



GERALDEVE
A NEWMARK COMPANY

One Fitzroy 6 Mortimer Street
London W1T 3JJ
Tel. +44 (0)20 7493 3338
geraldev.com

Planning and Built Environment
London Borough of Camden
5 Pancras Square
London
N1C 4AG

FAO Kate Henry

13 July 2023

Our ref: GAO/GBR/KFO/U0022724
Your ref: PP-12274220

Dear Kate

4 The Grove, London N6 6JU
Town and Country Planning (As Amended) Act 1990
Planning (Listed Buildings and Conservation Areas) Act 1990
Application for Full Planning Permission and Listed Building Consent

We write on behalf of our client, FIJPTC Limited, to apply for planning permission and listed building consent at 4 The Grove, Highgate.

The proposals seek to construct a basement extension beneath the front garden at 4 The Grove. These form part of wider proposals to improve the family dwelling house. Officers are familiar with both the house and these proposals following recent pre-application discussions and applications.

Planning Permission is sought for:

“Excavation of basement under front garden, landscaping works at front garden, and associated external alterations.”

Listed Building Consent is sought for:

“Excavation of basement under front garden, associated new staircase and door openings, landscaping works at front garden, and associated external and internal alterations.”

The Site

No. 4 The Grove is a three storey (plus lower ground floor) semi-detached residential property located on the west side of The Grove, in Highgate. The building is a Grade II* listed terraced house built in 1688. The house is set in the Grade II listed grounds of the former manor, Dorchester House, and contains a portion of the manor's vaulted boundary wall, which is itself Grade II listed.

The house is situated adjacent to no. 3 The Grove, which is Grade II* listed, and no. 5 The Grove, which is Grade II listed.

The surrounding area is characterised by conservation and heritage landmarks, including the Grade II listed Witanhurst Mansion to the south, and the Grade II listed Flask Public House to the east.

The house lies within the Highgate Village Conservation Area and is located within a Highgate's Archaeological Priority Area (2.8), which is allocated to Tier 2.

Further information on the Site is detailed within the Heritage Statement, prepared by JL Heritage, the project heritage consultant.

Relevant Planning History

Following its purchase of the property, the applicant has submitted several recent applications so that improvements can be made to the family dwelling house.

On 14 March 2023, planning permission (ref. 2022/4646/P) and listed building consent (ref. 2022/5375/L) were granted for the enlargement of a lower ground floor window at the rear of the building to form a door opening, the creation of associated steps to rear terrace, and internal alterations at lower ground, first and second floors.

A separate application has also recently been submitted for a new summerhouse to the rear of the property.

Also of note, on 4 October 2022, planning permission (ref. 2021/4153/P) and listed building consent (ref. 2021/4931/L) were granted at 5 The Grove (the neighbouring building) for the following, which are similar works to what are proposed as part of this submission.

“Excavation of basement under front garden, including replacement railings around lightwell; replacement wall and railings and refurbishment of gate to front garden; soft landscaping at land known as Highgate Green.”

Pre-application

A pre-application meeting took place on Site with the Planning Officer on 30 November 2022 and the Conservation Officer on 2 February 2023.

On 16 February 2023, Camden issued its formal pre-application response letter. In relation to basement works, pre-application advice stated the following:

- On the basis that the proposed basement extension would be accessed via the existing wine cellar, through a modest doorway, it is not considered that the proposal would cause undue harm to the special architectural and historic interest of the host building.
- The proposed access serves to minimise loss of historic fabric, and its location and the fact it would not link to the existing lower ground floor other than through the wine cellar access, means the basement extension would not impact harmfully on the hierarchy of spaces at lower ground floor level.
- A basement in the proposed location is not atypical of houses of this style.
- The manifestation above ground level (the skylight in the front garden) is not considered to be acceptable, as it would signal from the outside that there is a room under the front garden (where one would not originally have been). You are therefore advised against including this element of the proposals if you choose to submit a formal application.

Proposals

The proposed scheme seeks to construct a basement extension beneath the front garden at 4 The Grove. In order to achieve this, the following works are proposed:

- The digging of a new basement beneath the existing front garden to the Site's boundary line;

- The forming of two openings to provide access into this proposed basement—a primary entrance within the wine cellar, and a secondary exit close to the existing plant room (a secondary entrance is required for fire escape reasons);
- New staircase to provide access to the yard from the basement; and
- The reconfiguration of the plant room.

