

Delegated Report (Refusal)		Analysis sheet	Expiry Date:	16/11/2020
		N/A / attached	Consultation Expiry Date:	07/11/2020
Officer			Application Number(s)	
Jaspreet Chana			2020/4307/P	
Application Address			Drawing Numbers	
9 D The Grove London N6 6JU			<i>See draft decision notice</i>	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Demolition of the existing dwelling and construction of a replacement dwelling with associated landscaping				
Recommendation:	Refuse planning permission			
Application Type:	Full Planning Permission			

Conditions or Reasons for Refusal:	<i>Refer to Draft Decision Notice</i>			
Informatives:				
Consultations				
Summary of consultation:	<p>Three site notice(s) were displayed near to the site on the 07/10/2020 (consultation end date 01/05/2021).</p> <p>The sites notices were put up again for the amended plans received.</p> <p>The application was also advertised in the local press on 14/10/2020 and end of consultation period was</p>			
Adjoining Occupiers:	No. of responses	09	No. of objections	9
Summary of consultation responses:	<p>Objections were received from neighbouring residents (9C The Grove, 6 Aubrey Road, 107 Swains Lane, 2 Fitzroy Park, 7 Fitzroy Park, 24 Southwark Bridge Road, 2 Fitzroy Park, 110 Highgate Hill, their objections are summarised below:</p> <ul style="list-style-type: none"> • Demolition concerns • Heritage harm • Impact on amenity of the owner/occupier of Park House • Basement development • Developments Impact on trees • Construction related impacts • A Construction Management Plan should be secured. This should be agreed as part of the application not just as a condition for later agreement. • The property has been moved forward on the plot. Assuming the residents will be parking cars on the property frontage onto Fitzroy Park this will then severely restrict access (including to emergency vehicles) and prevent vehicles passing near the gate at the end of Fitzroy Park. This in turn will cause cars to back up onto the Grove. • Considerable harm considered to heritage assets, loss of amenity through construction and use of the development, impact on trees, and lack of detail in relation to certain matters. • The proposal to demolish means Fitzroy Park will lose a rare example of 50's architecture by a female architect. • The proposed scheme is too large and an overdevelopment of the site. • The proposed development is contrary to Camden's Basement policy. • There are no proposals concerning access to the site, traffic management, or pedestrian safety. • Old Application 2014/2563/T implies that these trees are subject to a TPO. If this is the case this application should be detailed and subject to greater scrutiny than is the case for trees in a Conservation Area. • Trees T1, 2, 3 and 4 make a significant contribution to the visual amenity of the area. This can clearly be seen from the photographs the applicant has supplied. Although Fitzroy Park is a private road, it is well used by walkers and cyclists going to and from The Heath. These impressive mature trees mark the edge of the historic Highgate Village area. The arboriculturalist has assessed the trees as grade B and C, as is usual in such reports. We would ask one of Camden's Tree Officers to make an independent assessment. • The Tree Protection Plan is totally inadequate, merely reproducing the standard fencing drawing automatically attached to such Plans. There is no evidence that any thought or consideration has been given to these trees. • There is no analysis of a suitable Root Protection Area and no attempt to analyse what effect the basement and bringing the house forward to Fitzroy Park, will have on these trees. We are particularly concerned with T1 and 			

T2.

- The building is unique, worthy of saving and should be considered for listing. The interior is original with features such as lamp fittings & clocks designed by architect Colin Penn in 1956.
- The house has hardly changed since it was originally built. If the application gets accepted to be demolished its interior should be given to museum of London or V&A.

Officer's response: Please refer to sections 5, 7, 8 and 9 below.

A letter of objection was received on behalf of the Highgate Conservation Area Advisory Committee, the Fitzroy Park Residents Association and the Highgate Society. Their objection comments can be summarised as follows:

