

Delegated Report		Analysis sheet	Expiry Date:	15/02/2013
		N/A / attached	Consultation Expiry Date:	07/02/2013
Officer			Application Number(s)	
Jonathan Markwell			a) 2012/6826/P b) 2012/6878/C	
Application Address			Drawing Numbers	
69 Highgate High Street London N6 5JX			Please see decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
a) Erection of four storey building comprising commercial (Class B1a) at lower ground (Pond Square Level), retail (Class A1) at ground (Highgate High Street Level) and 1x3 bed self-contained maisonette (Class C3) at first and second floor levels following demolition of existing single-storey buildings. b) Demolition of single storey buildings.				
Recommendation(s):		a) Refuse Planning Permission b) Refuse Conservation Area Consent		
Application Type:		a) Full Planning Permission b) Conservation Area Consent		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	14 (and an additional 20 who responded to application 2010/3735/P)	No. of responses	83	No. of objections No. of supports	49 33
Summary of consultation responses:	<p>A site notice was erected on 10/01/2013, expiring on 31/01/2013. A press notice was published on 17/01/2013, expiring on 07/02/2013. These were in relation to both the planning and conservation area consent applications. A total of 83 responses have been received. A total of 49 objections and 33 of support have been received. 1 comment was also received relating to the postal address of one of additional 20 addresses formally consulted owing to comments received as part of application 2010/3735/P.</p> <p>A summary of the comments made in the <u>33 letters of support</u> for the proposals are as follows:</p> <p>Design / conservation area comments</p> <ul style="list-style-type: none">• Proposal represents high quality design – to see this beautifully deconstructed proposal at the end of the High Street will be delightful and a remarkable scheme on such an impossible site• Proposal will be a positive contribution to the ambience of this part of town.• It is about time the High Street is finished off with a respectable building and of the 4 corners entering into the village this really lets Highgate down.• Aesthetically it is by far an improvement on the existing single storey structures, described as “tatty”, “messy”, “shack-like” and “conglomerations of shanty towns”.• Design seems to have been carefully thought out to complement the area and enhance rather than detract from the quality of the conservation area as a whole• Proposal would be an understated feature of the village• Proposal compliments the nature of the village moving forward for today’s living without detriment to the surrounding area.• Architects have a world wide reputation and I feel sure their design and execution will add to the visual complexity of the village which is known for some stunning modern buildings.• Scheme would help the village move with the times yet stay in keeping with other local buildings. If only all applications were made so sympathetically.• Thought that Highgate needs something that is different from the classic Pond Square style.• Brighten up this corner of Pond Square• Support for the proposed community minded clock. <p>Other matters</p> <ul style="list-style-type: none">• Improve the security of Snow Hill at night - intensifies the pedestrian alley into something truly of London rather than its present miserable status leaking out of the corner of Pond Square, while another says they will feel safer using this space.					

- The improved retail frontage will be of overall commercial benefit to the wider area.
- The lower ground floor accommodation would be a vast improvement on the current accommodation.
- Proposal will keep the important and well loved flower stall
- Proposals would not affect any neighbours negatively
- Proposed living accommodation is well thought through, stylish and includes an outstanding living space.

A summary of the comments made in the 49 letters of objection to the proposals are as follows:

Design / conservation area

- Charm of Highgate Village is older characterful buildings finished in traditional brick and stone. Proposed building has none of this – just uncompromisingly shaped windows and ugly modern finish. Another states the proposal represents an overly tall, overpowering sense of modernism juxtaposed against our much loved landscape. Another denotes that the angular windows over the High Street is contrary to the conservation area
- Highgate is a location where buildings, historic street patterns, urban spaces, developing views as one moves through spaces and along streets and open views beyond all contribute in equal measure to the sense of place, its special character and its historical resonance which is so much appreciated by local residents and visitors alike. The site is surrounded by buildings of extraordinary merit as one knows from their listed status. Conservation Areas lie on both the Camden and Haringey sides of the High Street and thus all these surrounding buildings are heritage assets and form the context for this proposal. The NPPF requires that all these aspects are taken into consideration in such an application. The proposal blocks every important view of urban grain and of the contextual buildings both listed and in the two Conservation Areas. The character of Highgate Village and the two Conservation Areas would be forever damaged by the proposal put forward.
- Proposals are an eyesore, completely out of place at the head of Highgate Village. Another states the proposals are of poor quality design.
- Proposal contravenes every possible element of planning regulation, in terms of the architectural style, inappropriate appearance in a conservation area, loss of skyline within corner of Pond Square, alteration of view of Highgate Village, deny / conceal the historic significance of current building.
- Bulk of the building would lead to a loss of views through to/from Pond Square, dramatically changing the whole character of the village given the green and open environment at this point. Loss of the sightlines of Gatehouse pub from Swain's Lane and Pond Square and Highgate Schools Chapel from closer views. It is essential that all of these are maintained; this is the charm of the place and is not something to destroy.
- Proposal would lead to the 'closure' of Pond Square, making it feel somewhat claustrophobic. Another states that the open aspect of the lane will drastically change.
- Loss of the much cherished village feel of the entrance to the area from the north. During the consultation for the Highgate Neighbourhood forum the top reply to what is good about Highgate was the village feel.

- Height and bulk of the building is out of proportion to those around it
- Materials and finishes are out of place and have no context or reference with other buildings or the conservation area. Another states the design is totally out of keeping with the village, proposed features have nothing to do with the buildings in sight
- High building will cause a sense of enclosure at this point
- Highgate attracts tourists because of its historic connections and it would be sheer vandalism to allow this massive structure to dominate the approach to an area full of historic buildings and architectural gems.
- Given the prominent location of the site (anybody coming through or to Highgate will see it) it is essential that it blends in with and does not disfigure Highgate Village, one of the picturesque landmarks of London, forever.
- Open feel of this corner needs to be protected. Another states the corner needs to stay undeveloped to preserve the unspoilt feeling of the village.
- Proposal would seriously undermine the cultural heritage of the area.
- Proposals would negatively impact adjoining character properties, having an overbearing impact.
- Second design is basically similar to the first refused application.
- Suggestion that a much smaller building, in an older style would be better.

Demolition

- The case for demolition is not conclusive. There is no doubt the buildings as seen from Pond Square and the High Street have charm and so were noted as contributing to the Conservation Area. It is inadequate to say that, because a building has been neglected with the result that to do it up would now cost more than its market value, it is reasonable to demolish it.
- Existing buildings are historic – used as a milking parlour and byre for the cattle brought to Highgate Village to market in London. Another suggests they should be retained and repaired having suffered many years of neglect. As identified positive contributors in the conservation area statement any demolition requires specific justification, which has not been provided.
- Existing buildings add greatly to the character of the village centre and are irreplaceable.

Other matters

- Building works would cause severe traffic delays through Highgate for months;
- Proposals represent a massive overdevelopment of the site.
- Loss of light to the surrounding area owing to the height and bulk of the proposed building;
- Loss of privacy to 19 Pond Square and 50a Highgate West Hill;
- Loss of visibility to the advertising board on the wall of 49 Highgate West Hill, affecting the business of Stonebridge and Co.
- Pavement is too narrow and not a suitable location for new shop fronts with more footfall. Large windows with narrow pavements means 'window shoppers' will cause pedestrian safety issues with other pedestrians. The situation will worsen an existing issue at this point.
- Retail delivery of goods would not be possible owing to proximity of

	<p>two mini roundabouts, pedestrian crossing and Snow Hill having double yellow lines.</p> <ul style="list-style-type: none"> • The flower stall and clock menders which will be replaced are valuable local assets. • Snow Hill would be dark, narrow and potentially dirty and dangerous. • Inaccuracies in the material submitted with the application – questioning whether the existing buildings are at the end of their viable lives, as suggested. • Proposals would be inconsistent with or go against the principles enshrined in the LDF. • Proposals are within the cartilage of 67 Highgate High Street, which is grade II listed. • Unacceptable precedent that could seriously harm the village should consent be granted for such an incongruous and over developed proposal. • The proposal is motivated totally by financial considerations and financial gain.
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**CAAC/Local groups*
comments:**
*Please Specify

Highgate CAAC objects to the proposals. A summary of the issues raised are as follows:

- Present proposals do nothing to improve the impact on the character and appearance of the Conservation Area in comparison with the previous application at the site.
- No acknowledgment of the adjoining Haringey Conservation Area, which would also be adversely affected by these proposals.
- Resultant narrow view from Pond Square would cause the loss of the wider view towards Highgate School Chapel and the green of its burial ground.
- The scheme would reduce the link between Pond Square and the High Street to a narrow canyon.
- The views into Pond Square with its fine trees from West Hill would also be gravely injured by the bulk and height of the proposed building.
- Similarly the view of the grade II* listed house (next to 10A) currently framed in the opening of Snow Hill would no longer be available if this proposal is accepted.
- The height and bulk have hardly been reduced from what was previously proposed. Situation similar to that at the junction of West Hill and Swains Lane, where Camden recently refused an application involving increased height and bulk, which would have damaged the urban massing.
- The loss of characterful elements which presently face onto Snow Hill would be regrettable.
- The scheme would also involve the loss of business premises onto Snow Hill and it is highly likely that the flower seller on the corner would not survive. The proposals to accommodate her are unconvincing and it is likely that the break in business during the construction period would be unsustainable.
- CAAC has no preconception as to style for new elements but is concerned that form and materials should be harmonious with adjoining parts of the Conservation Area. With these proposals, there would be loss of continuity of scale and materials. The existing urban grain of shop-fronts at street level with windows reflecting two levels of residential use above would be lost. The proposed treatment of random but strong vertical openings above would be out of character with the existing High Street. The proposed corner treatment is neither strong, as would have been the way with Victorian or Edwardian schemes, nor discrete, which could be the alternative. The structure of the proposed glass canopy is ill-considered and would provide little shelter. The proposed materials for the building (smooth render juxtaposed with rough render, both of an unspecified but light tone, and the timber cladding onto Snow Hill and Pond Square) are quirky and would be jarring intrusions onto the High Street at this critical part of the Conservation Area and damaging to nearby listed buildings.

Highgate Society objects to the proposals. A summary of the issues raised are as follows:

- Appreciate that effort has gone into addressing problems arising from the previous submission, but do not feel that the current scheme addresses our concerns which are fundamental to the scheme.
- Site is one of the most prominent in Highgate marking the “gateway”

into the village. Essential that any development on this site respects the importance of the location and celebrates the urban context. The current scheme fails to do so.

- Current building site frames 3 important views which make a considerable contribution to the overall character of the Highgate. These are:
- Views from Gate House area and North Road towards Pond Square: The leafiness of Pond Square is a visible asset which the new building would remove.
- Views from Pond Square towards the Gate House: Currently the Gate House is framed by the existing building. The new building considerably constrains the width so only a small portion of the top gable of the Gate House building would be visible. The Society has been approached by residents from Pond Square who are equally concerned about the proposals and the impact on the square.
- View from North Road – The view towards the Highgate School Chapel and the graveyard, both listed, from north Hill will be severely damaged by the presence of the proposed building immediately opposite them.
- The proposed building is simply too high and the massing inappropriate for this location.
- In the face of these concerns Highgate Society feel that any discussion about style and materials would be inappropriate at this stage.

Pond Square Residents' Association comments/objects as follows: "The consensus among residents is that while they are happy with some form of development, the following should be taken into account by the Council: 1. The proposed scheme is too large and out of context with the surrounding environment. There is also concern regarding the loss of existing views both from and into Pond Square. 2. The scheme would create a crowded and claustrophobic air to that corner of the Square in its current form and scale".

English Heritage was formally consulted on the application and in summary comments *"We have concerns regarding the demolition of the existing buildings on the site, which are considered to make a positive contribution to the significance of the Highgate Conservation Area. We also have concerns regarding the impact of the proposed replacement building, which is considered to neither enhance or better reveal the significance of the conservation area"*. Furthermore English Heritage recommends in overall terms that *"The proposals are considered to cause some harm to the significance of the Highgate Conservation Area and therefore policies 134 and 137 of the Planning Policy Framework apply. At present, we are not convinced that the scheme carries any public benefits that would outweigh this harm"*.