These proposals are set out in more detail below and should be read in conjunction with the Design and Access Statement, prepared by SODA, the project architect, and the Heritage Statement, prepared by JL Heritage, the project heritage consultant.

The proposed basement extension has been designed with the building's special interests in mind and has been developed in line with the pre-application advice received on the 16 February 2023.

The proposed basement is configured to be distinct from the existing lower ground floor plan form and character. The only access into the basement extension would be via a modest opening at the far end of the existing wine cellar and a secondary opening within the plant room out house. The proposed basement would therefore not be experienced as part of the existing building's plan form.

The basement extension would not be visible externally and no windows (such as skylights) or other openings are proposed, in line with pre-application advice received. The basement extension will therefore not result in any adverse impacts to the conservation area.

In order to dig the basement extension, the existing brick and stone paving to the front garden will be carefully removed to allow for the excavation to take place, and then carefully relaid as existing. This reinstatement of the existing paving constitutes 'no change' and will not adversely impact upon the character and appearance of the property.

Legislation

Statute regarding the heritage environment is relevant to this application. The site's historic fabric has been carefully considered in the development of the proposals having regard for the statutory legislation set out below.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that local planning authorities should pay special regard to the desirability of preserving a listed building or its setting or any features of historic or architectural interest which it possesses when considering applications.

Section 72 of the same Act states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

Local Development Framework

The London Borough of Camden's Local Development Framework comprises of the following planning policy documents: the London Plan (2021), the Camden Local Plan (2017) and the Highgate Neighbourhood Plan (2017).

Guidance within the National Planning Policy Framework (2021), 'Basements' Camden Planning Guidance ('CPG') (2021), 'Amenity' CPG (2021), 'Trees' CPG (2019) and the Highgate Conservation Area Appraisal and Management Strategy (2008) are material considerations against which proposals have been assessed.

Planning Considerations

Principle of a Basement Extension – Policy Context

Camden Local Plan Policy A5 relates to basement developments, and highlights that the Council will only permit basement development where it is demonstrated to its satisfaction that the proposal would not cause harm to:

- a) neighbouring properties;
- b) the structural, ground, or water conditions of the area;
- c) the character and amenity of the area;
- d) the architectural character of the building; and
- e) the significance of heritage assets.

This policy goes on to advise that in determining proposals for basements and other underground development, the Council will require an assessment of the scheme's impact on drainage, flooding, groundwater conditions and structural stability in the form of a Basement Impact Assessment ('BIA'). Camden's 'Basements' CPG provides further detail on the application of policy A5.

Policy DH7 of The Highgate Neighbourhood Plan requires that a basement development is supported by a BIA, protects the neighbours and limits environmental/ecological impacts.

Principle of a Basement Extension – Policy Assessment

In light of policy requirements and CPG guidance, a full BIA has been prepared by Tier in support of this application. This BIA demonstrates that there would be no adverse residual or cumulative stability, hydrological or hydrogeological impacts to either neighbouring structures or the wider environment as a result of the development.

With regards to structural, ground and water conditions, Tier have prepared a Structural Statement and Basement Screening Report, a Ground Investigation Report and a Flood Risk Assessment.

The Structural Statement and Basement Screening Report demonstrates that the proposal will have negligible impact on the buildings within the Site and neighbouring properties.

The Ground Investigation Report provides detail on the findings of the ground investigation, and recommendations for the Site moving forwards.

As is standard procedure, we would be happy for this assessment to be reviewed by Campbell Reith.

The Flood Risk Assessment concludes that the Site would be expected to remain dry in all but the most extreme conditions. Providing the recommendations made in this FRA are instigated, flood risk from all sources would be minimised, the consequences of flooding are acceptable, and the development would be in accordance with the requirements of the NPPF.

Character and heritage, amenity and neighbourhood impact policy assessment are detailed below.

Heritage and Design – Policy Context

In considering the provisions of the NPPF, the Government has attached great importance to conserving and enhancing the historic environment. The NPPF advises that decisions on applications with implications on

designated heritage assets should be made based on the significance of the asset, and the harm (substantial or less than substantial) that the proposals would cause to the significance of the heritage asset.

