



Appeal Decision

Hearing held on 14 April 2015

Site visit made on 14 April 2015

by David Prentis BA BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5 June 2015

Appeal Ref: APP/M5450/Y/15/3002409

Jaspar Centre, 2A Rosslyn Crescent, Harrow HA1 2SU

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by The Jaspar Foundation against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/1228/14, dated 1 April 2014, was refused by notice dated 18 July 2014.
 - The works proposed are internal and external alterations including removal of walls, removal and relocation of interior fixtures and fittings, reinstatement of a court room with recreation of features and replacement of windows (partially retrospective).
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Decision

1. The appeal is allowed and listed building consent is granted for internal and external alterations including removal of walls, removal and relocation of interior fixtures and fittings, reinstatement of a court room with recreation of features and replacement of windows (partially retrospective) at Jaspar Centre, 2A Rosslyn Crescent, Harrow HA1 2SU in accordance with the terms of the application Ref P/1228/14, dated 1 April 2014, and the plans submitted with it subject to the following conditions:
 - 1) The proposed works shown on plans HMC-RB Rev C (Basement); HMC-R00 Rev D (Ground floor); HMC-R01 Rev B (First floor); HMC-02-05.1 Rev B (Court Room 1) and HMC-02-05.3 Rev B (Court Room 2) shall be carried out and completed in accordance with those plans within 6 months of the date of this decision (except as provided for in Condition 3).
 - 2) The low level timber panel, gate and bench forming the dock within Court Room 1 shall be recreated to match the pre-existing dock as shown on plan HMC-02-01.1.1 Rev B and the photographs submitted with the application within 6 months of the date of this decision. The pre-existing glazed screens to the dock shall not be recreated.
 - 3) Notwithstanding Condition 1, the low level timber panel and gate to the former public gallery in Court Room 1 shown to be reinstated on plan HMC-02-05.1 Rev B need not be reinstated. For the avoidance of doubt, these items may be reinstated should the appellant so decide. If reinstated, they shall match the pre-existing timber panel and gate as shown on plan HMC-02-01.1.1 Rev B and the photographs submitted with

the application. The pre-existing glazed screens to the public gallery shall not be recreated.

- 4) A plan showing the positions within the building of all items of seating, court furniture and other fittings shown to be relocated from Court Room 2 on plan HMC-02-02.3 Rev A shall be submitted to the local planning authority within 3 months of the date of this permission. The said items shall thereafter be permanently retained as shown on that plan.

Preliminary matters

2. The hearing was scheduled to take place at Harrow Civic Centre. However, there was no available room of sufficient size to accommodate the number of people wishing to attend. After a short adjournment the hearing resumed at the Jaspur Centre.
3. Much of the work which is the subject of the appeal had been carried out at the time of the hearing. The appeal scheme includes proposed further works such as removing some new doorways, recreating doorways which previously existed in their original locations and recreating fittings.

Main issue

4. The main issue is the effect of the works on the special interest of the listed building.

Reasons

5. The appeal relates to the Harrow Magistrates Court, a Grade II listed building. The building was constructed in 1932-5. The two principal court rooms are set either side of a central corridor. These rooms are grand civic spaces with decorative plasterwork, arched clerestory windows and high coved ceilings. The listing description describes them as '*mirror images of each other*'. Whilst that description was not strictly correct, even on the 1931 architect's plans, the two court rooms were certainly very similar in layout and fittings. The building plan is broadly symmetrical with various court functions having been accommodated around the perimeter of the ground floor. The prisoners' cells were in the basement with flights of stairs leading up directly to the dock of each court.
6. The listing description states that this was one of a number of courts designed by the noted Middlesex County Council architects department. It also comments that this is a good example of the genre, designed in a dignified neo-Georgian idiom with an unusually intact interior. I agree that these are all matters which contribute to the special interest of the building. However, it is not a complete statement of what is important to the special interest of the building and to its significance as a designated heritage asset.
7. The two principal court rooms are central to any understanding of the former function of the building. In addition, the plan form of the building is important. The circulation patterns were designed to provide separate access to the court rooms for the magistrates, the clerks and legal representatives, the accused and the public. At the hearing the 20th Century Society emphasised the importance of court room furniture to the significance of listed court buildings. I agree that the fixed furniture of the court rooms is, or (in the case of Court Room 2) was, important for a number of reasons. It has intrinsic value as part

of the historic fabric, illustrating the materials and craftsmanship of the day. It also does much to maintain the essential character and drama of the court rooms. Moreover, it enables better understanding of how the courts actually functioned.

