

Delegated Report		Analysis sheet		Expiry Date:	01/10/2021
		N/A		Consultation Expiry Date:	12/09/2021
Officer			Application Number(s)		
Laura Dorbeck			(i) 2021/3803/P (ii) 2021/3086/L		
Application Address			Drawing Numbers		
111 Frogna London NW3 6XR			Please refer to decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposals					
Planning permission – Removal of backfill from part of the pre-existing cellar, structural repairs of the cellar walls and tanking and dry-lining of the cellar (retrospective application)					
Listed building consent - Replacement of unoriginal floated timber floor with solid ground floor at historic level, removal of backfill from part of the pre-existing cellar, structural repairs of the cellar walls and tanking and dry-lining of the cellar (retrospective application)					
Recommendations:		(i) Refuse Planning Permission (ii) Refuse Listed Building Consent			
Application Types:		(i) Full Planning Permission (ii) Listed Building Consent			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notices					
Informatives:						
Consultations						
Adjoining Occupiers:			No. of responses	16	No. of objections	2
Summary of consultation responses:	<p>One objection was received from Phillips Planning Services Ltd on behalf of the neighbouring residents at no. 109 on the following grounds:</p> <ul style="list-style-type: none"> • Based upon our clients' longstanding friendship with the former owners of No.111 they were only aware of / had previously only observed a very small cellar space of approx. 2 x 2m at the front corner of the house. This understanding has again been checked with and confirmed by the former owners of the property. • The current application shows a cellar / basement which is much larger than this running under a large proportion of the house. • The application states this was existing and the works relate only to the removal of backfilled material and the lining and tanking of the cellar walls. • The application is not accompanied by any form of detailed engineering statement to explain the extent of the excavation works and/or how the removal of the material and the casting of concrete walls and tanking may have impacted the neighbouring property and the drainage conditions in the area around it. • An independent professional report should be provided to ensure that issues relating to stability and drainage have been carefully considered during these works. <p>One objection was received from an employee of the Caro Studio (summarised):</p> <ul style="list-style-type: none"> • I believe they have dug out a sizeable basement underneath the property; this includes where Sir Anthony Caro's studio was located. There was no cellar there at all and this I am prepared to vouch for. There was a simple coal hole which used to be originally a small coal bunker. We put steps down into it and cleaned it out. It was so small you could just about stand up in it. <p>A letter was forwarded by the owner of no. 109 from Paul Caro, son of Anthony and Sheila Caro which stated:</p> <ul style="list-style-type: none"> • When my parents lived there and when my brother and I subsequently owned, the property simply had a coal hole the size of a very small bathroom 7 to 10 sqft. There was no other basement underneath the living room or any other place in the house. • You reached the coal hole via a ladder, down a vertical hole, that had its entrance hatch outside the house on the far left. There was no basement underneath the front courtyard, except the coal hole's little entrance. <p>12 letters of support were received from local residents and businesses and friends of the family, who made the following comments (summarised):</p>					

- The existing house was in a state of disrepair, it had a dangerous staircase, mould and was very dilapidated.
- The owners have studied the history of the house, and thought hard about how to maintain its features and spirit. They are building an innovative, sustainable, warm family home whilst restoring lost features.
- The works to the cellar were instructed by their engineer and is not now a habitable space.
- The works stabilised the historic building and reinstated a lost feature in the form of the original ground floor level which is now the same as the front courtyard.
- The repaired cellar is not a basement. It is accessed from outside via a ladder and not connected or visible from the listed habitable house, and only used for storage.
- The works are modest and of no material impact on surrounding properties.
- The reinstatement of the cellar and floor level is a heritage benefit.
- The proposals are sensitive to the old structure.
- The works to stabilise the cellar were carried out as a matter of urgency for health and safety reasons.

