

GROUPS OF APPEAL

Document Reference: GP-1169-GA1

69 HIGHGATE HIGH STREET, LONDON, N6 5JX

18.06.2013

TOWN & COUNTRY PLANNING ACT 1990 (as amended)

Proposal: Part three / part four storey mixed use development, comprising of commercial (Class B1a) at lower ground floor (Pond Square Level), retail (Class A1) at ground floor level (Highgate High Street) and 1x3 bed self-contained maisonette (ClassC3) at first and second floor levels following demolition of existing single-storey buildings.

The appellants' grounds of appeal are in reply to Camden's reasons for refusal as detailed on the Notification of Decision for Refusal, dated 15th February 2013, are as follows:

Reason 1

1. That Camden has failed in its legal duty to determine the application in accordance with the adopted policies contained within the National Planning Policy Framework (2012), London Borough of Camden Local Development Framework Core Strategy (2011) and in particular CS14 (Promoting high quality places and conserving our heritage) and CS15 (Protecting and improving our parks and open spaces and encouraging biodiversity), as well as Local Development Framework, Development Policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage).
2. In particular, the LPA has failed properly or at all to consider and attach weight to its own policies when determining the application, which proposes a mixed use residential development, where under the provisions of policy there is a general presumption in favour of development.
3. That the LPA has failed in its legal duty to consider and attach sufficient weight to other material considerations including decision taking and pre-application advice (Paragraphs 186, 187 and 188 to 191) and in particular Chapters 7 (Requiring good design) and 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework. The LPA failed to give sufficient weight to PPS5: Planning for the Historic Environment Practice Guide and in particular sections HE7, HE9 and HE10. In addition, little weight was given to Local Development Framework Core Strategy Policies CS5 (Managing the impact of growth and development), CS6 (Providing quality homes), CS7 (Promoting Camden's centres and shops). The LPA did not give sufficient weight to Camden Planning Guidance CPG1 (Design) and CPG3 (Housing). In addition, the adopted Highgate High Street Conservation Area Appraisal and Management Strategy is a material consideration, which has been given little weight. Insufficient weight was given to other material considerations such as English Heritage's Conservation Principles Policy and Guidance for the Sustainable Management of the Historic Environment, 2008.
4. That the LPA has failed in its legal duty to apply a fair, rational and reasonable interpretation of its adopted policies, including CS7, CS14, CS15, DP24 and DP25, having regard to the nature of development proposed, the dominant

land use of the surrounding local area, and the condition of the surrounding built environment.

5. That the LPA has failed to direct itself properly in the determination of the application, and the appellant has supported the application, which is the subject of this appeal with evidence to demonstrate:
- i. That the proposed development relates to the character and appearance of the area in a sympathetic manner and offers an outstanding, innovative, high quality design and as such complies with Chapters 7 (paragraphs 63 and 65) of the National Planning Policy Framework, Policy CS14 (Promoting high quality places and conserving our heritage) and CS15 (Protecting and improving our parks and open spaces and encouraging biodiversity) of the London Borough of Camden Local Development Framework Core Strategy and Local Development Framework, Development policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage). The proposal complies with Camden's adopted Highgate Conservation Area Appraisal and Management Strategy (2007) and Haringey Council's emerging Conservation Area No. 1 Highgate Conservation area Draft Character Appraisal (November 2012).
 - ii. That the proposed development would not be out of character with local community identity or cause harm to local views and will therefore sit comfortably along side neighbouring buildings in terms of its sitting, scale, design and form. It will fit contextually and not harm the local street scene by reason of its design, scale, height and proportions. Therefore, it will not harm the setting of listed buildings.
 - iii. That the proposed development complies with CPG1 in that the proposal is of a high standard of design in that the design is contextually responsive to the surrounding area. Considerable pre-application negotiations were held over a period of time with the LPA and English Heritage, where the principle of development and design response was welcomed, subject to the further consideration of minor details.
 - iv. The proposal makes efficient use of land. It will provide a family home for a local resident. The 3 bedroom single family dwelling cannot not be considered overdevelopment of the site. The ground floor retail unit will contribute to the character of the High Street.
 - v. Mitigating circumstances and the reasons setting out the design approach are explained in the submitted documents.
 - vi. Without prejudice the Appellant will submit proposed drawings for an identical development but constructed in brick, to overcome Camden's concerns about materials.

Reason 2, 3 and 4

- The Appellant will prepare a Section 106/Unilateral Undertaking to be agreed between the Appellant and Camden Council, which should serve to overcome Reasons 2, 3 and 4 and comply with CPG8 (Planning Obligations).