- Highgate Conservation Area Advisory Committee considers the existing house is one of an important group of Modernist houses in Highgate and we therefore must resist its demolition. We set out our reasons below and in the two attached Appendices.
- The existing house makes a bold and striking impact on both The Grove and Fitzroy Park with strong forms in good brickwork and the promise of a series of interesting external spaces, from shade to light.
- Whilst Colin Penn is probably best known for his published works on modern architecture and the modern house, and his collaborations with Erno Goldfinger, this house also takes a sculptural and contextual approach in its design approach to the form, external spaces and facades. It makes a strong impact on its surroundings especially given the small opportunities the site presented to make such statements. It is part of the local history of modern architecture in Highgate. For all these reasons it makes a significant contribution to the Conservation Area and its loss would cause harm.
- The Heritage Statement suggests the house is unsatisfactory because it has no direct link with the garden but, from the Villa Savoye onwards to the present day, houses with as good a view as this one do adopt plans with upper floor living spaces.
- Camden planning does not have a local list of buildings of merit but instead makes assessments as to whether the building makes a positive contribution. Camden's Character Assessment mentions several contributions the existing property brings to the Conservation Area which when read together indicate this house makes a positive contribution to the Conservation Area. Therefore we cannot agree with paras. 4.19 - 4.24 in the Heritage Statement. However we do agree with para. 4.18: "Its simplicity of design also signals that it is subordinate to Park House ...and the Stables".
- We believe that demolition of this house should not be granted lightly and it should meet all the policy tests. We trust this Application needs to meet the 'less than substantial harm' test in the NPPF. The Highgate Neighbourhood Plan requires that demolition should result in a building which achieves

CAAC/Society:

enhancement. We do not believe it does.

- We note that Charlton Brown designed the 'pastiche' semi-detached pair of houses in The Grove (not four flats as approved) fairly recently but this proposal is in a very different style, picking up on current trends but without, we will argue, any consistency.
- What we are presented with is a plain box of classical form with symmetry and pretended depth played with in uncomfortable ways but not in a masterly manner. Also we consider it detracts from the streetscape and setting thus on both counts it fails to achieve the tests of both 'cutting edge' and 'enhancement' when compared with the existing house.
- We also note that the proposal would have an adverse impact on The Stables.
- We are also concerned about the three trees mentioned in the Highgate Neighbourhood Forum's objection.
- Highgate Conservation Area Advisory Committee therefore objects to this application on the grounds that it does not meet the criteria for demolition in either the NPPF or the Highgate Neighbourhood Plan.
- SUSTAINABILITY - Demolition is less sustainable as an approach to addressing climate change but only if measures can be taken to improve the carbon footprint of the existing house. We do not believe a fair comparison is made between the two options in the Applicants' Sustainability Report. If it can be shown, as we believe it could be, that the performance of the existing house could be enhanced to a greater degree than that Report states, then the case for demolition is weakened.

Highgate Society

- On behalf of the Highgate Society: Whilst the proposal is only marginally higher than the existing house the enlargement of the footprint will have a devastatingly overbearing impact on the two adjoining properties. The first floor at least must be set back to the current building outline on both the front elevation and the side elevation where the increased height and proximity will adversely affect the amenity and daylighting of the neighbouring properties, both windows and gardens.
- The basement excavation is always a considerable concern, particularly in Highgate, where the combination of clays and underground water courses have in the past caused tens of thousands of pounds damage to adjoining properties. We would request that the BIA be reviewed by independent engineers to ensure that there will be no damage whatsoever to adjoining buildings or trees.
- If there is a basement excavation permitted then we would request that an archaeological condition be imposed as this site has not been excavated too

any depth previously and is well within the Highgate Archaeological Priority Area. This is a once in a lifetime opportunity to record any finds made in the heart of the village.

- We would strongly object to the loss of any trees, in particular T1 and T2, as they are the prevailing characteristic of this leafy part of the conservation area at the top of Fitzroy Park. We would request that your tree officer visit the site, if he/she has not already done so to ensure the long-term survival of these important trees.

Fitzroy Park Residents Association (FPRA)

- Fitzroy Park Residents Association have sent a letter of objection for the following reasons: A: Inadequate information within the basement Impact Assessment – The FPRA's position is based on a professional review of the applicants documents by Alan Baxter Associates. B: Inadequate information within an undated draft pro-forma CMP.

Officer's response:

Please see sections, 6, 7, 8, 9, 10, 11, 12 and 13 below.

Site Description

9D is a two storey rectangular flat roofed building constructed in 1956. The surrounding area is predominantly residential consisting of large detached and semi-detached dwellings within long plots of various size and design. The Grove is an important street within the conservation area. There are two large grassed areas to the south that are listed in the London Squares Preservation Act 1931.