Comments received from the grandson of Anthony and Sheila Caro:

- I have consulted the photographic evidence and believe that it shows that the cellar under the stable block is an original part of the house. As such, I believe that the removal of poor quality backfill from this cellar and associated structural repairs were essential to stabilise the house and should be granted retrospective permission.
- In view of Chan and Eayrs' previous architectural projects involving historic buildings, I believe that they act with care and consideration towards the property and its surrounds.

Comments received from Dr Campbell, Head of Department of Architecture, University of Cambridge:

- In my expert opinion, the cellar is clearly and obviously original.
- There is an existing and known cellar immediately adjacent to the newly rediscovered cellar and, thus, it should come as no surprise to discover that this extended over more of the site. The fact that this was a cellar and not merely foundations is obvious from the photograph. A two-storey brick stable block in the 18th and 19th century would have had a strip foundation of no greater than two or three feet in depth (no more than 1 metre). Such foundations are found everywhere. The walls in this space extend down 2.4-2.6 metres which is the depth of the foundations of St Paul's Cathedral and that makes no sense whatsoever. This can only have been a cellar.
- A space like this, which had been poorly backfilled at an unknown date, and the removal of the floor, which must have been substantial to hold carriages or horses, would have severely weakened the building above. Structural reinforcement would thus seem the only sensible course of action and this would need to be carried out fast. This has, of course, covered up the brick wall, but this can clearly be seen in the photographs. The wall has however been retained. Its visibility is of no historical value: it would probably have been plastered originally – hence its rough appearance.
- The strategy of reinstating a floor at ground level, as would have been

	<p>found in a coach-house, garage and stable, seems wholly in line with heritage policy, creating a more legible building.</p>
Historic England	<p>On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation advisers, as relevant.</p> <p>Authorisation to Determine an Application for Listed Building Consent as Seen Fit received from Secretary of State 01/10/2021.</p>
CAAC/Local groups comments:	<p>No response received from Hampstead CAAC or Hampstead Neighbourhood Forum.</p>

Site Description

The site is a stable block range dating from approximately 1740, attributed to Flitcroft and listed Grade II*, adapted by noted New Brutalists the Smithsons for sculptor Caro in the 1960s.

The front façade retains its general form, although the doors and windows have largely been replaced and the brickwork has been painted. Flat box dormers were previously inserted in the roof to replace originals. The interior has been extensively modernised, including the conversion of some of the attics to rooms with a box-back mansard, however, appreciation of the site's original function, as a stable block, has been retained in the single-room plan. To the rear, a large garden slopes towards the house, terminating in flights of concrete steps, herbaceous borders and a small concrete terrace.

Planning permission and listed building consent were previously granted for the extension and renovation of the building. The permissions have been implemented and works are underway on site.

The site is located on the western side of Frognal, a quiet residential road accessed from Frognal Rise. It is within the Hampstead Conservation Area and Hampstead Neighbourhood Forum Area.

Relevant History

2021/3072/P & 2021/3075/L – Amendments to 2019/6089/P & 2019/6100/L, namely, changes to internal layouts, changes to footprint of rear extensions at ground and lower ground floor level, replacement of rear wall, changes to new window design, replacement floor joists, amendment to stair position. Granted 18/10/2021.

2021/0409/P & 2021/0406/L - Amendments to 2019/6089/P & 2019/6100/L, namely, changes to internal layouts, changes to footprint of rear extensions at ground and lower ground floor level, replacement of rear wall, installation of railings and planters to rear, changes to new window design, replacement floor joists, amendment to stair position. Refused and enforcement action recommended 17/05/2021. Reasons for refusal:

PP & LBC: The development, by reason of the cumulative impact of the size of the rear extensions at upper ground and lower ground floor level, the proposed materials, and garden railings and planter boxes, harms the character and appearance of the host listed building and this part of the conservation area, contrary to policies D1 (Design) and D2 (Heritage) of the Camden Local Plan and policies DH1 (Design) and DH2 (Conservation areas and listed buildings) of the Hampstead Neighbourhood Plan 2018.