More specifically, English Heritage advises that *"The character of the Highgate Conservation Area is considered to derive principally from its legible origins as a village on a hilltop with groups of buildings clustered along arterial routes and village greens. Highgate retains a good collection of 18th and 19th century residential and commercial buildings that retain this village aesthetic and are varied in terms of their scale and plot width."*

The existing buildings at 69 Highgate High Street occupy a triangular site that fronts onto Highgate High Street and Pond Square. The buildings are likely to have 19th century origins and are noted in the conservation area

statement as making a positive contribution to the character of the conservation area, probably due to the fact that they have a pleasing vernacular aesthetic and serve as reminders of the earlier workshop uses on the site. Notably, the relatively low height of these buildings allows glimpse views from High Street towards the buildings and trees within Pond Square, and provides a visual connection between these two significant historic spaces.

The loss of the existing buildings at 69 Highgate High Street is considered to cause some harm to the significance of Highgate Conservation Area. We therefore urge the Council to consider these proposals in the light of policy 134 of the National Planning Policy Framework and weigh this 'less than substantial' harm against the public benefits of the proposals.

The proposed replacement building is three storeys high and fills the majority of site area. The building emphasises the corner of the site with a curved facade, curved projecting canopy and a projecting oriels windows at the upper levels. The Highgate High Street elevation comprises bronze framed shopfronts over black granite plinths at ground floor level with rendered elevations, vertically paired windows, including oriel projections, at the upper levels. To the Pond Square elevation, the building is largely timber clad with stepped north windows, effectively hiding the fenestration from the square.

Given the predominant 18th and 19th century vernacular of Highgate High Street, the proposed building is considered to be visually dominant due to its scale, materials and detailing. The building would present an essentially modern urban intervention within this vernacular context. It would introduce architectural references that are almost 'art deco' in style, including the black stallriser, bronzed shopfronts, sweeping curved facade and canopy, oriel windows, paired vertical windows and use of render that sits in direct contrast to the window colouration, overall comprising a new aesthetic that does not sit comfortably in this village context. The Pond Square elevation is considered to be slightly less visually dominant, but only because it appears as a neutral element due to its relatively small facade addressing the square and its lack of detailing. The overall height of the building also effectively blocks views of through to Pond Square from Highgate High Street and removes the visual connection between these significant historic spaces.

As such, we consider the proposed development to neither enhance or better reveal the significance of the Highgate Conservation Area and to cause some harm to that significance. We therefore urge the Council to consider these proposals in the light of policies 134 and 137 of the National Planning Policy Framework and weigh this 'less than substantial' harm against any public benefits that the proposals may generate”.

London Borough of Haringey was formally consulted on the application. No response has been received to date.

Site Description

The application site is a small wedge-shaped site which sits at the north end of Highgate High Street where it meets Highgate West Hill. The narrow lane Snow Hill forms the rear boundary. The site has 3 frontages, namely Highgate High Street, the corner frontage and the Snow Hill lane. Highgate High Street represents the borough boundary with Haringey at this point.

In relation to Highgate High Street, the site terminates a run of 14 contiguous properties, mostly with shop fronts, of two or three storeys. Plot sizes are irregular and heights, age and design of facades vary (mostly 18th and 19th century). The neighbouring property at No. 67 is listed Grade II, as are those running down to No. 51.

At the junction of Highgate High Street and Highgate West Hill the character changes and the environment opens out. The road widens and building heights and footprints increases. The dominant mid 19th century Highgate Chapel in Haringey is set back within grounds and can be appreciated in the round. The 20th century gatehouse pub also has a noticeable three dimensional presence as an independent building. Beyond taller late 19th century townhouses form part of the composition. This junction is the site of an historic toll gate and this gateway character can be appreciated in the layout today, distinct from the ribbon development of the High Street down the hill to the south. The neighbouring property along Highgate West Hill, No. 49, is of a solid and formal two storey 19th century classical style. It is listed Grade II as are those running up to 55.

Snow Hill leads down to Pond Square from the junction of Highgate High Street and Highgate West Hill which is contained by the informal and irregular rear elevations of Highgate High Street and Highgate West Hill properties. Owing to the change in topography the buildings fronting Highgate High Street are a storey higher to this frontage.

The site as existing contains single storey storage/workshop/studio (for example one is used as storage, one as a studio unit and one workshop used by Julian Child - Clocks & Watches Sales & Repair workshop – known as 18 Pond Square) with a flower stall to the end. Along the High Street the buildings read as a single storey wall. On Snow Hill are entrances and windows. Map evidence suggests that a small out-building was on the southern end of the site by 1869, with development taking its present form between then and 1894. Views through to Pond Square are present over the existing buildings.

