsequently facilitated a visit allowing me (and Paul Velluet, a Chartered Architect specialising in the conservation of historic buildings, who had been instructed by another third party to prepare an objection to the applications on grounds of heritage impact; **CD10/04; Appendix 2**) to see the interior of the appeal building, escorted by them, on 22nd October 2019. I was then instructed by HCRD to prepare a response to JLL's Heritage Review ('Note in response to JLL's Heritage Review', 23rd October 2019; **CD10/03**).
- 1.8 I therefore confirm that I have visited the site and its surroundings and am familiar with the heritage assets which are affected.
- 1.9 In addition to considering the statutory tests set by the Planning (Listed Buildings & Conservation Areas) Act 1990, the proof pays particular attention to the government's guidance on the historic environment contained in the National Planning Policy Framework (NPPF) and the accompanying National Planning Policy Guidance (NPPG).

1.10 Finally, and in accordance with the Procedural Guide to Planning Appeals 2019, I confirm that the evidence which I present has been prepared and given in accordance with the guidance of my professional institution. The opinions expressed in it are my true and professional opinions. I am fully aware that my duty is to assist the inquiry irrespective of where my instructions arise.

2.0 THE SITE: INTRODUCTION AND SIGNIFICANCE

- 2.1 The Hampstead Police Station and Magistrates' Court was built in 1912-13 to the designs of John Dixon Butler, Architect and Surveyor to the Metropolitan Police. It was opened in 1913 and remained in its original use until 2013. It is an early example of a building combining both a police station and a petty sessions court and was also one of the first courts to include facilities for juvenile offenders.
- 2.2 A summary history and description of the appeal building is given in the Historic England ('HE') statutory list entry (**CD10/02**). Further historic background and description is given in the appellant's Heritage Statement (**CD01/25**) submitted with the applications now the subject of this appeal. I do not therefore intend to repeat that background here but would direct the Inspector to review the relevant sections of those documents.

The revised list description

- 2.3 In my view, the correct place to find a considered and objective appraisal of the significance of the listed building is with the HE list entry, which was revised and 'enhanced' on 14th February 2018.
- 2.4 The analysis in and conclusions of this revised list entry should be given considerable weight. As HE state on their website (<https://historicengland.org.uk/services-skills/our-planning-services/enhanced-advisory-services/listing-enhancement/>), *'Unlike the old List Entries, which can be very brief, a new entry will give much more detail and set out clearly why a building has been listed and where its significance lies...The certainty and clarity an Enhanced List Entry provides can help you from the earliest of stages, informing decisions about what changes may be possible and giving local authorities the detail they need to make quicker decisions'*.
- 2.5 As the above makes clear, enhanced list entries are often made in the context of emerging development proposals. HE was a statutory consultee on the 2016 applications, objecting to the then-proposed removal of staircases within the building, and were therefore fully cognisant of the development context relating to the appeal building. As would be expected, the revised list entry sets out

without ambiguity where HE considers the significance of the former police station to lie.

2.6 This informed and objective appraisal of the building's significance should be considered the most reliable basis for understanding the impact of the appeal proposals on that significance.

2.7 The list entry is included in the list of core documents but, because it is key to an understanding of the significance of the building and therefore also to the assessment of the impact of the proposals for its alteration, I have set out below, for ease of reference, the 'Reasons for Designation' included in the entry (which, again for ease of cross-reference in this proof, I have numbered (i)-(viii) in place of the original asterisks).

2.8 Section 4.0 of my proof will consider the details of the appeal scheme against these Reasons for Designation in order to consider the impact it may have on each, which in turn informs an assessment of the overall impact on the significance and 'special architectural and historical interest' of the appeal building and leads to a conclusion (Section 5.0) on the degree of harm that may arise.

2.9 The Reasons for Designation are as follows:

Architectural interest:

(i) A bold and assured composition of considerable civic presence, the strict uniformity of the pedimented principal elevation offset by the picturesque elements of the entranceway and courthouse, built to a high standard in good quality materials.

(ii) Intricately planned to provide separate areas for the different primary functions of the building, with careful consideration of the requirements of the various parts.

(iii) The hierarchy of spaces is expressed in the internal detailing, and the stairs, in particular, reflect the status and character of the different areas.

(iv) The high-status of the courthouse is manifest in the internal joinery and plasterwork, and the courtroom has an extensive scheme of panelling and furniture.

(v) The police station is plainly detailed internally, but has architectural features, such as the rounded angles of the walls, and its plan form, which reflect its function.

Historic interest:

(vi) An early example of a combined police station and courthouse, and possibly the first to provide facilities for dealing with juvenile suspects.

(vii) An excellent example of the design capabilities of John Dixon Butler, one of the most accomplished Metropolitan Police architects.

Group value:

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

The appellant's assessment of significance

2.10 Paragraph 4.51 of the appellant's Heritage Statement (**CD01/25**), under the heading 'Summary of Significance' and sub-heading 'Architectural Interest', says *'The architectural interest of Hampstead Police Station largely derives from its external elevations, particularly those which face onto Roslyn Hill and Downshire Hill...'*

2.11 Of the interior, paragraph 4.52 says that, *'Internally, much of the original plan form and architectural features have been lost as a result of successive years of unsympathetic alterations, particularly during the 1950s... Despite having been subjected to a number of alterations, the architectural scheme within the Magistrates' courtroom is the most intact and important internal space within the building, making a high contribution to its significance.'*

2.12 At paragraph 4.54, under 'Historic interest', it says, *'The Police Station is also illustrative of the emerging ideas concerning accommodation within the Metropolitan Police during the early C20. It was the first time a Police Station in Hampstead also incorporated a Magistrates' court and was also the first court to*

have additional rooms specifically for dealing with juvenile cases and as such was seen as the forerunner of the juvenile justice system’.