PP only: In the absence of a basement impact assessment, it has not been satisfactorily demonstrated that the basement has not harmed the structural stability of the building or neighbouring properties or adversely affected the structural, ground and water conditions of the area, contrary to policy A5 (Basements) of the Camden Local Plan 2017 and policy BA1 (Basement impact assessments) of the Hampstead Neighbourhood Plan 2018.

EN21/0110 – Enforcement investigation relating to unauthorised building works not in compliance with applications 2019/6089/P & 2019/6100/L. Case closed following approval of applications 2021/3072/P & 2021/3075/L.

2020/5992/P & 2020/5993/L – Demolition of rear garden sheds and erection of replacement outbuilding. Granted 15/09/2021.

2019/6089/P & 2019/6100/L - Demolition of non-original extensions including rear dormer, uPVC greenhouse and boiler house; excavation of rear garden and erection of basement room beneath garden; erection of single storey rear extension at upper ground level and reinstatement of historic gabled rear elevation; replacement front dormer windows; internal and external refurbishment including removal of non-original partition walls and staircase, alterations to front and rear fenestration

and reinstatement of timber stable doors. Granted 03/03/2020.

3364 - The erection of a two storey addition to the rear of 111 Frognal, Hampstead. Granted 08/08/1960.

Relevant policies

National Planning Policy Framework 2021

NPPG

London Plan 2021

Mayor's Supplementary Planning Guidance

Camden Local Plan (2017)

- A1 Managing the impact of development
- A5 Basements
- D1 Design
- D2 Heritage

Hampstead Neighbourhood Plan 2018

- DH1 – Design
- DH2 – Conservation areas and listed buildings
- BA1 – Basement impact assessments
- BA2 – Basement construction plans
- BA3 – Basement management plans

Supplementary Planning Policies

Camden Planning Guidance

- Amenity CPG 2021
- Basements CPG 2021
- Design CPG 2021

Hampstead Conservation Area Statement 2001

Conservation Principles, Policies and Guidance 2008, Historic England

1. Background and Proposal

1.1 Planning permission and listed building consent were previously approved under references 2019/6089/P and 2019/6100/L (granted 03/03/2020) for the following works:

- Demolition of non-original extensions including rear box back extension, uPVC greenhouse and boiler house;
- Excavation of rear garden and erection of basement room beneath garden;
- Erection of single storey rear extension at upper ground level;
- Reinstatement of historic sloping roof, rear dormer and gable;
- Installation of replacement front dormer windows;
- Internal and external refurbishment including removal of non-original partition walls and staircase, alterations to front and rear fenestration and reinstatement of timber stable doors.

1.2 A number of minor material amendments were subsequently approved on 18/10/2021 (references 2021/3072/P & 2021/3075/L) for proposed and retrospective changes to the approved scheme.

1.3 The current application seeks retrospective consent for further additional works which were carried out without permission in 2018 prior to approval of the main works. The works involve the excavation of earth at lower ground level adjacent to the existing cellar area; structural repairs, tanking and dry-lining of this area; and replacement of the timber floor at ground level. The applicant's submission suggests that the excavation works comprised the removal of backfill from a pre-existing cellar area.

2. Assessment

2.1 The principal planning considerations are considered to be the following:

- Design and Heritage
- Neighbouring Amenity
- Basement excavation

3. Design and Heritage

Policy Framework

3.1 The Council's design policies are aimed at achieving the highest standard of design in all developments, including where alterations and extensions are proposed. Policy D1 of the Local Plan requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area; and Policy D2 states that the Council will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings.

3.2 Policy DH1 of the Hampstead Neighbourhood Plan expects proposals to respect and enhance the character and local context of the relevant character areas, and to respond and contribute positively to the distinctiveness and history of the character areas through their design and landscaping. Policy DH2 requires development proposals to protect and/or enhance buildings (or other elements) which make a positive contribution to the conservation area, as identified in the relevant Conservation Area Appraisals and Management Strategies.