Paragraph 202 of the NPPF states that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm shall be weighed against the public benefits of the proposals.

Policy HC1 of the London Plan seeks to conserve and enhance heritage assets such as listed buildings, Conservation Areas, and the historic environment. This policy emphasises the importance of development plans demonstrating a clear understanding of the historic environment and the heritage values of sites or areas and their relationship with their surroundings.

Local Plan Policy D1 seeks to secure high quality design in development.

Local Plan Policy D2 emphasises 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. In order to maintain the character of Camden's conservation areas, the Council requires that development within conservation areas preserves or, where possible, enhances the character or appearance of the area. The Council will also resist development that would cause harm to significance of a listed building through an effect on its setting or would cause harm to its special historic interest.

Policy DH2 of the Highgate Neighbourhood Plan requires that development proposals within the conservation area preserve or enhance the character or appearance of the area and respect of the settings of listed buildings and other heritage assets.

As touched upon above, the 'Basements' CPG states that basement development must not cause harm to:

- the character and amenity of the area; and
- the architectural character and heritage significance of the building and area.

This CPG highlights that the inclusion of skylights designed within the landscaping of a garden will not usually be acceptable.

Heritage and Design – Policy Assessment

The accompanying Heritage Statement, prepared by JL Heritage, considers that the proposed scheme of works will preserve Grade II* listed 4 The Grove and its special architectural and historic interests. The character and appearance of the Highgate Conservation Area will also be maintained, thereby according with S.66(1) and S.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The proposed alterations respect and work in harmony with the key aspects of 4 The Grove's character and appearance and would sit comfortably within its historic context. The design of the proposed basement extension has been carefully considered and has evolved in response to pre-application feedback, so as to ensure that the proposals complement the existing building. Works that would result in very low levels of less-than-substantial harm are to be undertaken in areas of lower significance which are less sensitive to change, while areas of higher significance are remaining untouched.

The proposals therefore accord with the relevant policy set out within the London Plan 2021, are considered to comply with policies D1 and D2 of Camden's Local Plan and with relevant CPG guidance.

Archaeology - Policy Context

The NPPF requires that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Local planning authorities are required to have access to a historic environment record, in line with paragraph 192 of the NPPF. This should contain up-to-date evidence about the historic environment in their area and be used to predict the likelihood that currently unidentified heritage assets, particularly sites of historic and archaeological interest, will be discovered in the future.

Policy D2 of Camden's Local Plan states that the Council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including archaeological remains, scheduled ancient monuments and historic parks and gardens and locally listed heritage assets. The Council will protect remains of archaeological importance by ensuring acceptable measures are taken proportionate to the significance of the heritage asset to preserve them and their setting, including physical preservation, where appropriate.

Archaeology - Policy Assessment

In line with paragraph 192 of the NPPF, an Archaeological Desk Based Assessment has been undertaken at 4 The Grove, by Abrams Archaeology Ltd, to consider the Site's archaeological potential, as the Site is located within Highgate's Archaeological Priority Area (2.8), which is allocated to Tier 2.

The Archaeological Desk Based Report states that the Site has a Medium/Moderate rating in terms of Archaeological Risk. The Report notes that the proposals may impact below ground archaeological remains. However, the Report considers the Site to have a variable archaeological potential, low for the Medieval and all earlier periods and high for the Post-Medieval and modern periods.

The Report notes that the Site has been severely truncated in parts. Therefore, most types of Post Medieval archaeological remains will have been removed. As such, the Report states on page 33 that "we have no reason to believe such remains are preserved on this land".

Page 34 of the Archaeological Desk Based Report concludes that based on available evidence, it is considered that the proposed development accords with current legislation, the planning policies contained within the NPPF and local policies which relate to archaeology.

The Ground Investigation Report, prepared by Tier, provides further information on the environmental setting of the Site, the current ground and groundwater conditions and the soil permeability to aid with drainage design. This report states on page 34 that groundwater is not anticipated to be a problem and provides recommendations for construction and monitoring going forwards.

Tree Protection – Policy Context

The Town and Country Planning Act 1990 places an express duty on local planning authorities to ensure whenever appropriate when granting planning permission that adequate conditions are imposed to secure the preservation or planting of trees (Section 197), and that any necessary tree preservation orders are made (Section 198).