The application site is located within Highgate Conservation Area. The adopted Character Appraisal records the buildings as making a positive contribution to the character and appearance of the Conservation Area. The existing site buildings are not considered to be listed. The site is also located within a designated neighbourhood centre, an archaeological priority area, Dartmouth Park Hill Controlled Parking Zone, has a public transport accessibility rating of 3/4 and is within an identified area as being susceptible to surface flow and flooding, subterranean (groundwater) flow and land (in)stability. The nearby Pond Square is a designated public open space.

Relevant History

Application site

9401370 - Use of part of site as a flower stall and replacement of existing canopy with new canopy or awning. Withdrawn 17/09/1996.

9401370R2 - The retention of the use of the site as a flower stall and the replacement of the existing unauthorised canopy by the erection of a glazed retail kiosk. Refused 10/07/1998.

Reasons for refusal:

The proposed glazed retail kiosk would cause harm to the street scene and the character and appearance of the Highgate Conservation Area because of its inappropriate design and materials, and its prominent location.

The continuation of the use of the site as a flower stall would be detrimental to visual amenity generally and would harm the character and appearance of the Highgate Conservation Area by reason of the loss of the former open nature of this prominent site adjacent to two major thoroughfares.

PE9900338 - The use of the site as a flower stall and the erection of a structure for use as a retail flower kiosk. Granted 17/01/2002.

LE9900339 - The erection of a structure for use as a retail kiosk. Granted 17/01/2002.

2010/3735/P - Erection of five storey building comprising lower ground (Pond Square Level), ground (Highgate High Street Level), first, second and third floor to provide two retail units (Class A1 - at part lower ground and ground floor level) and 2 self-contained residential units (1 x 1-bedroom flat at lower ground level and 1 x 3-bedroom maisonette on the upper floors) (Class C3) following demolition of existing single-storey buildings. Refused 09/03/2012.

Reasons for refusal:

1. The proposed development, by reason of its height, bulk, mass, detailed design and use of materials, would be detrimental to the character and appearance of the area and would harm the setting of the adjoining and nearby listed buildings, contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.
2. The proposed development, in the absence of the submission of sufficient information by the applicant, has failed to demonstrate that the proposed basement excavation would not cause harm to the built and natural environment and local amenity and does not result in flooding or ground instability, contrary to policies CS5 (Managing the impact of growth and development) and CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP23 (Water), DP25 (Conserving Camden's heritage), DP26 (Managing the impact of development on occupiers and neighbours) and DP27 (Basements and Lightwells) of the London Borough of Camden Local Development Framework Development Policies.
3. The proposed development, in the absence of a legal agreement securing a design stage and post-construction sustainability review achieving at least a minimum Level 3 of the Code for Sustainable Homes for the residential accommodation proposed, would fail to be sustainable in its use of resources, contrary to policies CS13 (Tackling climate change through promoting higher environmental standards), CS16 (Improving Camden's health and well-being) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policies DP22 (Promoting sustainable design and construction) and DP23 (Water) and of the London Borough of Camden Local Development Framework Development Policies.
4. The proposed development, in the absence of a legal agreement to secure the submission and implementation of a Construction Management Plan, would be likely to contribute unacceptably to traffic disruption and dangerous situations for pedestrians and other road users and be detrimental to the amenities of the area generally, contrary to policies CS5 (Managing the impact of growth and development), CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policies DP20 (Movement of goods and materials), DP21 (Development connecting to the highway network) and DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.
5. The proposed development, in the absence of a legal agreement to secure financial contributions towards highway works to repave the footway adjacent to the site, would be likely

to result in an unacceptable impact on the public highway and pedestrian safety, contrary to policies CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policies DP16 (Transport implications of development), DP17 (Walking, cycling and public transport) and DP21 (Development connecting to the highway network) of the London Borough of Camden Local Development Framework Development Policies.

2010/4760/C - Demolition of single storey buildings. Refused 09/03/2012.

Reason for refusal: The demolition of the buildings in the absence of an approved scheme for replacement would be likely to result in harm to the character and appearance of the surrounding Highgate Conservation Area contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.