The majority of houses on the street are grade II listed including Park House built c.1832 which is adjacent to the Site, and the associated stables that turn onto Fitzroy Park and sit directly in front of the Site. Fitzroy Park was built within the framework of the boundaries of older estates. As larger houses were demolished, development occurred over the 19th and 20th centuries. Houses take on a mixture of architectural styles, however all are set well away from the street edge and the character is generally formed by the topography and semi-rural soft landscaping.

The house lies within Highgate Village Conservation Area and is mentioned in the conservation area appraisal as a positive contributor.

Relevant History

None relevant to this application.

Relevant policies

National Planning Policy Framework 2023

The London Plan 2021

Camden Local Plan 2017

H1- Maximising Housing Supply

H6 -Housing Choice and Mix

H7 -Large and Small Homes

D1 - Design

D2 – Heritage

A1 – Amenity

A2 – Open Space

A3 – Biodiversity

A5 – Basements

CC1 – Climate Change mitigation

CC2 – Adapting to climate change

T1 – Prioritising walking, cycling and public transport

T2 – Parking and car-free development

DM1 – Delivery and Monitoring

Highgate Neighbourhood Plan (2017)

DH1 – Demolition in Highgate's Conservation Areas

DH2 – Development Proposals in Highgate's Conservation Area

DH6 – Front Boundaries

DH7 – Basements

DH8 – Refuse Storage

DH9 – The Environmental Health of Existing and Future Residents

SC1 – Highgate's Housing Needs

TR1 – Promoting Sustainable Movement

TR2 – Movement of Heavy Goods Vehicles

TR3 – Minimising the Impact of Traffic arising from New Development

Camden Planning Guidance

CPG Design (2021)

CPG Transport (2021)

CPG Housing (2021)
CPG Energy efficiency and adaptation (2021)
CPG Trees (2019)
CPG Basements (2021)

Highgate Conservation Area Appraisal and Management Strategy (October 2007).

Assessment

1. The proposal

1.1. Planning permission is sought for:

- Demolition of existing dwelling and construction of one new detached family dwelling
- Associated landscaping works

2. Assessment

2.1. The principal considerations material to the determination of this application are as follows:

- Land use
- Principle of demolition
- Design and conservation
- Occupier amenity
- Residential amenity
- Basement Considerations
- Transport impact
- Trees and landscaping
- Sustainability
- Planning balance

3. Land Use

3.1. Self-contained housing is the priority land-use of the Local Plan. As the proposed development concerns the erection of a larger dwelling house following demolition of an existing dwelling house it would still provide residential use, it is considered that the proposed development in land use terms is acceptable.

Affordable Housing

3.2. Policy H4 of the Local Plan expects a contribution to affordable housing from all developments that provide one or more additional homes and involve a total addition to the residential floor space of 100sqm or more. This is based on the assessment where 100sqm of floor space is considered to provide capacity for one home. In developments that provide less than 10 units, affordable housing contributions can take the form of a payment in lieu (PIL). The scheme relates to a replacement dwelling with an uplift (Existing floorspace: 142sqm – Proposed floor space: 372sqm – Net change: + 230.2sqm)

3.3. Targets are based on an assessment of development capacity whereby 100sqm GIA of housing floor space is generally considered to create capacity for one home and a sliding scale target applies to developments that provide one or more additional homes and have capacity for fewer than 25 additional homes, starting at 2% for one home and increasing by 2% for each home added to capacity. Where a contribution to affordable housing is sought, the Housing CPG requires a payment of £5000 per square metre multiplied by the on-site target for affordable housing (in this case 4%).

3.4. Based on the 230sqm of housing GIA given in the planning statement cover letter, the housing contribution is calculated as follows: 4% x 230 sqm x £5000 per sqm = £46,000. This amount will be secured via a S106 legal agreement if the proposal was considered acceptable in all other respects.

4. Principle of demolition

4.1. Policy CC1 Climate change mitigation requires all proposals that involve substantial demolition to demonstrate that it is not possible to retain and improve the existing building. The construction process and new materials employed in developing buildings are major consumers of resources and can produce large quantities of waste and carbon emissions. The possibility of sensitively altering or retrofitting buildings should always be strongly considered before demolition is proposed.