The NPPF states in paragraph 180 states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity, and development resulting in the loss or deterioration of irreplaceable habitats (such as ancient or veteran trees) should be refused.

Policy G7 of the London Plan requires that development proposals should ensure that, wherever possible, existing trees of value are retained.

The 'Trees' CPG states that planning legislation makes special provision for trees in conservation areas. All trees that contribute to the character and appearance of a conservation area should be retained and protected.

The CPG emphasises that front gardens make an important contribution to the townscape of the Borough and contribute to the distinctive character and appearance of individual buildings. Many will feature trees and vegetation of amenity, townscape or biodiversity value.

The Highgate Conservation Area Appraisal and Management Strategy states trees within the Highgate Conservation Area are an important part of the local landscape and make an important contribution to the character and appearance. Furthermore, page 28 states that the gardens at the rear of The Grove were designated in Camden's Unitary Development Plan (2006) (which is now outdated and has been superseded by Camden's Local Plan 2017) as a 'partially wooded Private Open Space'.

Tree Protection – Policy Assessment

In line with guidance, an Arboricultural Impact Assessment has been undertaken at 4 The Grove, by SJ Stephens Associates, to ensure that all possible impacts of a proposed development on the landscape have been fully considered and that potential harm is avoided.

The Arboricultural Impact Report concludes that no trees of any particular significance are proposed for removal and protection measures have been specified to protect the Root Protection Area of all retained trees. In addition, the Assessment states that the new basement will necessitate the excavation of 5m² of the Root Protection Area of T1. This degree of incursion is unlikely to have any effect on the health of the tree, particularly since footings for the brick wall running along the boundary are likely to have acted as a root barrier to any roots that might have grown this distance from the tree.

The Arboricultural Impact Report states that provided the recommendations in the report are followed, the arboricultural impact of the proposals on existing tree cover is considered acceptable.

Neighbour Impact - Policy Context

London Plan Policy D6 requires development not to cause unacceptable harm to the amenity of surrounding land and buildings in relation to privacy.

Policy A1 of Camden's Local Plan seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. It seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission for development that would not harm the amenity of neighbouring residents.

Further guidance is provided in the 'Amenity' CPG which sets specific standards of development with regard to amenity.

Policy DH7 of The Highgate Neighbourhood Plan requires that basement proposals must provide protection for neighbours.

Neighbour Impact - Policy Assessment

By virtue of the limited scale and below ground siting of the proposed works it is not likely that any significant adverse neighbouring amenity impacts would be caused by these proposals.

Summary

This application seeks to construct a basement extension beneath the front garden at 4 The Grove. The proposals are considered to have an acceptable impact on the fabric and setting of the property and wider conservation area, as demonstrated within this letter and within the supporting documents. The development fully accords with the development plan and national planning policy guidance, and it is respectfully requested that planning permission and listed building consent are granted.

Application Documentation

The following information is enclosed to accompany this request:

- Application forms, prepared by Gerald Eve;
- CIL Form, prepared by Gerald Eve;
- Site Location Plan, prepared by SODA Architects;
- Design and Access Statement, prepared by SODA Architects;
- Existing, demolition and proposed drawings, prepared by SODA Architects;
- Heritage Statement, prepared by JL Heritage;
- Arboricultural Impact Assessment, prepared by SJ Stephens Associates;
- Archaeology Archaeological Desk Based Assessment, prepared by Abrams Archaeology Ltd;
- Structural Statement and Basement Screening Report, prepared by Tier;
- Structural drawings, prepared by Tier;
- Flood Risk Assessment, prepared by Tier;
- Ground Investigation Report, prepared by Tier;
- Basement Impact Assessment, prepared by Tier; and
- Independent Audit of the Basement Impact Assessment, prepared by Tier.

The requisite application fee of £206 (including VAT) plus the Planning Portal fee has been paid online.

We look forward to your confirmation of the validation of these applications. In the meantime, please contact Gary Brook (0207 333 6311) or Katie Fong (0203 486 3736) of this office if you have any queries.

Yours sincerely

Gerald Eve LLP

Kfong@geraldev.com
Direct tel. +44 (0)203 486 3736
Mobile +44 (0)782 590 2845

Enc. As above