8. The basement is also important to the significance of the building, containing the cells and other ancillary spaces. The utilitarian design of this part of the building is in stark contrast to the higher status rooms on the ground floor. The first floor, although of less importance, provided ancillary accommodation and makes some contribution to the overall significance of the building.
9. In my view all of the above features contribute to the special interest and significance of the listed building.
10. Although the building is described as '*unusually intact*' it has been adapted since it was first built. At some point a third court room was created in the eastern part of the building. The two principal court rooms were reduced in size to create public waiting areas, resulting in relocation of the public galleries. During the 1990s glass security screens were placed around the docks and the public galleries. The basement was also updated, probably in the 1990s, with a different layout of the cells. These changes illustrate the changing needs of the Court Service over time although they were not all entirely sympathetic to the original character of the building.
11. The building was disposed of by the Court Service in 2012, following marketing by a national property agency. It was acquired by the appellant, a registered charity. The centre aims to support the mental, physical and spiritual wellbeing of elderly people in the locality. It operates as a day centre which provides activities including yoga and zumba, classes on health related issues, (amongst other matters), and social activities. Meals and refreshments are provided.
12. In addition to carrying out the disputed works, the appellant has refurbished the exterior of the building. Although extensive, these were regarded as works of repair which did not require listed building consent. I saw that the refurbishment of the exterior has been carried out to a good standard. The only external works which are part of the appeal scheme are the replacement of 4 ground floor windows and the replacement of basement windows. The Council has no objection to the ground floor windows which replaced unsympathetic modern additions. I comment further below on the basement windows.
13. The Council agrees that this is an appropriate use of the building. The nub of the dispute between the Council and the appellant is whether the degree of change that has taken place was necessary, the degree of harm to the significance of the building that has occurred and whether or not that harm is outweighed by heritage and other benefits.

Court Room 1

14. Much of the fitted furniture remains in place in Court Room 1 and the essential character of a court room is still strongly felt. The removal of the public waiting area and the security screens has had both positive and negative effects. On one hand, the works have removed evidence of how the needs of the Court Service changed over time. On the other hand, the works have restored the original volume and proportions of the room. Although the glazed screens were no doubt regarded as essential for security reasons, the photographs and plans

show that they were unsympathetic additions which disrupted the proportions of the room. Bearing in mind the grand and civic nature of the original design, I consider that restoring the proportions of the room is a benefit which outweighs the loss of the later alterations.

15. The proposed works include exposing a door which was the access to the magistrate's bench at the back of the room, recreating the dock in its most recent position (although without the glazed screen) and recreating a low level timber gate and panel around the public gallery. The first two items are important in that they illustrate the segregated circulation routes which were a key feature of the layout. The dock would be in front of a door in the side of the court which led down to the holding cells. Although the proposed dock would be a replica, I consider that recreating it would enhance understanding of the building. Given the available drawings and photographs there is no reason why this should not be carried out in a way which would be a good match to the dock that was removed. These are matters which could be secured by conditions.
16. To my mind creating a low level panel around the public gallery would be of little benefit in heritage terms. Although the back wall of the room has been restored to its original position the low level panel would reflect the modern layout. This would do little to aid understanding of the building. In my view recreation of this feature is not necessary although, if it were to be done, it should be done to match the pre-existing arrangement as shown on the plans and photographs.
17. The Council points out that that the proposed recreation of Court Room 1 would not take the room back to any particular point in time. That is a fair point to make. On the other hand, whilst restoring the original proportions of the room is a benefit, a full return to the 1930s layout would involve speculative reconstruction of some fittings which have been removed over the intervening years. Overall, with the further works proposed, I consider that Court Room 1 would be preserved in that its proportions would be restored, the surviving fitted furniture would be retained and the layout of the room would enable the way the court worked to be understood. Importantly, the character of the court room would be maintained.

Court Room 2

18. Almost all of the fitted furniture has been lost from Court Room 2. Whilst the proportions of the room have been restored, and its civic character retained, its specific character as a court room has been much diminished. Of all the works carried out to the building these are undoubtedly the most harmful to its significance.
19. The proposed works of restoration to this room would be relatively minor. Whilst useful in themselves, they would only mitigate the harm to a small degree. Some of the fitted furniture has been reused elsewhere in the building. It would be appropriate for a plan to be submitted, pursuant to a condition, showing the location of these items so that their future contribution to the significance of the building could be retained. Even so, having been removed from their court room context, that contribution is much reduced.