4.2. Policy CC1 Climate mitigation sub-section e) requires all proposals that involve substantial demolition to demonstrate that it is not possible to retain and improve the existing building. The supporting text provides background as to the carbon impact and waste involved in constructing new buildings. This also reiterates that proposals for demolition should be fully justified in terms of optimising resources and energy use, in comparison with the existing building.

- *If there is a feasible option to retain and improve, or officers consider that the case for demolition has not been demonstrated to the Council's satisfaction, this would result in a refusal.*
- *Whole life carbon (WLC) assessments should not be used to justify a replacement building, if it is considered possible to retain and improve the existing building.*
- *Applicants are required to submit WLC to justify the sustainability credentials of their proposal compared to retention, WLC should be used to compare development options when its considered that the option of retain and improve is not a possible option and these options should be sought to minimise whole life carbon emissions.*
- *The framework provided in CPG seeks to firstly determine whether it is not possible to retain and improve the existing building*

4.3. A condition and feasibility study of the existing building was requested by officers but this was not provided by the applicant. This study would have detailed the condition of the existing structure and compares two development options: renovation and extension; and new framed construction. Without a feasibility study it has been difficult to ascertain whether the existing condition of the building would allow it to be retained and improved or retained and extended or with replacement being the only end result. The information provided in support of the application does not clearly demonstrate or justify why it is not possible to retrofit the existing building through a whole house holistic approach. There is no reason why this building cannot be retained and improved like other homes of its age. Given this, officers consider a case for demolition has not been demonstrated to the Council's satisfaction and therefore would not support demolition of the existing dwelling.

4.4. Furthermore, the applicants have gone on to provide a whole life carbon assessment (WLC) to justify a replacement building.

Module	WLC Benchmark for residential (kgCO ₂ e/m ² GIA)	Aspirational Benchmark for residential (kgCO ₂ e/m ² GIA)	9D The Grove – Option 1 Retrofit	9D The Grove – Option 2 Replacement	9D The Grove – Option 3 Extend and retrofit
A1-A5	<850	<500	317	590	544
B-C (excluding B6 and B7)	<350	<300	244	330	346
Total A-C (ex B6&B7)	<1200	<800	561	920	890

Fig.1. Table 2 in the WLC report by Cundall 15/12/22

4.5. It is noted that the operational carbon is not considered in the GLA WLC benchmarks as this is considered separately. The replacement option would meet the GLA benchmark of 1200 kgCO₂e/m² GIA but would not meet the GLA aspirational benchmark of <800 kgCO₂e/m² GIA.

4.6. It is interesting to note that the applicant concludes that the replacement building performs best for whole life carbon. For like-to like comparison in terms of area, the comparison between the replacement dwelling, the extension and the retrofit of the existing dwelling demonstrates that the carbon gap between them shifts after 23 years, whereby the new replacement dwelling continues to outperform the retrofitted and extended dwelling over the lifecycle. However, against the GLA guidance benchmarks the lowest carbon

option would be retrofit (561kgCO₂e/m² GIA) and the second lowest would be to extend and retrofit (890 kgCO₂e/m² GIA). The replacement option would be the highest WLC option (920 kgCO₂e/m² GIA).

- 4.7. It should also be noted that the WLC hasn't assessed B7 (operational water) – the carbon emissions related to water supply and wastewater treatment. It should also be noted that operational carbon is calculated based on the current carbon factor of the electricity grid however over the 60 year lifespan of the building this is expected to reduce significantly.
- 4.8. As such the expected savings from a more efficient building may not materialise and the impact of embodied carbon from the building will become more significant. Therefore, a replacement dwelling would not be supported and this would form a reason for refusal.
- 4.9. The Greater London Archaeology Advisory Service (GLAAS) were consulted during the course of the application as the site is identified as being within an area of archaeology interest (Archaeology Priority Area). The Archaeology advisor concluded that *'the proposal is unlikely to have a significant effect on heritage assets of archaeological interest'*. The proposal would therefore not have any impact on the archaeological priority area.

