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Note in response to JLL Heritage Review:

Former Police Station Hampstead, 26 Rosslyn Hill (Refs: 2019/2375/P & 2019/2491/L)

Introduction

- 1.1 This Note has been prepared on behalf of HCRD in response to the 'Heritage Review' prepared by JLL Heritage (September 2019). The JLL Review provides a response both to comments made on the applications by the Council's Conservation Officer, Antonia Powell, and to the comments made by myself in a letter to the Council dated 10th June 2019 on behalf of HCRD.
- 1.2 To begin, JLL have stated that because my comments were based on a desk-based exercise and I had not inspected the interior of the building then they could be afforded very limited weight.
- 1.3 My 'desk-based exercise' did in fact include a visit to the area to view the exterior of the building and its surroundings and I had of course had the benefit of being able to examine the detailed application drawings and other documentation, including photographs of the interior and the Heritage Statement submitted with the application.
- 1.4 However, I agree that this is not a substitute for seeing the building at first-hand, which I have now been able to do (on 22nd October 2019) with the kind agreement of the building's owners in response to a request for access made by HCRD.

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- 1.5 My inspection of the interior of the building supplemented the information I had already gained from a comparison of the original architectural drawings and the current survey plans with regard to the general extent of the survival of original internal walls and spaces and the degree of later alteration. The level of survival appeared particularly good throughout the ground floor and in the court wing generally.
- 1.6 There are many suspended tile ceilings inserted throughout but, where it is possible to see, the original ceilings appear to survive above these. Many doors have been replaced with poor quality modern examples. Some later partitions have been inserted. The interior decoration is relatively plain, as one would expect given the use for which the building was erected, with the more decorative treatments reserved for the higher status spaces, such as those in the court wing.
- 1.7 The building bears all the typical hallmarks of wear and tear from intensive daily use and requires refurbishment and redecoration to bring the fittings and finishes back to a good condition. Some wall finishes have begun to deteriorate, possibly as a result of the fact the building has remained unheated since the police use ceased, and there are signs of water ingress in places.

The extent of ground-floor demolitions

- 1.8 The Conservation Officer 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'*.
- 1.9 The JLL Review states that the drawings have been revised to show the retention of walls where possible, resulting in the slight reconfiguration of rooms. However, having studied the latest submitted proposals for the ground floor (uploaded to the Council's planning website on 25th September 2019), the only apparent change in this respect seems 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.
- 1.10 Otherwise, all the original internal dividing walls forming the rooms shown on John Dixon Butler's original plans, including in the front range, the cell wing and the court wing, are still to be removed. In the court wing this means that the

magistrates' room, juvenile offenders' examination room (the first example of its kind), former clerk's office (which has been subdivided), and WCs will all be merged into a single space, and likewise the entrance hall, juveniles' waiting room and women's waiting room.

- 1.11 All the cells will be lost from the cell wing, while in the front range all the walls formerly dividing the rooms making up the married staff quarters (a sitting room, bedroom and kitchen, which later became offices) and the CID Office will be taken out and new partitions inserted to form a similar series of small cellular rooms. This begs the question why the original layout in this part of the building cannot be retained and adapted with less impact to serve the purposes of the scheme.
- 1.12 In this context, the Conservation Officer's concerns about the extent of ground-floor demolition must still stand and the 'reasonable justification' she requires remains to be provided.
- 1.13 The Conservation Officer also required further consideration of the proposed removal of walls and doors to the public waiting area on the first floor of the court wing; these are now to be retained, which is welcome.
- 1.14 The first floor of the front range still retains some original walls which are largely to be removed under the proposed scheme, albeit there is a greater degree of existing loss and alteration in this part of the building. Likewise, on the second floor, the columns are to be removed from the large room in the court wing and other original walls are to be taken out, with some original walls also to be taken out at lower ground-floor level.
- 1.15 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.

Changes to the front steps and new ramp

- 1.16 The Conservation Officer has said that '*details of the extended front steps and accessible gate are required along with the ramp hand rail and railings which should be to match existing characterful traditional Dixon Butler design*'. The

lack of detail supplied in respect of this proposed intervention was also raised in my comments, my own view being that the works have the potential to disrupt the careful composition of the façade (which the JLL Review acknowledges is '*a key element of significance*') and thus need to be got right. Demolishing the front steps and building new ones further into the street is an irreversible intervention and needs careful consideration.