Other changes to the ground floor

20. A number of partition walls have been demolished. This has had the result of combining some cubicles and smaller rooms to create more usable spaces in the rooms around the perimeter of the ground floor. Whilst there has been some loss of historic fabric, in general these changes have not had a significant impact on the hierarchy of spaces within the building or on the main circulation patterns. In my view this has had only a minor impact on the significance of the building.
21. Other changes to the ground floor include the loss of the former strong room and the removal of a pair of facing doors leading from the entrance lobby. These were unfortunate alterations which have removed specific items that contributed to an understanding of the way the building functioned.

The basement

22. The most significant change at basement level has been the removal of the male holding cells. However, the fabric and layout of the cells was relatively modern. The female cells have been retained as a representative feature which serves to illustrate an important aspect of the functioning of the court house. The route from the basement to the court rooms has been interrupted by partition walls and by covering over the stairs at ground floor level. Whilst that has obscured an important part of the circulation system, the stairs themselves remain intact. The proposed works include installing glazed panels which would allow the stairs to be seen. This would be a useful mitigation in that it would enable a better understanding of the original circulation system.
23. The basement windows, which were concrete with glass blocks, have been replaced with timber windows matching those above. Whilst this has resulted in a minor loss of character it has had the benefit of allowing better use to be made of the basement of the building.

First floor

24. Although there has been some change to the floor plan to provide accommodation, I consider that the first floor is less sensitive to change than other parts of the building. It does not appear that any important features have been lost at first floor level.

Heritage benefits

25. The Framework stresses the importance of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. It also notes the positive contribution that the conservation of heritage assets can make to sustainable communities. The appeal relates to an important civic building which is no longer required for the function it was designed for.
26. Bringing the disused building back into active use is an important benefit in its own right. Moreover, this particular use has secured the refurbishment of the exterior to a good standard. Not only is the building now weather-tight, its external appearance is consistent with the dignified neo-Georgian architecture of the original design. The interior has also been refurbished and redecorated in a sympathetic manner. The nature of the use allows the principal spaces to be appreciated by significant numbers of people.

27. The appellant is a registered charity. There was limited information before the hearing regarding future funding for the upkeep of the building. However, it is clear that the appellant has been able to carry out extensive works of refurbishment thus far. These works have removed any immediate risks to the building and give confidence that this is likely to be a use which will sustain the heritage asset in the longer term. In general terms, I consider that the use of the building by the Jasper Foundation is a use which is consistent with its conservation.
28. For the reasons given above, I regard the restoration of the proportions of the court rooms as a benefit in heritage terms.

Other public benefits

29. The centre is open 5 days each week and has around 430 members. Up to 70 people attend individual activities and the centre can accommodate different activities at the same time. At the hearing several elderly members spoke with great enthusiasm about the benefits they derive from attending the centre. Having regard to those statements, I have no doubt that the centre provides important social benefits in supporting both the mental and physical wellbeing of elderly people in the locality.
30. The Council did not dispute the socially beneficial nature of the use. However, it was suggested that there is no shortage of community halls in the area and that the manner of the conversion has caused unnecessary harm to the significance of the heritage asset. It may well be that some of the individual activities carried out at the centre could take place elsewhere. Even so, it seems to me that it is the combination of formal activities and classes together with opportunities for informal social interaction at the same location which is central to the way the centre operates.
31. In order to provide the support to the elderly that the centre does, in my view it is necessary to have a range of rooms available. The removal of the fitted furniture from Court Room 2 has created a clear space of around 70sqm which is capable of accommodating up to 145 people (seated) or groups of 40-50 doing activities such as yoga. Alternative spaces, such as the two lounges, are not as large or as conveniently shaped. In any event, these spaces are used for other social activities.
32. I conclude that the social benefits resulting from the changes that have been made to the building are an important factor weighing in favour of the appeal.

Other matters

33. The representative of the Harrow Civic Residents' Association stated that the Association welcomed the fact that the building had been brought back into use and that it understood the need for a balance between preservation and the practicalities of re-use. However, the Association felt let down by the process and was concerned that so much work had been allowed to take place without listed building consent having first been obtained. Whilst I understand those concerns it is important to emphasise that my role is to consider the appeal before me on its merits.