5. Design and conservation

- 5.1. The Council's design policies are aimed at achieving the highest standard of design in all developments. Policy D1 (Design) requires that development respects local context and character, comprises details and materials that are of high quality and complement the local character, and that housing provides a high standard of accommodation. Policy D2 (Heritage) states that the Council will preserve and where appropriate enhance Camden's heritage assets and their settings.
- 5.2. The Grove is an important street within the Highgate Village Conservation Area. Detached and semi-detached houses are set back from the street behind large front gardens and an expansive gravelled area lined with trees. There are two large grassed areas to the south that are listed in the London Squares Preservation Act 1931. The majority of houses on the street are grade II listed including Park House built c.1832 which is adjacent to the Site, and the associated stables that turn onto Fitzroy Park and sit directly in front of the Site.
- 5.3. Fitzroy Park was built within the framework of the boundaries of older estates. As larger houses were demolished, development occurred over the 19th and 20th Centuries. Houses take on a mixture of architectural styles, however all are set well away from the street edge and the character is generally formed by the topography and semi-rural soft landscaping.
- 5.4. The site is a two storey rectangular building constructed in 1956. The elevations are constructed using yellow London stock bricks, windows are timber framed and the roof is flat, the materiality of the roof is unclear. The north elevation faces onto Fitzroy Park and has a large wooden garage door at ground floor level and a blank brick wall above. To the rear at first floor level is a decorative metal balcony. Access to the property can be gained from the large gate facing The Grove or a smaller gate from Fitzroy Park.
- 5.5. The building sits gently in its setting and responds well to context. The building is relatively low ensuring that it does not dominate the setting or views of the grade II single storey stables block. The Fitzroy Park elevation also sits back from the edge of the street within foliage, responding to the established character of this part of the conservation area.
- 5.6. The conservation area appraisal identifies the building as a positive contributor as a result of the metal balcony that can be seen from Fitzroy Park and the general relationship with other parts of the conservation area.



F.g.2 Floor plan of proposed dwelling

- 5.7. The footprint of the proposed dwelling is similar to that of the existing (height of the proposed is 6.3m same as existing height, 14.2m wide on east elevation, 11.8m wide on the north elevation and 1.8m wide on the south elevation, 14.2m wide on the west elevation) and would maintain its existing relationship between Park House and the Stables to the rear. The proposed development would be located behind the listed stables and the main access from The Grove to the front of the proposed new dwelling would utilise a currently unused access that separates the house from its former stables.
- 5.8. The proposed building is two storeys with a flat (sedum green) roof similar to the existing with an additional basement. The footprint is increased slightly towards Fitzroy Park (1.4m) bringing the building line closer to the street but still set back by 1.6m. The building has a generally pastiche design to be in keeping with the listed Georgian villas that line The Grove.
- 5.9. The proposed house is the same height as the existing however where the existing footprint of the house was set in it has been squared off so the building come 2m closer to the stables at 6.3m in height. This together with the increase in footprint towards Fitzroy Park would result in additional harmful bulk. The house should be clearly subservient to the stables and should not be visible from The Grove or from the green area separating The Grove from Highgate West Hill. The increased bulk of the house is visible from Fitzroy Park. The increased height, the depth and the building line, impact the stables and increases the buildings presence. In terms of the detailed design, the large arch breaks up the elevation, but gives the building a status that compromises the hierarchy between the building and stables. Any building within this site should be discreet and mostly hidden by informal planting.
- 5.10. The rear elevation has little design merit, especially at first floor level, which is the section of the elevation seen from Fitzroy Park and the aspect of the current building that is mentioned in the CA appraisal. There's no aspect of this elevation that is remarkable and it would not contribute to the CA. The above comments lead to the conclusion that the existing building is the most appropriate for this site. The massing of the existing building allows the listed building to remain dominant and the simple brick work and fenestration ensures it is a subtle but well-designed element of the street scape. The proposed building does not conserve or enhance the conservation area; it negatively impacts the setting of the listed stables and has an unwelcome presence on Fitzroy Park.
- 5.11. In addition to the above, s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of (conservation areas)" when exercising planning functions in relation to land in such areas. Policy D2 (Heritage) of Camden's Local Plan states the Council will resist the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area. The NPPF states that development that harms heritage assets should only be allowed where the public benefits of development outweigh any harm.
- 5.12. In this case the loss of the building would cause harm to the Highgate Conservation Area for which

there is virtually no public benefit which does not outweigh that harm. The replacement of a large house with a larger house adds virtually no public benefit; the house would still only serve a single family and would be more of a private benefit rather than a public benefit. Increasing the dwellings energy efficiency by creating a larger dwelling would not outweigh the harm to the Conservation Area from the loss of a positive contributor and would therefore be contrary to Policy D2; and would be a reason for refusal.