- 2.13 These are the ‘headline’ statements from these paragraphs. They can be read in full, but this ‘Summary of Significance’ does not place any value on, or even mention, the remarkably intact nature of the plan form, particularly on the important ground floor of the building. This is despite the view of HE that the careful planning of the building, and the degree of its survival against the odds, is a key aspect of the building’s significance and ‘special interest’.
- 2.14 The appellant’s Heritage Statement is dated March 2019, while the enhanced HE list entry was updated in February 2018. The appellant states, in their September 2019 Heritage Review (**CD01/24**), that the review of the list description by HE was undertaken at the request of the Department for Education under HE’s Enhanced Advisory Service ‘*to clarify the significance of the listed building and identify those elements that contribute to significance*’. Despite this, the views expressed in the list entry with regard to plan form do not appear to have been taken on board by the appellant.
- 2.15 It is pertinent to note that the Heritage Statement, in these paragraphs, recognises the high significance of the Magistrates’ Court and the rooms associated with it.
- 2.16 Paragraph 5.11 of the appellant’s Heritage Statement acknowledges that ‘*The application proposals will directly affect the significance of the listed building through changes to its built fabric*’. It also notes that the alterations proposed ‘*have been informed by a detailed understanding of the significance of the listed building through this Heritage Statement and also assessments prepared in support of the previous application, the Council’s own assessment of interest (as contained within the Council’s Committee Report for the refused applications) and also by Historic England’s assessment of the building as part of their review of the building’s listing. There is therefore a very detailed understanding of the significance of the listed building*’.

- 2.17 In my view, any reliance placed on the Heritage Statement prepared by the Built Heritage Consultancy in support of the 2016 applications for an understanding of significance is misguided. The coloured annotated floor plans provided in that report, which ascribe different levels of significance to different elements of the building's fabric quite clearly undervalue the integrity of the building's plan form and surviving original fabric; for instance, original structural walls and staircases within the building were ascribed a 'low significance' therein (see **Appendix 2**).
- 2.18 In paragraph 5.22 the appellant's Heritage Statement says that, *'the significance of the listed building is well documented as a result of previous applications'*; that, *'This has provided a significant body of information to inform the design development of the application proposals'*; and that, *'Central to this has been to re-use the existing building fabric as far as is reasonably practicable'*.
- 2.19 However, the appeal proposal drawings indicate either that this did not in fact form the ethos behind the scheme, or that it was not in fact 'reasonably practicable' to retain very much of the existing building fabric at all in order to make the building accommodate the proposals.

3.0 PLANNING LAW AND POLICY

The Planning (Listed Buildings and Conservation Areas) Act 1990

- 3.1 Section 16(2) of the 1990 Act (**CD10/01**) requires that, *'In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'*.
- 3.2 Section 66(1) of the Act requires that, *'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'*.

Local Policy

- 3.3 Refusal reason 1 of the decision on the listed building consent application ('RR1') cites Policy D2 (Heritage) of the London Borough of Camden Local Plan and policy DH2 (Conservation areas and listed buildings) of the Hampstead Neighbourhood Plan.
- 3.4 The first part of Policy D2, under the sub-heading 'Designated heritage assets', essentially follows the approach set out in paragraph 195 of the NPPF in relation to substantial harm to (or total loss of significance of) a designated heritage asset, and paragraph 196 of the NPPF in relation to less than substantial harm to the significance of a designated heritage asset.
- 3.5 RR1 does not, however, specify the level of harm considered to arise (whether substantial or less than substantial) from the appeal scheme.
- 3.6 The other relevant sub-section of Policy D2, as far as RR1 is concerned, is under the sub-heading 'Listed Buildings', where (j) states that the Council will, *'resist proposals for a change of use or alterations and extensions to a listed building*

where this would cause harm to the special architectural and historic interest of the building’.

- 3.7 RR1 also cites Policy DH2 (Conservation areas and listed buildings) of the Hampstead Neighbourhood Plan. This policy relates mostly to conservation areas but also refers to paragraphs 131-136 of the superseded 2012 edition of the NPPF. These paragraphs have since been modified and replaced, in substantially the same terms, with paragraphs 192-198 of the current edition.

National Policy

- 3.8 National planning policy on heritage issues is currently enshrined in the NPPF, and is accompanied by the NPPG (revised in July 2019) which helpfully sets out how the government’s guidance on the policy in the framework should be interpreted.
- 3.9 Paragraph 193 of the NPPF advises that great weight should be given to the conservation of heritage assets, irrespective of the level of ‘harm’ identified.
- 3.10 RR1 does not refer to the NPPF and does not quantify the degree of harm considered to arise from the appeal scheme. Section 8.0 ‘Conservation and design’ of the Officer’s Report to Committee (which recommended approval of the applications) (**CD02/05**) identifies ‘less than substantial harm’ arising, which engages paragraph 196 of the NPPF. If the harm is considered to be substantial, then paragraph 195 of the NPPF is engaged.
- 3.11 It is worth setting out here the advice given in the NPPG (**CD04/02**) in the section entitled, ‘How can the possibility of harm to a heritage asset be assessed?’ (Paragraph: 017 Reference ID: 18a-017-20140306, Revision date: 23 07 2019).

‘What matters in assessing whether a proposal might cause harm is the impact on the significance of the heritage asset...

Where potential harm to designated heritage assets is identified, it needs to be categorised as either less than substantial harm or substantial harm

(which includes total loss) in order to identify which policies in the National Planning Policy Framework (paragraphs 194-196) apply...

Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated...

In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed...

...partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all...Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm, depending on the nature of their impact on the asset and its setting'.