Conclusions

34. The works that have already been carried out have resulted in harm to the significance of the heritage asset. The greatest harm has arisen from the removal of the fittings to Court Room 2 which is one of the two principal spaces within the building. The loss of features such as the male holding cells and the strong room contribute to a cumulative loss of historic fabric and character. Other works have, in my opinion, had only a minor effect.
35. On the other hand, the restoration of the proportions of the two court rooms has been a benefit. Moreover, the proposed works would provide important mitigation. This would include the recreation of the dock and exposing the door to the magistrate's bench in Court Room 1. These works would restore the room to a condition which would maintain its character as a court room and illustrate the way the court operated. Works to other parts of the building, such as the restoration of doorways and the provision of viewing panels to the basement stairs, would reverse or mitigate some of the harm which has been done and enable the original circulation pattern to be better understood. These works of restoration and/or recreation would also have a cumulative effect. This would be a beneficial cumulative effect in terms of historic character and the ability to understand the original layout of the building.
36. Having regard to the National Planning Policy Framework (the Framework), my overall assessment is that the degree of harm to significance (taking account of the proposed works) would be less than substantial. This is not to say that the harm would be insignificant or unimportant. Planning Practice Guidance states that substantial harm, as defined in the Framework, is a high test. In this case the degree of harm, whilst less than substantial, would be far from unimportant.
37. Paragraph 134 requires the harm to be weighed against the public benefits of the proposal, including securing its optimum viable use. Public benefits may include heritage benefits and other benefits. In applying this policy it is important to bear in mind that this is a building which is no longer needed for the purpose for which it was created. It seems highly likely that any alternative use would require some adaptation. In the absence of further detail about the marketing which was carried out it cannot be said that the present use is necessarily the optimum viable use. What can be said, on the evidence before me, is that the present use is a viable use which is consistent with the conservation of the building. It is a use which has already removed risks to the building and is likely to support its long term conservation. I regard these as important heritage benefits.
38. I have identified other heritage benefits above, in relation to the restoration of the proportions of the two main court rooms. I have also identified social benefits in relation to the contribution the centre makes to the wellbeing of the elderly.
39. On balance, I consider that the heritage and other benefits would outweigh the harm to significance. The appeal proposals therefore accord with the policies of the Framework relating to the historic environment.

40. Turning to the relevant statutory duty¹, the appeal proposals would fail to preserve some features of special architectural or historic interest. That is a matter to which I must have special regard. In this case I consider that the loss of some features is justified by the need to adapt a redundant building to accommodate a new use, in the interests of the long term preservation of the building as a whole.
41. The appeal proposals would accord with London Plan Policy 7.8 insofar as it seeks to value and re-use heritage assets although they would not conserve the significance of the building in all respects. Similarly they would accord with the Council's Development Management Local Plan Policy DM 7 to the extent that the policy seeks to secure the future of listed buildings. On the other hand they would conflict with Policy DM 7 and with Core Strategy Policy CS 1 in that there would be harm to the significance of the building. Insofar as there would be conflict with these policies, that conflict would in my view be outweighed by the heritage and other public benefits referred to above.
42. For the reasons given above, the appeal should be allowed.

Conditions

43. Conditions were discussed at the hearing, which I have considered in the light of Planning Practice Guidance. Although there was no disagreement over the objectives of the suggested conditions, matters of drafting were not agreed.
44. The proposals include further works to the building which would reverse or mitigate some of the harm which has taken place. The parties agreed that it would be reasonable for a condition to be imposed requiring these works to be carried out within 6 months and I share that view. The parties also agreed that a plan should be submitted recording the position of the surviving items of furniture and fittings relocated from Court Room 2. This would enable the items to be protected in the future. Although the Council would have preferred to approve details of the recreated dock in Court 1, I am satisfied that the dock could be recreated from the submitted plans and photographs without the need for such approval. For the reasons given above, I do not consider that it is necessary to recreate the low level screen around the public gallery of Court 1. The appellant may choose to recreate the screen in which case it should match the pre-existing work. All of these conditions are needed to protect the special interest of the listed building.

David Prentis

Inspector

¹ S16 of the Planning (Listed Buildings and Conservation Areas) Act 1990

APPEARANCES

FOR THE APPELLANT:

Pravin Patel BA MRTPI MRICS	Director, PPML Consulting Ltd
Shahab Ahmad BA(Hons) MSc CBuildE MCABE MRICS	Development Surveyor
Jon Lowe BA(Hons) Arch MCIfA	Director, Heritage Collective
Raj Pankhania	Trustee of the Jaspar Foundation Director of Jaspar Management Limited

FOR THE LOCAL PLANNING AUTHORITY:

Lucy Haile	Conservation Officer
Abigail Chapman	Principal Planning Officer

INTERESTED PERSONS:

*Members and others associated
with the Jaspar Centre*

Harsha Modha
Suloch Anasethi
Nayana Gandhi
I Behkania
Jaya Shah
Joban Putra

Subhash Tahkrar	London Chamber of Commerce
Jo Stephenson	Harrow Civic Residents Association
Clare Price	20 th Century Society

DOCUMENTS RECEIVED DURING THE HEARING

- 1 Appearance list for the appellant
- 2 Notice of the hearing
- 3 Additional letters of representation
- 4 Timetable for the Jaspar Centre

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