5.13. Given the above comments, the proposals are not considered sympathetic to the setting of the adjacent listed building or the sensitive historic location of the Highgate Conservation Area. Furthermore, the proposals do not adequately justify the demolition of a positive contributor within the conservation area, contrary to policy D2 and therefore would not be considered acceptable.

6. Occupier amenity

6.1. The proposed new dwelling would have reasonable layouts with decent sized rooms with high ceilings and good access to daylight and natural ventilation. The unit would have a living room, mud room, kitchen/dining/pantry on the ground floor with access to the gym, cinema room, study and laundry rooms within the basement floor, three spacious bedrooms with on-suites and walk in closets on the first floor. All rooms would have natural light via large windows and lightwells and would meet the London Plan space standards for bedrooms and overall floor space. The proposed dwelling would have sufficient external amenity space in the form of (west elevation) private garden.

6.2. The dwelling would have separate refuse and cycle stores within the side of the property (facing onto Fitzroy Park) with easy access from the street. It would continue the same arrangement for waste as the existing dwelling and would provide easy access for waste collection crews.

7. Residential amenity

7.1. Policy A1 of the Camden Local Plan seeks to ensure that development does not cause adverse amenity impacts upon neighbours. This is in regards to sunlight, daylight, privacy and overlooking.

7.2. The application site is within a constrained plot set to the rear of the listed stables and next to Nos.9B The Grove (right side) and No.10/10B (left side). The proposed drawings show that the positioning and footprint of the building would be similar to that of the existing. However, the property would be extending closer to the boundary with Park House (9B The Grove). 9B The Grove is set 1m away from the boundary with No.9D and it is placed on higher ground level with its bay windows facing away from the side elevation of the 9D. Given the separation distance and ground level change, it is not considered the replacement dwelling would have an adverse impact on Park House in regards to loss of light, overshadowing or privacy impacts. Given the orientation of the proposed dwelling it is not considered to raise any significant concerns in relation to detrimental impacts on neighbouring amenity in regards to loss of light, overshadowing or privacy impacts would be had on surrounding neighbours.

8. Basement considerations

8.1. Policy A5 (Basements) states that the Council will only permit basements where it is demonstrated to its satisfaction that the proposal would not cause harm to neighbouring properties; the structural, ground or water conditions of the area; the character and amenity of the area; the architectural character of the building; and the significance of heritage assets.

8.2. Policy A5 stipulates that the siting, location, scale and design of the basements must have minimal impact on, and be subordinate to, the host building and property. In accordance with Policy A5, any proposed basement development at the site should comply with the following criteria:

f. not comprise of more than one storey;

Yes

h. not be built under an existing basement;

Yes

i. not exceed 50% of each garden within the property;

Yes

j. be less than 1.5 times the footprint of the host building in area;

Yes

extend into the garden no further than 50% of the depth of the host building measured from the principal rear elevation;

Yes

k. not extend into or underneath the garden further than 50% of the depth of the garden;

Yes

l. be set back from neighbouring property boundaries where it extends beyond the footprint of the host building; and

Yes

m. avoid the loss of garden space or trees of townscape or amenity value.

Yes

8.3. The current proposal submitted appears to comply with all of the above criteria. A basement impact assessment has been carried out and this has been reviewed by Camden's independent consultants Campbell Reith. Their comments will be summarised below:

- The BIA has been carried out by suitably qualified officers however they do not have a qualification in hydrogeology. A hydrogeologist with CGeol qualification should approve the BIA as per Camden's CPG.
- Further evidence is needed for assumption of groundwater baseline conditions.
- Further clarification is requested regarding the construction methodology of the retaining wall, following which the proposed construction sequence may require revision.
- Although it is accepted the basement will not impede groundwater flow, it cannot be confirmed that the proposal will not impact the hydrogeology of the area until adequate evidence/calculation assessing the change in permeable surface area, and any resultant impact is presented.
- Until further information is provided regarding changes to surface water and sewer inflows as a result of the development, along with any potential mitigation measures, it cannot be confirmed that the development will not impact the hydrology of the area.
- Potential stability impacts are limited to those due to excavation induced ground movement. Due to lack in clarity of the proposed construction methodology for the retaining wall and the lack of information regarding the potential impact on adjacent Fitzroy Park, it is currently not accepted that the proposal will not impact the land stability of the area.
- It cannot be confirmed that the BIA complies with the requirements of the CPG until all these issues here and in appendix 2 are addressed within the audit report.