4.0 THE APPEAL SCHEME AND THE HERITAGE ISSUES

4.1 Introduction

- 4.1.1 The heritage issues principally arise from the considerable impact the appeal scheme will have on the significance and special architectural and historic interest of the appeal building as a Grade II listed building through loss of historic fabric and plan form.
- 4.1.2 My evidence supports LBC's refusal of the listed building consent decision. In addition, it is my view that the proposed alterations to the front elevation fail to comply with heritage policy, and that planning permission should be refused as well as listed building consent.
- 4.1.3 My evidence will demonstrate that the appeal scheme causes considerable harm to the Grade II listed building. It refutes the appellant's assessment that the appeal scheme will '*preserve and enhance the significance of the building*'.
- 4.1.4 The proposed demolition plans (drawing nos. D-1732-100 E, D-1732-101 E, D-1732-102 E, D-1732-103 D; **CD01/63, CD01/64, CD01/65, CD01/66**) quite clearly show the extent of the demolition required by the appeal scheme. This involves the substantial removal of original load-bearing walls, chimneybreasts, floors, structural posts and staircases.
- 4.1.5 Sub-section 4.2 below summarises the proposed interior losses and their impact while 4.3 considers the proposed external changes. The following sub-section 4.4 considers the impact of these losses on the identified significance of the listed building in order to arrive at a judgement (set out in section 5.0) of the degree of harm the proposals will result in.

4.2 Loss of plan form and fabric

Ground floor

- 4.2.1 On the ground floor, the majority of the original internal dividing walls forming the rooms shown on John Dixon Butler's surviving original plan (see figure 3.13,

p.10 of the appellant's Heritage Statement; **CD01/25**) including in the front police station range, the court wing and the cell wing, are to be taken out. The ground floor contains the principal working spaces of the police station and court wing (with the exception of the court room itself, which is on the first floor) and the principal spaces of the cell wing.

- 4.2.2 The original ground-floor plan reveals the careful planning of the layout, with separation of the working police rooms from the police lodgings (which had a separate entrance from Downshire Hill) and separation of these from the court wing. The plan shows rooms opening off other rooms or from lobbies, with no axial corridors. This was a clever means of keeping separate functions apart and preventing easy flow of access; there was only so far one could get through the building from any one entrance before being blocked by doors into rooms.
- 4.2.3 The appeal scheme unfortunately proposes the highest degree of change to this principal floor, which has thus far survived remarkably intact in terms of layout over the building's life. In my view it is reasonable to say that almost the whole of the interior of the ground floor is to be 'gutted'.
- 4.2.4 During the determination period, LBC's Conservation Officer (in her comments on the proposals by email dated 01.08.19 to the case officer David Fowler; see **Appendix 3**) raised the issue that on the ground floor, *'there is considerable demolition proposed some in areas where new partitions are proposed and for which there does not appear to be reasonable justification. More of the original floor plan could be retained in some of these areas'*.
- 4.2.5 In response, the appellant's Heritage Review (in the table on p.1) (**CD01/24**) stated that *'The proposed drawings have been revised to retain walls where possible. This has led to the slight reconfiguration of rooms'*.
- 4.2.6 However, my own examination of the revised ground-floor demolition drawing (D-1732-101E; **CD01/64**) in comparison with its predecessor (D-1732-101 C; **Appendix 4**), suggests the only apparent change in this respect to be the retention of a short section of wall enclosing the foot of the magistrates'

staircase in the north-west corner of the building, which is not in my view a significant change.

- 4.2.7 I would therefore contend that the Conservation Officer's comment that there was a lack of reasonable justification for the extent of ground-floor demolition was not in fact addressed by the appellant and still stands.

Ground floor: Police wing

- 4.2.8 In the police wing, the proposals include the removal of the important internal wall that separated the police and court wings from each other, a key element of the original planning of the building by its architect. While in later years a doorway was made through this wall (in a discreet location), the wall otherwise remains in place and retains the legibility of the original planning.

- 4.2.9 In addition to this, the scheme involves the loss of all the original ground-floor spaces, including the rooms formerly making up the married staff quarters (a sitting room, bedroom and kitchen with corner fireplaces, which later became offices). The area containing the former CID Office, waiting room, entrance lobby, porch and stores has already been subject to some alteration, although the envelope of the CID Office remains largely intact. The former Inspector's Office in the south-east corner of the range will have a new staircase inserted through it, altering its surviving original proportions.

- 4.2.10 New partitions will be inserted to form new cellular rooms against the Rosslyn Hill frontage. The need to demolish the existing cellular rooms and replace them with new smaller ones presumably arises because of the desire to create an axial corridor along the rear wall of the building. An axial corridor (as noted above at paragraph 4.2.2) is alien to the way this building was originally planned because of the need to contain and constrain circulation.

- 4.2.11 The removal of the majority of the original dividing walls, including that which separated the police lodgings from the court wing, and the insertion of an axial corridor, alien to the original circulation of the building, cannot be anything other than harmful to the significance of the building (see items (ii) and (v) of HE's Reasons for Designation given above at paragraph 2.9).

- 4.2.12 Apart from some fragments of retained walls, the only substantial element of the historic plan to be retained is the main police station staircase. This is, however, proposed to be encased in plywood so that for the duration of the building's use as a school, there will be no ability to see its original form and it will be unable to contribute to the character of the building.
- 4.2.13 As HE said of this staircase in their consultation response on the 2016 applications (which proposed the removal of the staircase, triggering their statutory consultation on the application), *'Its simple, utilitarian form and appearance demonstrates Dixon-Butler's careful attention to the functional but graceful aesthetic of the building's interior. The same staircase design is found in other listed examples of his work. At least one other has been successfully retained in conversion to a primary school, which suggests that it could be retained'* (**Appendix 5**).
- 4.2.14 This reference is believed to be to the former Hackney Police Station, also by John Dixon Butler, which was converted to a primary school use following permission granted on appeal (application refs 2015/3306 and 2015/3316). Rather than encasing the very similar staircase in that building, a glass balustrade was installed on the inner side of the stair, leaving its original form fully appreciable and thus enabling it to continue to contribute to the character and architectural and historic interest of the building (see **Appendix 8**).
- 4.2.15 This suggests that a more sensitive and less harmful solution to the adaptation of the staircase for school use might have been possible in this case too, especially if the scheme is intended to be heritage-led and founded on a firm understanding of the significance of the building and the desire to preserve it.