- 1.17 The response of the JLL Review is to suggest that these details should be the subject of a condition attached to any future consent. I disagree with this suggestion. This proposed intervention is critical to the appearance of the building in the streetscape and conservation area and is too important to leave to a condition. A detailed design solution for this element should continue to be sought by the Council prior to determining the application in order to ensure a high-quality design is agreed from the outset rather than running the risk of granting consent and then finding that this key element has to be compromised in order to make it work.
- 1.18 The JLL Review states that my comments '*demonstrate a fundamental misunderstanding of the proposals*'. It is the absence of detailed plans from which the full impact of this intervention can be ascertained that prevents full understanding of this aspect of the scheme. I have also seen no evidence that other solutions to access have been considered and dismissed as unworkable in order to arrive at the current proposal.
- 1.19 I am of course aware and appreciative of the need to make the building accessible to all in the context of an appropriate new use. In this case, I do not see this specifically as a heritage-based benefit (i.e. one that better reveals the significance of the building) because the interior which is being made accessible will no longer, if this scheme gets consent, retain much heritage interest.
- 1.20 However, if the building is to find a new use requiring public access then it is necessary to find ways to make the building more fully accessible. The proposals to improve accessibility via the Downshire Hill entrance appear acceptable in terms of their impact on the listed building and conservation area but it is unfortunate that this entrance is not intended for the school but for the Business and Enterprise Centre.

Police station main staircase

- 1.21 I note the comments made with regard to Health and Safety considerations. However, I understand that the proposals for the conversion to a primary school of the former Hackney police station (application refs: 2015/3306 and 2015/3316, approved on appeal) came up with a rather more elegant and sympathetic solution to the need to adapt the staircase to make it safe for children's use. The staircase in that building, also by John Dixon Butler, is very similar to the staircase in the Hampstead building.
- 1.22 The Hackney solution, rather than encasing the staircase in plywood (which, while a reversible intervention, removes the ability of the staircase to contribute to the character of the building throughout its use as a school and is intrinsically visually unappealing) involved the installation of a glass balustrade on the inner side of the stair, leaving the original form of the staircase entirely appreciable and enabling it therefore to contribute to the architectural and historic interest of the building. There is no indication that a less harmful alternative such as this has been explored for Hampstead.

Proposals for the Magistrates' Court

- 1.23 It is positive to see that the plans have been amended to retain the walls and doors within the public waiting area on the first floor. It is, however, *'disappointing'*, as the Conservation Officer has said, to see that the Magistrates' Court fittings and furniture are still to be removed.
- 1.24 The JLL Review suggests that the Conservation Officer's requirement that removed items should be salvaged and reused in the building should be the subject of a condition. In the event that, notwithstanding the major objections on heritage grounds, the proposed scheme is approved, it will be important to include a condition requiring that, prior to the removal of fabric, the building is subject to a programme of recording with reference to the recording levels described by Historic England in *'Understanding Historic Buildings'* (May 2016).
- 1.25 The comments I made in respect of the significance of and harm arising to the court room otherwise stand. There still appears to be no recognition that harm will be done to the significance of this space and therefore to the *'special interest'* of the building as a whole.

- 1.26 The final sentence of the JLL Review on this subject states that the limitation of wider public accessibility to the Magistrates' Court that they say retaining its fittings would result in, will *'further undermine[s] 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)'*.
- 1.27 What is meant by *'seek to reinstate'*? 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, they do not reinstate. This statement is misleading.

The Historic England listed building description

- 1.28 The JLL Review clarifies the reasons why the list description for the building was reviewed by Historic England (HE) in 2018, which I acknowledge, but also misunderstands my reference to the 1998 listing: I did not refer to the description as statutory but to the fact of listing in itself, which of course is.
- 1.29 While the main point of clarification is noted, the JLL Review does not engage with the substance of my comments, which were to do with the reasons why HE consider the building to be significant and wherein its *'special architectural and historic interest'* lies. The newly detailed assessment HE made of the building's significance and special interest must be given considerable weight.
- 1.30 My comments on the content of the list description and its assessment of the significance of the building still stand and I would reiterate that no further justification of the proposals against this assessment of significance has been supplied by the applicant.