8.4. Given the above audit report findings, officers cannot accept the excavation would cause no harm to neighbouring properties or the surrounding area. The above matters would need to be resolved through an amended basement impact assessment addressing and overcoming all the above issues. Therefore, this would form a reason for refusal.

8.5. It is proposed to demolish the main site building, based on the age of the building it is possible that asbestos-containing materials (ACMs) may have been used in construction and/or maintenance. It is recommended that an asbestos survey is undertaken so that any ACMs present can be managed accordingly to protect neighbours/occupiers/construction workers. A condition has been recommended to add to any planning permission if the proposal was considered acceptable in all other respects.

9. Transport

9.1. Policy T2 seeks to ensure car-free development across the borough. It is understood the redeveloped property would be for a returning occupier and therefore there would be no car-free obligation but the Council will seek the inclusion of a mechanism that prohibits future occupiers from obtaining parking permits. This would be secured by s106 legal agreement. In the absence of a legal agreement this forms a reason for refusal.

Cycle parking and bin store

9.2. For a dwelling of this size, policy requires two long stay cycle parking spaces. The submitted floor plans show an external area near the refuse store on the site facing Fitzroy Park which shows space for adequate cycle parking, details of which would be secured by condition.

9.3. 1 Electric Vehicle Charging Point (EVCP) would need to be provided in accordance with Policy T6.1 (Residential Parking) of the London Plan. This will be secured by condition, if the proposal was considered

acceptable in all other respects.

Construction Management Plan (CMP) and Construction Impact Bond

9.4. The site is located in an area with multiple schools, and is within the Froggnal/Fitzjohns Neighbourhoods of the Future Healthy School Street Zone. Due to the sensitive location of the site and the amount of excavation, demolition and construction works, a construction management plan (CMP) would need to be secured to minimize the impact on the highway infrastructure and neighbouring community. The Council would seek to secure a CMP implementation support contribution of £3,136 and a Construction Impact Bond of £7,500 as section 106 planning obligations in accordance with Policy A1. This would be secured by legal agreement. In the absence of a legal agreement this forms a reason for refusal.

10. Trees and landscaping

10.1. No trees are proposed for removal in order to facilitate development. The scheme can be implemented with an acceptable level of impact provided suitable foundation types are used close to trees and an appropriate arboriculture method statement is followed. The Council's Tree officer has reviewed the information. Although tree protection details have been submitted they are not considered to be comprehensive or contain sufficient detail. If the scheme had been considered acceptable in all other respects, details of foundation type, service runs and tree protection detail and hard and soft landscaping detail conditions would be recommended.

11. Sustainability

11.1. Policy CC1 of the Camden Local Plan promotes zero carbon development and requires the steps in the energy hierarchy to be followed. It also requires all proposals involving substantial demolition to demonstrate that it is not possible to retain or improve the existing building and expects all development to optimise resource efficiency. Policy CC2 ensures development will be resilient to climate change, including measures to reduce the impact of urban and dwelling overheating, including the application of the cooling hierarchy, and encourages the incorporation of green roofs. Active cooling will only be permitted where dynamic thermal modelling demonstrates there is a clear need for it after all the measures in the cooling hierarchy have been followed.

11.2. The approach to energy usage would follow the principles of the energy hierarchy, focussing on the objective to 'Be Lean' the aim is to use energy saving techniques as much as possible throughout the project. It will allow for a low carbon project, using renewable energy via air source heat pumps in each house.

11.3. The construction and materials of the new build would result in an efficient thermal envelope for the reduction in outward heat transmittance. The new dwelling achieves a carbon dioxide emissions saving of 79.4% through energy efficiency measures and renewable technologies. This exceeds the 19% target to meet the requirements of Camden and would meet the requirements of the Greater London Authority.