Ground floor: Court wing

- 4.2.16 Paragraph 5.30 of the Heritage Statement (**CD01/25**) says that, *'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'*.

- 4.2.17 Despite this latter assertion, my own reading of the plans is that all the court rooms, including the magistrates' room, juvenile offenders' examination room (the first example of its kind), former clerk's office (which has previously been subdivided), and WCs, will all be merged into a single 'Business/Enterprise Space' by the removal of all the original dividing walls, as will the entrance hall, juveniles' waiting room and women's waiting room, which will become a lobby for the business and enterprise centre. This involves the demolition of the original dividing walls shown on John Dixon Butler's original ground-floor plan (see p.10 of the appellants' Heritage Statement; **CD01/25**) and a total loss of historic plan form on the ground floor of this wing.
- 4.2.18 The timber screen behind the magistrates' entrance from Downshire Hill is to be taken out to facilitate the full accessibility of the entrance into the Business & Enterprise Centre. The Conservation Officer commented in her email dated 01.08.19 (**Appendix 3**) that the screen should be retained, and possibly '*relocated further into the floor plan to allow full use and appreciation of this space*'. In response to this, the timber screen is now proposed to be relocated to serve as an inner screen to the main Rosslyn Hill entrance into the police station wing.
- 4.2.19 While this retains the screen in the building, the screen is out of place in the police wing where it will 'muddy' the distinction between the plainer, more utilitarian police wing and the more decorative court wing to which the screen belongs. As the HE list entry for the building says, '*The courthouse received a greater level of internal treatment and detailing, signifying its high status*'.
- 4.2.20 The appeal scheme offers an enhancement by way of removing a later-inserted partition wall alongside the staircase ascending from the court wing's Downshire Hill entrance hall to the public waiting room on the first floor. While the removal of the wall would be an enhancement in that it would enable the attractive staircase to be appreciated more fully, it does not compensate for the high degree of loss of fabric and plan form around it.

Ground floor: Cell wing

- 4.2.21 In the cell wing, all the cells and associated spaces will be lost, forming a single open space comprising the school hall (facilitated by the extension of the wing over two storeys into the inner yard and to abut the back wall of the police station range), with a second room for kitchen preparation at the end.
- 4.2.22 Paragraph 5.28 of the Heritage Statement (**CD01/25**) states that, *'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'*.
- 4.2.23 There is, in my view, a self-serving 'circularity' to this type of justification for harm. The justification is that the needs of the school cannot be made to fit into the existing building, and therefore the building must change to accommodate the proposals. However, if the proposed use cannot be accommodated by the existing building without very substantial change that causes harm to its significance, then I suggest that the proposed use is not the appropriate or optimum viable use for the listed building.
- 4.2.24 The appellant's Design & Access Statement (p.30; **CD01/19**) suggests locations where two retained cell doors 'can' be reused in the north-west corner of the lower ground floor of the police wing, one as a door to a cleaners' store room and the other to a general storage/exam archive room, opening off a plant room. However, it should be noted that the locations proposed for their reuse are not in the cell wing, and therefore have the potential to further muddy the ability to understand the three original separate functions of the building.
- 4.2.25 The proposed Condition 4 on the listed building consent application, as set out in the Statement of Common Ground (**CD02/09**), relates to 'Salvaging and retention'. This includes two cell doors among other items. However, while the condition requires their salvage, this is merely *'with a view to incorporating them into the scheme'*. There is therefore no guarantee that any of the items referred to will in fact be reused in the building.

First floor

- 4.2.26 On the first floor, the most significant impact arises from the proposals for the court wing. The police wing still contains some original walls and spaces on this floor despite a greater degree of past alteration. While some of this will be retained under the appeal scheme, there is some proposed additional loss of fabric, including within the former lodgings at the western end of the floor. The cell wing has also already been quite substantially modified on this floor, with removal and insertion of partitions, although the survival of a chimneybreast and a formerly external wall has retained some legibility. These surviving elements are, however, now proposed to be removed as well, resulting in the formation of a large classroom and food technology room.
- 4.2.27 If considered in isolation, these proposals might be considered acceptable in terms of impact because of the high degree of past alteration in the cell wing and the relatively minor nature of the alterations proposed in the police wing. However, these works cannot be considered in isolation given the high degree of loss of original fabric elsewhere; rather, they contribute to a cumulatively high level of loss and impact.
- 4.2.28 The first floor of the court wing currently remains largely in its original configuration. This includes the court room itself and the public waiting room. The original fixtures and fittings remain in the court room.
- 4.2.29 The proposed new use as a Business and Enterprise Centre will require the removal of many of these fittings, including the advocates' bench, the public gallery and the dock. The magistrates' bench and timber wall panelling will be retained. Given that this space is considered to be one of the most significant spaces in the building (see item (iv) of the list entry as set out in paragraph 2.9 above, and the various recognitions of this in the appellant's Heritage Statement (**CD01/25**); for example, its paragraph 4.52), the removal of most of the original fittings is clearly harmful to the 'special interest' of the building.
- 4.2.30 In my 10.06.19 letter of objection (**Appendix 1**) to the applications on behalf of HCRD, I set out my views on this, focusing on the question of why the appellant did not acknowledge any harm arising from, or provide any justification for this

element of the proposals. I also suggested that perhaps the court room might be retained intact for use as an educational resource within the school. The appellant's response, in the Heritage Review (**CD01/24**), was that, *'this limits the use of the space to a very small minority and limits wider public accessibility. This further undermines the intention of the application to seek to reinstate the Magistrates Court element of the building (which forms part of the original design intent by Dixon Butler)'*.