3.3 Camden's Local Plan is supported by CPG document 'Design' and the Hampstead Conservation

Area Statement.

- 3.4 Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“the Listed Buildings Act”) provide a statutory presumption in favour of the preservation of the character and appearance of Conservation Areas, and the preservation of Listed Buildings and their settings. Considerable importance and weight should be attached to their preservation. A proposal which would cause harm should only be permitted where there are strong countervailing planning considerations which are sufficiently powerful to outweigh the presumption.
- 3.5 The duties imposed by the Listed Buildings Act are in addition to the duty imposed by section 38(6) of the Planning and Compulsory Purchase Act 2004, to determine the application in accordance with the development plan unless material considerations indicate otherwise.

The National Planning Policy Framework 2019 (NPPF)

- 3.6 The NPPF requires its own exercise to be undertaken as set out in chapter 16 - Conserving and enhancing the historic environment. Paragraph 190 requires local planning authorities to identify and assess the particular significance of any heritage assets that may be affected by a proposal. Paragraphs 193-196 require consideration as to the impact of a proposed development on the significance of a designated heritage asset, including an assessment and identification of any harm/the degree of harm. Paragraph 196 states:

‘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.’

Application site and assessment of significance

- 3.7 The application site is a former stable building, part of a larger estate by Flitcroft, listed grade-II*. It is one of four adjacent properties at nos. 105 – 111 Frognaal comprising the former house (Frognaal Grove) and its stable block and gardener’s cottage, now four semi-detached properties. The four properties form part of a group listing, first listed in 1950 for their architectural and historic interest as well as their group value.
- 3.8 Frognaal Grove was a country house built by Henry Flitcroft in 1750. The estate, including the main manor house, outbuildings and gardens, was sold for conversion in 1953. Three dwellings were formed from the main house and a fourth from the stables and gardener’s cottage (the site).
- 3.9 The original stable block built by Flitcroft in the 18th century was largely rebuilt and extended to the north in the mid/late 19th century by GE Street. As part of the 1950s subdivision of the estate, the stable block was divided in two and its courtyard separated. The southern bay of the stables now forms part of no.109 Frognaal which includes part of the stable and the late 19th-century extension of the house. No. 111 Frognaal comprises the former cottage (northern range) and the northern part of the stable block which contains two pedimented gabled bays (southern and northern transepts) either side of the central range.
- 3.10 The site was bought by Anthony and Sheila Caro in the late 1950s. The Caros converted the stables and gardener’s cottage into residential accommodation and carried out a number of alterations including removal of historic dormers and the removal of stable doors and windows and replacement with casement windows to the front elevation. More significant changes were made to the rear including a new rear extension, excavation of the garden ground level, removal of the roof and the erection of new box back extension, and changes to windows and doors.
- 3.11 It is the building’s historic and architectural interest which is considered to contribute to its

significance. Its architectural interest derives from the surviving historic fabric and what remains of the original front façade, its simple layout as a loft above a stable, and its single-cell-deep plan form, attesting to its former use. Although altered by the Smithsons in the 1960s, it largely retains its original external form to the façade, and this plan form. This, and its relatively humble character attest to its origin as an ancillary building for keeping horses and their equipment, allowing its relationship to the wider site to be appreciated, contributing to its special interest and that of the group.

3.12 The building's historic interest derives from its relationship with the larger Frogmal Grove estate, its historic association with Henry Flitcroft and GE Street, and the more recent association with the Caros.