11.4. The sustainability statement incorporates sustainable and energy saving standards which would be secured by a S106 within an energy and sustainability plan. In the absence of a legal agreement this forms a reason for refusal. Further details would be required of the photovoltaic panels; these would be secured by planning condition.

Cooling/overheating

11.5. Overheating analysis of the new dwelling was carried out. The proposed new dwelling would implement passive design measures and the modelling results indicate that the scheme is compliant with the overheating requirements. The proposal maximises passive design measures by responding to the local context such as: sustainable material use, PV Solar Panels, green sedum roofs, low energy LED lighting, openable windows, ASHP, high ceilings, minimise water consumption, retain screening of trees long Fitzroy Park, maintain surface water run-off and minimise energy demand.

11.6. Mechanical and active cooling may be proposed as part of the new dwelling via a MVHR system (air tempering). It is not expected that active cooling should be required for any residential developments, as the building should be designed to not overheat and use passive design measures for ventilation.

11.7. Although steps have been taken to promote sustainability, such as the inclusion of green roofs, the use of sustainable materials and PV solar tiles, these measures would not outweigh the carbon-intensive process of demolition nor the use of active cooling which contributes to urban overheating and is energy intensive.

12. Planning Balance

12.1. The proposal is identified as causing less than substantial harm to the designated heritage asset, in this case, the Highgate Village Conservation Area. Paragraph 202 of the NPPF 2023 states that 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 benefit of the proposal. The Council is unable to identify any significant public benefits, other than additional accommodation for a private single family dwelling and a small number of construction jobs that would outweigh the less than substantial harm caused to the designated heritage asset – the Highgate Village Conservation Area.

13. Recommendation

13.1. Refuse Planning Permission

Reasons for refusal:

1. The proposed demolition, by reason of the loss of the existing building which makes a positive contribution to the Highgate Village Conservation Area, would cause harm to the character and appearance of the conservation area, contrary to policy D2 of the Camden Local Plan 2017 and Policies DH1, DH2, DH7 of the Highgate Neighbourhood Plan 2017.
2. The proposed replacement dwelling, by virtue of its scale, design, materiality and siting, would cause harm to the character and appearance of the street scene and the wider area, and the setting of the neighbouring listed building and would fail to preserve or enhance the character and appearance of the Highgate Village Conservation Area contrary to policies D1 (design) and D2 (heritage) of the Camden Local Plan 2017 and policies DH1, DH2, DH6, DH7, DH8 of the Highgate Neighbourhood Plan 2017 and with the London Plan 2021 and the NPPF 2023.
3. The proposed development, by virtue of insufficient evidence to justify the need for demolition of the existing building nor the use of active cooling, would result in an unsustainable development contrary to policies CC1 (climate change mitigation) and CC2 (adapting to climate change) of the Camden Local Plan 2017 and policies DH7, DH9 of the Highgate Neighbourhood Plan 2017.
4. In the absence of an adequate Basement Impact Assessment, the proposal would likely have an adverse impact upon the land stability in the area, the local water environment surface run-off and hydrogeology, contrary to policies A1 (Managing the impact of development) and A5 (Basements) of the London Borough of Camden Local Plan 2017 and Policy DH7 of the Highgate Neighbourhood Plan 2017.
5. The proposed development, in the absence of a legal agreement securing an affordable housing contribution, would fail to maximise the supply of affordable housing to meet the needs of households unable to access market housing, contrary to policy H4 (Maximising the supply of affordable housing) of the Camden Local Plan 2017 and policy SC1 of the Highgate Neighbourhood Plan 2017.
6. The proposed development, in the absence of a legal agreement securing car-free housing, would contribute unacceptably to parking stress and congestion in the surrounding area and fail to promote more sustainable and efficient forms of transport and active lifestyles, contrary to policies T2 (parking and car-free development) and DM1 (delivery and monitoring) of the Camden Local Plan 2017 and Policy TR1 of the Highgate Neighbourhood Plan 2017.
7. The proposed development, in the absence of a legal agreement securing a construction management plan and construction impact bond, would be detrimental to the amenity of neighbouring occupiers contrary to policies A1 (managing the impact of development) and A5 (basements) of the Camden Local Plan 2017 and Policies DH7, TR1, TR2 and TR3 of the Highgate Neighbourhood Plan 2017.