- 4.2.31 First, there is no 'reinstatement' of this space under the appeal scheme. The Magistrates' Court is not being reinstated as a working court room, and as a space it already exists intact. The proposals dilute and subtract from that intactness, and cannot be said to 'reinstate'. This is not just 'semantics' but an important point.
- 4.2.32 Second, it is not necessarily the case that a Business and Enterprise Centre will enable any greater degree of public accessibility than would potential other uses, as access would only be available to members of the Centre.
- 4.2.33 Further to this, given the neighbouring uses of business and school and the need to introduce safeguarding measures for the school's pupils, it is also probable that access to the Centre would need to be restricted and/or carefully regulated. For instance, because the proposed internal lift is to be shared by both uses, a limited-use key card system is to be introduced to prevent internal access between the Business Centre and the school. This does not suggest that there will be a high degree of public access to the space.
- 4.2.34 The appeal proposals do offer a benefit to this part of the building through the removal of a modern suspended ceiling in the public waiting area to the court so that the original volume of this space and its original cornice can be appreciated. However, while this and the removal of the later partition adjoining the court staircase referred to above at paragraph 4.2.20 are positive interventions, they do not compensate for the harm that will be caused to this part of the building on both the ground and first floors.

4.2.35 The Conservation Officer (email dated 01.08.19; **Appendix 3**) stated that, *'The removal of the magistrates' court fittings and furniture is disappointing however the wall panelling and magistrates' bench will be retained along with the magistrates' doors and private staircase. All removed items should be salvaged with a view to incorporating them into the scheme'.*

4.2.36 The requirement to salvage these and other items was, as stated above at paragraph 4.2.25, expressed in proposed Condition 4 on the listed building consent application, as set out in the Statement of Common Ground (**CD02/09**). Again, as with the cell doors and other items referred to, there is no guarantee that they will be reused in the building.

Second floor

4.2.37 The structural posts are to be removed from the large room (a former police dormitory) in the court wing and other original walls are to be taken out. The configuration of this floor has already been altered to some degree, but the proposed losses add to the overall degree of loss and impact throughout the building.

Lower ground floor/basement

4.2.38 In the police wing, while new partitions and a new staircase will be inserted, this will happen within the retained existing configuration. In the court wing, the former Parade Room will be reinstated to a single open space as it was originally by removing modern cells. There are proposals to change the floor level in the area to its south.

4.2.39 The cell wing will lose the majority of its surviving original configuration. The spaces here originally comprised small service rooms such as coal, bicycle and lamp stores, a box room and WCs. It has a very cellular form which will be lost as much of the wing at this level is to be opened out and extended to form two classrooms.

4.2.40 In short, there is a cumulatively high degree of loss of original fabric (and thus original plan form) proposed throughout the building. Where there is particularly

good survival of the original plan form, for instance on the ground floor of all three wings, a high degree of harm will arise from these proposals.

4.3 Other considerations

- 4.3.1 In terms of the effect of the appeal scheme on the appeal building's external appearance, I am of the view that the proposals for the erection of a playground canopy to the rear, the removal of later accretions and other proposals for the rear elevations will not result in harm to the significance of the building. Similarly, the proposals to create an access ramp to the Downshire Hill entrance into the former police lodgings (Section House) are also acceptable in terms of their impact on both the listed building and the character and appearance of the conservation area.
- 4.3.2 The proposals for the principal elevation to Rosslyn Hill involve alterations to the front steps to facilitate the installation of a ramp to enable inclusive access to the front entrance. This will result not only in changes to the building's appearance in the streetscape and thus on the character and appearance of the conservation area, but also on the architectural composition of the principal façade itself.
- 4.3.3 The Design & Access Statement (**CD01/19**; p.22) describes the proposed 'extension' of the front steps 1090mm onto the pavement, but this intervention actually involves the demolition of the existing flight of steps (which is encompassed within the depth of the front area) and its rebuilding in a new position forwards of the front area. This also involves the relocation forward into the street of the piers which flank the steps and carry the police lanterns, which currently stand in line with the area railings.
- 4.3.4 The proposed south-west elevation drawing (P-1732-200 C; **CD01/78**) appears to indicate that the existing piers with lamps will remain *in situ* and that a new pair of piers will flank the foot of the new steps.
- 4.3.5 Section BB (P-1732-251 F; **CD01/84**) shows the existing piers and lamps moved forward, as does the proposed ground-floor plan (P-1732-101 E;

CD01/70), which omits to show piers in the existing position, simply showing piers in the new position on the pavement. The proposed north-west elevation drawing (P-1732-304 B; **CD01/88**) appears to show the existing situation retained.