Hampstead Conservation Area

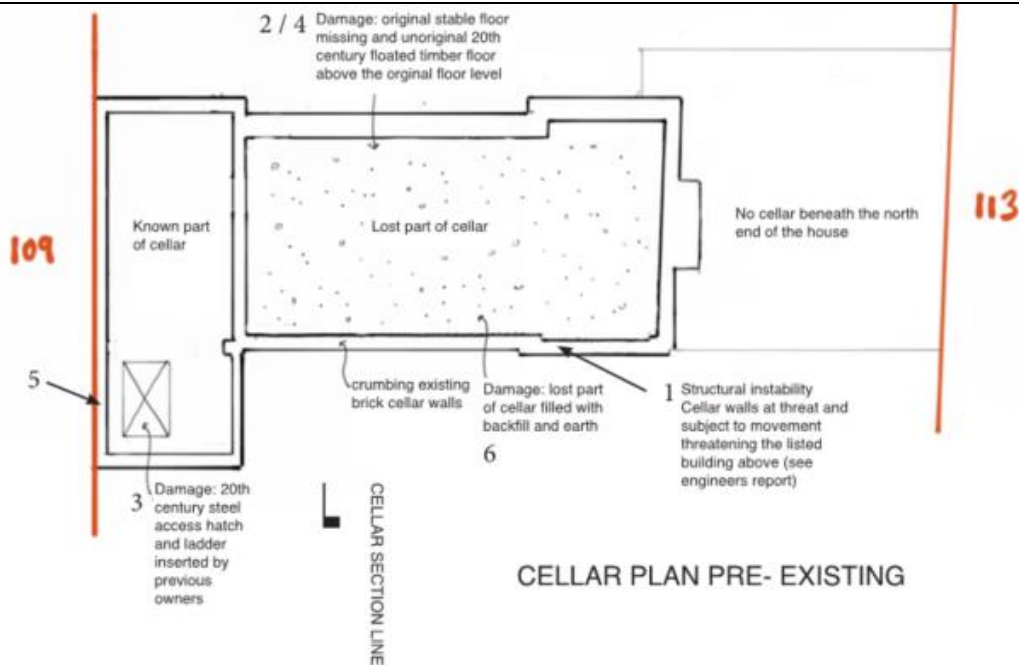
3.13 The application site is located within Sub Area 5 (Frogmal) of the Hampstead Conservation Area. As described in the Conservation Area Statement, Hampstead has an exceptional combination of characteristics that provide the distinct and special qualities of the Conservation Area - the variety of spaces, quality of the buildings, relationships between areas, all laid upon the dramatic setting of the steep slopes, contribute to the character of the area. The contrast between the dense urban heart of Hampstead and the spaciousness of the outer areas is one of its major characteristics. It also demonstrates its historic development with the 18th century village still evident, adjacent to the streets created in the Victorian era, as well as many 20th century contributions. The Conservation Area character is therefore derived from the wide range of areas within it, each of which makes an important and valuable contribution to the Conservation Area as a whole.

Proposals

3.14 The application seeks retrospective consent for remedial works to what is described as a pre-existing cellar. The supporting heritage statement describes the works as comprising:

- Replacement of the pre-existing timber suspended floor with new beam and block ground floor finished with screed;
- Removal of back filled earth from the cellar;
- New reinforced concrete lined walls cast directly against the brickwork cellar walls;
- Installation of a physical damp proof membrane with associated sump and pump;
- Timber stud and plasterboard lining to the inner walls of the cellar;
- New reinforced concrete floor to the cellar;
- New doorway opening in internal cellar wall dividing north and south cellar rooms.

3.15 The works were carried out to an area at basement level adjacent to an existing cellar which is accessed from the front driveway via an external access hatch and ladder (described as the 'south part' of the cellar). The applicant's submission suggests the 'north part' where the works were carried out was pre-existing and had historically been backfilled. These areas are shown on the applicant's pre-existing cellar plan below:



3.16 The application documents state that the works were carried out in 2018 and were instructed by the applicant's structural engineer to 'safeguard the listed building above and for the benefit of our health and safety within the house' (section 1.0 of Design, Access and Heritage Statement). The works were carried out prior to the submission of the later applications for the extensive refurbishment and extension of the building (refs: 2019/6089/P and 2019/6100/L) which were submitted in December 2019 and approved in March 2020. An enforcement investigation was opened in February 2021 after a complaint was received that the works progressing on site were not being completed in accordance with the drawings approved under 2019/6089/P and 2019/6100/L. The complaint also noted unauthorised works to the cellar space, which are the subject of the current application. The current application was submitted in June 2021 to regularise these unauthorised works.