Other matters

- 1.31 The JLL Review states that my comments stray onto other matters which are *'well beyond'* my professional experience. This comment is made in respect of the very brief reference I made about the likelihood of increased traffic and consequently air pollution having a negative impact on the character and appearance of the conservation area.
- 1.32 I made no claim to be a technical expert in these matters but nevertheless I consider it entirely valid that I raise them in the context of the character and

appearance of the conservation area, as traffic and air pollution are factors which have an impact on the way in which the conservation area is experienced.

- 1.33 As the Historic England GPA Note 3 'The Setting of Heritage Assets' (Dec 2017) says (p.2), '*...the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity...*' Page 13 of the same guidance includes such considerations (including those relating to changes in traffic, road junctions and car parking) in a checklist of possible wider effects of developments.
- 1.34 The objection submitted by HCRD included a 'Transport Assessment Audit' by TTP Consulting (July 2019), which reviewed the applicant's transport submissions. This report states *inter alia* that '*There appears to be an underestimation of the impact of traffic movements that will be generated by the proposed school*' and that, '*It is considered that the proposed development will generate an increase in traffic movements, compared to the previous consented use...*'
- 1.35 HCRD also instructed a 'Review of Air Quality Issues' by SW Environmental (June 2019), which discusses the poor air quality already present in the area and states that '*The project itself is also likely to have various negative impacts on air quality arising from transport burden and building energy systems, further elevating the illegal pollution levels*'.
- 1.36 These reports, prepared by professionals in their respective fields, speak for themselves and justify the inclusion of my brief reference to these issues in respect of the conservation area.

Conclusions on harmful impact

- 1.37 I am well aware that substantial harm is a high test and may often not arise. However, until the applicant carries out a proper assessment of the harm arising to the identified significance of the building, and can demonstrate that the building's significance as set out in the list description will not be 'drained away', then substantial harm remains a possibility. Any harm identified, whether substantial or less than substantial, needs to be articulated and justified.

The balancing exercise

- 1.38 The JLL Review demonstrates a misapplication of NPPF policy. Under the sub-heading 'The balancing exercise,' it is stated that my assessment that the loss of internal plan form of the building would create an element of harm fails to consider the application proposals in their entirety.
- 1.39 Harm is harm no matter what benefits also arise. It is this harm which is then to be balanced against public benefits. As the NPPF says (and as has been established in case law), harm must be given weight no matter what its degree. Paragraph 193 of the NPPF states: *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'.*
- 1.40 The JLL Review seems rather to imply that any harm is 'wiped out' once the benefits of the proposal are considered. This is simply not the case; the balancing exercise is not carried out first in order to arrive at a level of harm. The level of harm is established first (after having established significance). That harm is then balanced against the benefits, but the level of harm remains constant.
- 1.41 It is therefore incorrect to say (as the JLL Review does) that, *'the application proposals when considered in their entirety will enhance the significance of the listed building by bringing a building back into use that safeguards its future as well as better revealing elements which contribute to its significance'.*
- 1.42 While it is correct that some interventions can better reveal the significance of a building, the simple fact of bringing it back into use does not enhance its significance. The significance is as it has been assessed at the outset. The harm identified to that significance will result from a number of interventions including large-scale demolition of the internal layout, loss of court room fittings and disruption to the façade, etc. The identified benefit of bringing the building back into use does not negate the harm, but should (in simplistic terms, and taking into account what that use is and what it entails) be balanced against the harm to arrive at a conclusion of which outweighs the other.

- 1.43 Should the decision-makers decide that the benefits outweigh the harm, this does not then equate to an enhancement of significance!
- 1.44 JLL continue to refuse to acknowledge any harm to the significance of the building, which is plainly not the case; the Conservation Officer has arrived at a judgement of 'less than substantial harm' and it is simply inconceivable that the proposed works will not cause any harm. The failure to acknowledge this and the consequent lack of justification for the harmful works proposed in my view undermines the robustness of the approach as a whole.
- 1.45 In my view, the degree of harm that will be caused by the proposals to the significance and 'special interest' of the listed building should warrant a reason for refusal of the applications for planning permission and listed building consent.
- 1.46 While a new and viable use clearly does need to be found for the building, nobody has claimed that the currently proposed use, and the scheme put forward to achieve it, is the only use that the building might accommodate; alternative uses, which may have a less harmful impact on the significance of the listed building, remain to be tested.

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