- 4.3.6 What is needed is a large-scale plan of the proposed arrangement, including details of proposed materials, so that this proposal can be properly assessed. Without this, and with the confusion generated by the other drawings which do not seem to correlate, it is difficult to judge the degree of disruption this proposal will have on what the enhanced list entry refers to as *'a picturesquely grouped set of features'* at the entrance to the building. Indeed, item (i) of HE's reasons for designation reads, *'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'*.
- 4.3.7 The Conservation Officer (email dated 01.08.19; **Appendix 3**) said, *'Details of the extended front steps and the accessible gate will be required along with the ramp hand rail and railings which should be to match existing characterful traditional Dixon Butler design'*. The appellant's Heritage Review (**CD01/24**) responded to this with, *'We suggest that the details of this should be subject of a condition attached to any future permission/consent'*.
- 4.3.8 The police station entrance is a key element of the architectural composition and an expression of the status of the building and the function that it housed. Any alteration to this façade needs to be sensitive to this and to minimise harm. It is too important an element (both in terms of the listed building and its contribution to the character and appearance of the conservation area) to be left to a condition.
- 4.3.9 The proposed works will certainly alter the careful composition of the façade by projecting this element out beyond the front area, the line of which currently neatly encloses the building, and it is unusual to have steps projecting forwards from the front area of a building of this nature. The drawings also suggest that the proposed ramp, to be flanked by railings, will result in an unwelcome degree

of visual clutter against the façade of the building, with the rising ramp railings 'clashing' visually with the existing railings.

- 4.3.10 I appreciate the need for equality of access, but it is not clear from the Design & Access Statement that other, potentially more sensitive, options were considered before selecting this one.
- 4.3.11 The reason why it is important to understand the details of this element of the works 'upfront' rather than for it to be controlled post-consent by a condition is because, at detailed design stage, it may emerge that the works need to be redesigned in order to make them viable. This could result in a compromised design that may lead to further unforeseen harmful impacts on the listed building and/or conservation area.
- 4.3.12 In a similar vein, it is the view of HCRD that fire safety and means of escape measures have not been adequately covered in the application documents. I am not qualified to comment on such matters, but if this is considered to be the case by those who are, then I would note that if listed building consent is granted without full details of the required measures in place, there is the potential for conflict between the measures required and the need to protect the listed building; this could lead to further harmful impact to historic fabric that cannot be foreseen at this stage.

5.0 DISCUSSION AND CONCLUSIONS ON THE LEVEL OF HARM

5.1 The degree of internal demolition is high and will self-evidently have a very substantial impact on plan form as well as resulting in the loss of much original fabric. This impact has both specific and cumulative effects.

5.2 In my opinion, the proposals for the interior of the building will result in the following of HE's Reasons for Designation (see paragraph 2.9 of this proof and **CD10/02**) of the building becoming severely weakened or largely 'redundant':

(ii) cites the intricate planning of the building '*to provide separate areas for the different primary functions...with careful consideration of the requirements of the various parts*'.

(iii) says that, '*the hierarchy of spaces is expressed in the internal detailing, and the stairs, in particular, reflect the status and character of the different areas*'.

(iv) says that, '*The high-status of the courthouse is manifest in the internal joinery and plasterwork, and the courtroom has an extensive scheme of panelling and furniture*'.

(v) states, '*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*'.

(vi) '*An early example of a combined police station and courthouse, and possibly the first to provide facilities for dealing with juvenile suspects*'.

5.3 In respect of (ii) and (v), it is quite evident that the proposals will entirely remove all evidence of the intricate planning and separation of the primary functions. Very little of the original plan will survive.

5.4 The list entry says, '*The routes of circulation were carefully considered and cleverly laid out, and the success of the scheme is evidenced by the fact that many of the principal functions remained in their original spaces, despite the repeated renovation of the building*'.

- 5.5 The impact on the ground floor, which survives the best and contains most of the key spaces, is particularly high. The division between the court and police wings is lost; the loss of all the cells from the cell wing completely removes the evidence of this use and its relationship to the rest of the building, along with the rounded angles of the walls of the spaces where suspects were held; and all the key ground-floor spaces in the police and court wings will be lost, including the first known example of a juvenile offenders' examination room.
- 5.6 The other floors will also be subject to loss of surviving historic fabric. The list entry notes that, '*In the basement, the plan form is largely intact*'; this intactness will be lost in the cell wing in particular, including details such as the rounded angles of walls. While parts of the other floors have already been subject to alterations, the further losses proposed will have a cumulative impact on the building as a whole, in addition to the key losses proposed to the planning and fabric of the ground floor.
- 5.7 Clearly, HE consider the planning of the building to be a key component of its significance and 'special architectural and historic interest'. In contrast, the appellant's Heritage Statement does not recognise this. Neither does it acknowledge any harm arising to it and consequently it provides no adequate justification for it.
- 5.8 In respect of (iii), the hierarchy of spaces is currently expressed in the relative differences between original decorative treatments and fittings, with the greater decorative treatments reserved for the court wing. The different functions of the police and cell wings will no longer remain evident because their existing spaces will be lost (again, particularly on the ground floor). It is also proposed to re-set fittings from one part of the building into another, confusing the original distinction between the different functional areas (for example, the cell doors and the timber court wing entrance screen).
- 5.9 While the principal police station staircase is being retained in this scheme (unlike in the 2016 scheme, where its proposed removal resulted in a reason for refusal and was objected to by HE), it will not be able to reflect the character and status of the space it is in (in relation to the other retained staircases)

because its context will be entirely lost. It is also to be encased in plywood so that for the duration of the building's use as a school, there will be no ability to see its original form and for this reason too it will be unable to '*reflect the status and character of the different areas*'.