3.17 Photographs submitted by the applicant appear to show underground continuation of historic brickwork into this cellar area, but officers have not been able to assess the brickwork in person as the concrete was applied prior to the submission of the application. However, the Council's Conservation Officers consider that this brickwork can safely be assumed to be at least as old as the building above it, meaning that it dates from the 1740s, and it appears to extend deeper than traditional foundations suggesting they formed walls to some kind of cellar area. It is not clear whether this was ever a void, or if it has always been filled.

3.18 The application documents state that the proposed works were carried out as urgent structural repairs to the cellar beneath the existing building, and are described as being structurally necessary and of benefit to the character of the listed building. As these works were undertaken without the necessary consents an enforcement investigation was opened to investigate whether an offence has taken place, this includes whether the works were structurally necessary and the minimum required. Above all, it is argued by the application that the works have protected the listed building from collapse. A secondary benefit is suggested to be the lowering of the ground-floor floor level which reinstates its original state, flush with the surrounding ground. It is suggested that re-providing the "cellar" reinstates the original built form of the site and so is beneficial. Finally, it is suggested that the 1740s brick walls still exist, behind the concrete, so there has been no loss of historic fabric.

Assessment of proposals

Fabric

3.19 The casting of concrete around the entirety of the cellar and directly against the cellar walls is irreversible and detrimentally harms these historic surfaces, obscuring them from view forever.

The fact that their existence was hitherto unknown does not mean that, once discovered, whether visible or not, they are not valuable fabric.

3.20 If permission had been sought prior to undertaking the work there are several considerably less harmful interventions which could have been used, including different kinds of propping and partial use of concrete slabs, leaving the brickwork expressed and able to be appreciated by future generations. Historic England's *Conservation Principles* states that repair work to a significant place is only acceptable if its long-term consequences can be demonstrated to be benign. It says: "Repair necessary to sustain the heritage values of a significant place is normally desirable if: [...] b. the long term consequences of the proposals can, from experience, be demonstrated to be benign, or the proposals are designed not to prejudice alternative solutions in the future." That is not the case here, and suitable less harmful options do not appear to have been considered.

3.21 The argument that the brickwork survives behind the concrete is not accepted. Once its existence was known, the ability to appreciate the brickwork became a material consideration. The concrete, unlike other options, is not reversible, so the brickwork is, to all intents and purposes destroyed.

3.22 The basement now has a concrete floor. If there had been a brick cellar, it is likely that it had some kind of floor, probably stone or brick. This has now been lost. The nature of the original stable floor might have been evident from remains within the brickwork. This evidence too has been lost. In addition, the cellar would probably not have had as much headroom as the current basement. This means that this structure cannot be argued to be a reinstatement of what was there.

3.23 The introduction of hard, modern materials like concrete into the historic environment is resisted where possible. It is likely to lead to problems like sacrificial weathering and differential expansion, and may prevent the foundations from coping with water properly, leading to dampness being driven upwards into the house. This is another way in which the intervention cannot be said to be benign.

3.24 Had the applicant approached the Council and said that they had discovered a 300-year-old cellar beneath a grade-II*-listed building, and would like to repair it by inserting concrete walls, the Council would have guided the applicant towards less harmful interventions and would not have supported the use of concrete. The works as carried out go far beyond those that are necessary to safeguard the existing building.

3.25 The site is in a Tier 2 archaeological priority area (Hampstead Heath and Parliament Fields). As such, the local authority would have consulted the GLAAS, a statutory consultee. Since the infill and subsoil removed were not recorded, it will never be known whether they contained material of archaeological interest.

Spatial character

3.26 Given the historic use of the building as a stable for horses, it is unlikely that any cellarage below this building would have been extensive or habitable. The new basement is accessible and usable, accessed via the existing external hatch into the south part of the cellar and a new opening between the two cellar spaces. It has a concrete floor and good headroom, and it has been dry lined. It is an unexpected and inappropriate feature in a position where, at most, a storage vault or some kind of drain might have existed. Officers therefore do not agree that reinstatement of the original built form is a justification of the scheme.

3.27 It might be argued that, as it stands, the basement is invisible and therefore not harmful, but all parts of a listed building, including usually unseen components, are protected. This includes cellarage, known about and unknown. But it also includes undeveloped areas within its curtilage,

insofar as the absence of development defines the form of the heritage asset. It cannot be argued that substantial additional modern spaces do not alter one's understanding of the site, even if only when one is inside them.

3.28 However, on balance, given there are no new external manifestations and the fact that the cellar space is not accessible from the main dwellinghouse, the excavation of earth and increased usability of this space for storage is not in itself considered unduly harmful. It is important to note that new internal access to the space from the existing ground floor would require additional listed building consent which would not be considered acceptable or supported by officers due to the harm this would cause to historic plan form and the spatial character of the building.

Conclusion

3.29 The basement as constructed does not enhance the legibility or the special interest of the grade-II*-listed building. Nor for the reasons given, is the proposal neutral to those two issues. Therefore, it is harmful. As required by the NPPF, officers consider this level of harm to be less than substantial, and this this harm must be weighed against the public benefits of the proposal.

3.30 The applicant suggests that on the whole, the works are largely beneficial. The submitted heritage statement considers that the reinstatement of the ground floor level creates a more authentic character; the removal of earth and reinstatement of a cellar enhances understanding of this space; the use of concrete to provide support enhances the space and the building; the installation of drainage and a breather membrane allows the walls to continue to breathe; the studwork and lime plaster are typical and cause no harm; the concrete floor is not atypical and causes no harm; and the new opening between cellar spaces would not have 'caused the LPA concern'. The applicant argues that only less than substantial harm was considered to derive from casting the concrete retaining wall directly against the masonry wall which is 'unlikely to be reversible without causing damage'. They conclude that the harm would be at the lower end of less than substantial and would be outweighed by the heritage benefits listed. The reinstatement of the original ground floor is described as a significant heritage benefit.

3.31 However, officers do not consider the works to provide public benefits. By the applicant's own account, the floor was already in the process of being demolished when the "cellar" was discovered, so the heritage benefit of a level floor does not spring from the works. The resulting concrete room is highly dissimilar to the humble brick chamber it is alleged to replace, so reinstatement is not a benefit. There were several less harmful ways of bracing the cellar walls, so stabilising the house was achieved in the most damaging way possible, this is supported by the Council's own review of the structural information submitted as part of the ongoing enforcement investigation. Accordingly little weight can be given to this justification. The brickwork cannot meaningfully be said to have been "retained". Concrete is not an appropriate choice on a historic building such as this, and other more suitable, less harmful materials and methods could and should have been employed.

3.32 As such, the works do not provide any public benefits which would outweigh the less than substantial harm caused, and the proposals would not preserve or enhance the significance of the listed building. As such, the development is contrary to policies D1 and D2 of the Local Plan and policies DH1 and DH2 of the Hampstead Neighbourhood Plan, and this forms a reason for refusal.

3.33 In terms of the impact on the character and appearance of the Hampstead Conservation Area, whilst there is harm to the listed building, in planning terms alone given the location of the proposals below ground where they would not be visible from public or private viewpoints, the proposals would not harm the character and appearance of the Conservation Area.

4. Neighbouring Amenity

4.1 Policy A1 of the Local Plan seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered and would not harm the amenity of neighbouring residents. This includes privacy, outlook, noise, daylight and sunlight.