- 5.10 In respect of (iv), much of the court room furniture is to be removed, with no certainty over where it will end up within the building once salvaged. As the list entry sets out, '*The jury stand, clerk seating and public gallery are also panelled, and the dock is raised on a dais and bounded by cast iron railings*'. All of this will be removed. The removal of the court fittings will result in loss of fabric and loss of meaning and legibility of one of the most important spaces in the building.
- 5.11 In respect of (vi), the building's interest deriving from being possibly the first combined police station and courthouse to provide facilities for dealing with juvenile suspects will no longer be evidenced physically in its fabric because the juvenile offenders' waiting room and examination room are to be removed.
- 5.12 In addition to these points, the proposals for the ramped access and changes to the front entrance steps will have an impact on the principal elevation of the building and therefore potentially on reason for designation (i), which refers to the picturesque nature of the entrance and the design qualities of the façade.
- 5.13 What becomes clear from this exercise is that if the appeal scheme is allowed, much of the newly revised list entry would no longer apply. Item (ii) would no longer apply because the evidence of the architect's original intricate planning would all be lost. Item (iii) would be significantly weakened as, although the higher quality detailing such as cornicing in the court wing would be preserved, it will no longer be possible to appreciate its relative quality in relation to the other wings, as these are to be entirely reconfigured. The police wing staircase will be encased so it cannot be seen and, although this is a reversible intervention, as long as it is in the proposed use it cannot be appreciated.
- 5.14 Item (iv), which refers to the court room, will be significantly weakened by the loss of most of the court room furniture. Item (v) again refers to elements of plan form which will be lost.

- 5.15 Under 'Historic interest' item (vi) will be weakened by the loss of the physical evidence for the processing of juvenile suspects. Item (vii) would be weakened by the loss of the interior, which contributes to the building being '*an excellent example of the design capabilities of John Dixon Butler*'. Good design is not just about the composition of a façade but about the planning of the interior for the purpose it was intended.
- 5.16 This inevitably leads to the question of whether the building would indeed still be of listable quality following the implementation of the appeal scheme.
- 5.17 The Historic England Listing Selection Guide for Law and Government Buildings (Dec.2017; **Appendix 6**) says of buildings such as this (p.18), that '*their architectural qualities (including planning) are generally the overriding considerations in listing assessments. Such buildings are hierarchical, with some areas being accorded much more attention than others: the principal public areas will be of particular importance when assessing buildings*'.
- 5.18 It goes on to advise (p.20) that architectural quality is the primary consideration and also advises that '*a station designed as part of a court complex, or one that is complete with cells, police accommodation and stables (the latter being particularly rare), is likely to be of more architectural and historic interest*'.
- 5.19 Of the internal planning the guidance (p.20) states that, '*A legible plan form is an important consideration together with the survival of internal features or specialised buildings (such as a police superintendent's house); some alteration is to be expected, however*'.
- 5.20 It is clear from the above that some of these factors would be weakened by the implementation of the appeal scheme (particularly the legibility of the plan form, the loss of cells and principal public areas, etc.).
- 5.21 It is not my intention, in this proof, to rehearse this point in any more depth, but I certainly believe it is worth raising this issue because it emphasises the impact that the appeal scheme will have on the building's significance and 'special architectural and historical interest' as a listed building, potentially resulting in

any new assessment of its listing having to rely heavily on the quality of the building's exterior alone.

- 5.22 The appellant does not acknowledge any harm arising to the listed building from the appeal scheme and is of the view (expressed at paragraph 4.76 of their Statement of Case as well as in their Heritage Statement – see, for instance, paragraph 5.40, 5.42 and 5.45) that the proposals will enhance the significance of the listed building.
- 5.23 I wholly disagree with the stance that the proposals enhance the significance of the listed building. While there are discrete elements of the proposals, such as the removal of the wall inserted adjacent to the court wing staircase and the removal of a suspended ceiling to reveal an original cornice, that offer isolated enhancements, the degree of harmful impact far outweighs the benefits of these elements of the scheme. At paragraph 5.39 of the Heritage Statement it is even claimed that the appearance of the police station staircase will be enhanced. This staircase is, however, to be encased in plywood, wholly obscuring its original appearance: how can this possibly be an enhancement of appearance?
- 5.24 Interestingly, a text search of the appellant's Heritage Statement for the word 'harm' reveals 31 instances of the word, all found only where policy and guidance is being cited. Nowhere in this document is there any specific recognition of any harm arising to any part of the listed building. I find this to be an untenable position.
- 5.25 LBC's Conservation Officer assessed the harm to be less than substantial. RR1 of the listed building consent decision does not specify the degree of harm.
- 5.26 Paul Velluet, Chartered Architect, M.Litt., RIBA, IHBC, whose qualifications and experience are set out in paragraph 1.1 of his report on the appeal scheme prepared for a third party (see **Appendix 2** of this proof) has reached a conclusion, *inter alia*, that the appeal scheme, *'Would result in substantial harm to the particular architectural and historic significance of the building as a designated heritage asset without clear and convincing justification and without*

offering substantial public benefits that would outweigh such harm, contrary to the relevant provisions of the National Planning Policy Framework’.

5.27 As the NPPG says, *‘In general terms, substantial harm is a high test, so it may not arise in many cases’.* Certainly, in my professional life, a judgement of substantial harm tends rarely to be applied and I am hesitant to make such a judgement without robust cause.

5.28 However, in light of the NPPG’s further statement that, *‘...in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest’*, it is difficult to see how, when the impact of the proposals is considered against HE’s reasons for designation of the building at Grade II (i.e. key elements of ‘special interest’), a judgement of anything other than substantial harm can be reached.

5.29 This engages paragraph 195 of the NPPF:

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

a) the nature of the heritage asset prevents all reasonable uses of the site; and

b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and

c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and

d) the harm or loss is outweighed by the benefit of bringing the site back into use’.

- 5.30 I am not aware that criteria (a) – (c) have been tested, so that even if (d) was to apply on its own, this would not be sufficient reason to grant consent.
- 5.31 I am not of the view that the considerable harm proposed is outweighed by the benefit of bringing the building back into use. No other use of the building has so far been tested and it is not considered to be 'at risk'.
- 5.32 It is beyond the scope of this evidence to weigh up the 'planning balance', but if the Inspector is of the opinion that the appeal proposals are 'harmful' in heritage terms, his decision will need to take into account the 'public benefits' of the scheme which are discussed in the evidence of the parties to this inquiry and which HCRD refute.
- 5.33 Paragraph 4.78 of the appellant's Statement of Case says that, '*...even if a conclusion is reached that the proposal causes an element of harm to the listed building (and/or the conservation area) this harm would be less than substantial and will be outweighed by the public benefits of the scheme in accordance with paragraph 196 of the NPPF..*'
- 5.34 If the Inspector should judge the harm arising to be less than substantial, then in my view the level of that harm must be considered to be at the uppermost end of the spectrum of less than substantial harm.
- 5.35 A judgement of less than substantial harm would engage paragraph 196 of the NPPF:
- 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'*
- 5.36 It will be clear from my evidence that my view is that the appeal scheme does not represent the optimum viable use for the listed building because of the degree of negative impact and harm arising to the key components of its

significance and 'special architectural and historic interest' as a Grade II listed building.

5.37 I therefore respectfully urge the Inspector to dismiss this appeal.

6.0 SUMMARY

- 6.1 Following an introduction to the scope of evidence covered, which relates primarily to Refusal Reason 1 of the listed building consent application, Section 2.0 of this proof considers the significance of the Grade II listed former Hampstead Police Station ('the appeal building'), with particular reference to Historic England's revised and enhanced statutory list entry published on 14th February 2018, the content of which should, in my view, be given great weight as an objective and informed appraisal of the building.
- 6.2 The assessment of the building's significance given therein clearly sets out, in a series of unambiguous 'Reasons for Designation' (supported by the main body of the text), which elements of the building are considered to be key contributors to its significance and 'special architectural and historic interest'.
- 6.3 I then consider the appellant's own assessment of the building's significance against the content of the enhanced list entry, and take the view that the value of the building's plan form in particular has been downplayed by the appellant. As a result of this, it is my opinion that the significance and 'special interest' of the listed building has not fully been taken into account in formulating the appeal scheme and that the proposals therefore result in a degree of harm to the listed building that has not been (and in my view cannot be) adequately justified.
- 6.4 In Section 3.0 of my proof I consider the national and local heritage policies and law relevant to the appeal proposals and in this context would particularly like to draw the Inspector's attention both to paragraph 193 of the NPPF, which emphasises the need to give 'great weight' to the conservation of heritage assets, irrespective of the level of harm identified (in line with section 16(2) of the 1990 Act), and to the advice contained in the section of the NPPG entitled 'How can the possibility of harm to a heritage asset be assessed?', which states: *'...in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest...'*

- 6.5 In Section 4.0, I consider the proposals for the alteration of the listed building on a floor-by-floor basis, and conclude that the appeal scheme proposes a high degree of loss of original fabric and consequent loss of original plan form, particularly to the ground floor, which has thus far survived remarkably intact and contributes to a large degree to Historic England's Reasons for Designation of the building.
- 6.6 In particular I conclude that considerable harm will arise from the removal of the majority of the original dividing walls on the ground floor of all three wings, including the cells, the insertion of an axial corridor through the police wing and the encasing of the main police station staircase. The proposals remove all the physical evidence for the carefully planned interior designed to limit access between different functions within the building, thereby severely weakening another of Historic England's Reasons for Designation.
- 6.7 In the court wing, the removal of internal walls results in the loss of all the original spaces, which include rooms originally relating to the processing of juvenile offenders (the list entry stating that the juvenile offenders' examination room is believed to be the first example of its kind).
- 6.8 On the first floor of the court wing, many of the original fixtures and fittings are proposed to be removed from the court room. Given that this space is considered to be one of the most significant spaces in the building this will have, in my opinion, a clearly harmful impact on the 'special interest' of the building. I question the appellant's assertion that there is no harm arising from this and other elements of the proposals.
- 6.9 In sub-section 4.3 of my proof I consider the proposed alterations to the principal elevation of the listed building to Rosslyn Hill, and suggest that the proposals to install a ramp to enable inclusive access to the front entrance should have been fully detailed at application stage, and that without such details it is not possible to judge the degree of impact these works will have on the building's architectural interest, in particular the careful composition of its façade noted as a Reason for Designation in the revised list entry.

- 6.10 In Section 5.0 of my proof, I consider the proposals more specifically against the Reasons for Designation of the listed building, taking each Reason in turn. I conclude from this exercise that if the appeal scheme is allowed, many of the Reasons for Designation would either no longer apply or would be severely weakened.
- 6.11 This section of my proof then goes on to consider the degree of harm that in my view would arise from the appeal scheme. I conclude that, on the basis of my assessment of the impact of the appeal scheme on the significance and 'special interest' of the building, particularly when considered against the content of the revised list entry and its Reasons for Designation, it is possible to arrive at a conclusion of substantial harm to the listed building.
- 6.12 I accept that substantial harm is a high test that does not arise in many cases. However, the advice in the NPPG is that, *'in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest'*, and, in my view, the proposed works will seriously affect key elements of the building's 'special interest'.
- 6.13 I then consider the relevant policy test in paragraph 195 of the NPPF and conclude that the exceptions (a)-(d) are not met. I am of the view that the considerable harm proposed is not outweighed by bringing the building back into use and that the degree of impact proposed indicates that the appeal scheme is not an appropriate or the optimum viable use for the building.
- 6.14 I conclude that if the Inspector should find that the appeal scheme will cause less than substantial harm to the listed building, thereby engaging paragraph 196 of the NPPF, then in my view the level of that harm must be considered to be at the uppermost end of the spectrum of less than substantial harm.
- 6.15 I therefore respectfully urge the Inspector to dismiss this appeal.