4.2 The cellar room is entirely below ground with no external manifestations. As such, there would be no impact on neighbouring amenity by way of harmful overlooking, loss of daylight or outlook or noise disturbance. The proposals therefore comply with Policy A1 in this regard.

5. Basement excavation

5.1 Policy A5 (Basements) states that the Council will only permit basement development where it is demonstrated that it will not cause harm - structurally, in amenity terms, environmentally or in conservation/design terms. In this case, the cellar is used as additional storage space not habitable accommodation and the evidence indicates there was an existing cellar space, so the basement does not breach parts (f) to (m) of policy A5. Part d. states that basements should not harm the architectural character of the building and e. the significance of heritage assets.

5.2 Policy BA1 of the Hampstead Neighbourhood Plan states that all basement developments are required to complete a basement impact assessment (BIA).

5.3 In this instance, the applicant did not submit a BIA as it was suggested that the cellar was already in existence and previously backfilled. Therefore, the removal of this earth was reinstating this space and did not constitute excavation such that a BIA would be required. After reviewing the brickwork walls which extend underground, these do not appear to be foundations, officers agree there does appear to have been some kind of cellar space in this location.

5.4 As to whether a BIA would be required, the advice of Campbell Reith was sought, who are the Council's independent structural engineers. They confirmed that they did not consider a BIA to be required, and that the works undertaken would not impact upon the hydrological or hydrogeological environments. In terms of stability issues, they confirmed that based on the former situation being described as distressed / unstable some form of propping to support the structure appears to have been required.

5.5 As such, the development accords with policy A5 of the Local Plan and policy BA1 of the Hampstead Neighbourhood Plan.

6. Conclusion

6.1 In conclusion, the proposed development would not preserve or enhance the significance of the listed building, contrary to policies D1 and D2 of the Local Plan and policy DH2 of the Hampstead Neighbourhood Plan, but rather, would result in harm to the significance of the listed building. This harm is considered to be less than substantial. Officers do not agree the proposals provide public benefits as suggested by the applicant, and they are therefore given low weight in the overall planning balance.

6.2 In this case it is the harm caused to the host listed building which is the key issue rather than the principle of creating storage accommodation to the existing dwelling. Accordingly, whilst it is recommended that planning permission is granted for the basement, an informative will be added which outlines that listed building consent has been refused due to the significant harm caused to the fabric and historic character of the listed building.

6.3 The proposal does not accord with the development plan (for the reasons outlined above) and there are no other material planning considerations (i.e. planning benefits) that indicate that listed building consent should be granted, as required under Section 38(6) of the Planning and Compulsory Purchase Act (PCPA) 2004 and section 16 of the Planning (Listed Buildings and

Conservation Areas) Act 1990. As such, it is recommended that listed building consent is refused.

7. Enforcement action

7.1 In this case, there is significant resulting harm from the works; however, it is not possible to undertake steps to mitigate that harm. It is not possible to remove the concrete from the brick walls without causing significant damage. Works to remove or alter the basement structure now completed could result in further harm to the structure of the listed building. Whilst steps could be taken to reduce the height of the basement space by partially infilling, that step on its own would not be sufficient to mitigate the overall damage caused. Accordingly, in this case, whilst consent is refused, an enforcement notice is not recommended. Unauthorised works to a listed building can be a criminal offence. This matter is taken very seriously by the Council and the Enforcement Investigation into the unauthorised works is ongoing.

8. Recommendation

8.1 Recommendation 1: Approve planning permission.

8.2 Recommendation 2: Refuse listed building consent.

9. Listed building reason for refusal:

9.1 The development, by reason of the substantial damage to the fabric and historic character of the underfloor features, harms the special interest of the host listed building, contrary to policy D2 (Heritage) of the Camden Local Plan and policy DH2 (Conservation areas and listed buildings) of the Hampstead Neighbourhood Plan 2018.