Neighbouring 67 Highgate High Street

2004/0763/P - Change of use from A1 retail to A2 professional services. Refused 08/04/2004. Reason for refusal: The change of use would result in an unacceptable loss of a retail unit and creation of a sequence of non-retail uses, and therefore be detrimental to the retail character, function, vitality and viability of the Highgate High Street Neighbourhood Centre.

Relevant policies

LDF Core Strategy and Development Policies

CS1 (Distribution of growth)
CS4 (Areas of more limited change)
CS5 (Managing the impact of growth and development)
CS6 (Providing quality homes)
CS7 (Promoting Camden's centres and shops)
CS8 (Promoting a successful and inclusive Camden economy)
CS11 (Promoting sustainable and efficient travel)
CS13 (Tackling climate change through promoting higher environmental standards)
CS14 (Promoting high quality places and conserving our heritage)
CS15 (Protecting and improving our parks and open spaces & encouraging biodiversity)
CS17 (Making Camden a safer place)
CS18 (Dealing with our waste and encouraging recycling)
CS19 (Delivering and monitoring the Core Strategy)

DP1 (Mixed use development)
DP2 (Making full use of Camden's capacity for housing)
DP5 (Homes of different sizes)
DP6 (Lifetime homes and wheelchair homes)
DP12 (Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses)
DP13 (Employment sites and premises)
DP16 (The transport implications of development)
DP17 (Walking, cycling and public transport)
DP18 (Parking standards and the availability of car parking)
DP19 (Managing the impact of parking)
DP20 (Movement of goods and materials)
DP21 (Development connecting to the highway network)
DP22 (Promoting sustainable design and construction)
DP23 (Water)
DP24 (Securing high quality design)
DP25 (Conserving Camden's heritage)

DP26 (Managing the impact of development on occupiers and neighbours)
DP29 (Improving access)
DP30 (Shopfronts)

Camden Planning Guidance 2011 – CPG1 Ch 1, 2, 3, 5, 7, 9, 10; CPG2 Ch 1, 4, 5; CPG3 Ch 1, 7, 8, 9, 10, 12; CPG5 Ch 1, 2, 3, 6 CPG6 Ch 1, 6, 7, 8, 9, CPG7 Ch 1, 4, 5, 9 CPG8 Ch 1, 2, 3, 7, 10.

Highgate Conservation Area Appraisal and Management Strategy 2007

London Plan 2011
NPPF 2012

Assessment

Introduction

Planning permission is sought for the erection of a four storey building comprising commercial (Class B1a) at lower ground (Pond Square Level), retail (Class A1) at ground (Highgate High Street Level) and 1x3 bed self-contained maisonette (Class C3) at first and second floor levels. The residential unit includes a cycle and waste storage space at entry level, three bedrooms at first floor level and living accommodation, including an external terrace on the Snow Hill side of the site, at second floor level. At roof level are two rooflights and a sedum roof covers the remaining area of roof. Access to the maisonette is from Pond Square level, as is a separate access point to the commercial unit. Access to the retail space is from Highgate High Street only.

Conservation area consent is sought for the demolition of the existing single storey buildings.

During the course of the application the applicant has clarified that the Snow Hill level accommodation is sought for Class B1a purposes and also provided elevation plans at scale 1:50 together with a roof plan and additional section plans for consideration.

Principle of demolition within the conservation area

Conservation area consent is sought for the demolition of the existing structures on the application site in their entirety. It is acknowledged that the adopted Character Appraisal records the buildings as making a positive contribution to the character and appearance of the Conservation Area. In support of the application for conservation area consent the applicant has submitted a heritage statement. It is noted that in the previously refused application 2010/4760/C the Council did not object to the loss of the existing structures, but consent was refused on the basis of the lack of an approved scheme for replacement and the subsequent harm to the conservation area if conservation area consent were granted and implemented (resulting in a vacant site). Such an approach remains the case in this instance.

Officers have also closely considered the proposals and consider that after closer inspection of the buildings, it has been confirmed that much of the fabric is modern and in poor condition. The Highgate High Street wall is considered to be the most original element, but has been compromised by painting, is unlikely to be older than mid/late 19th century and is not considered to be of specific architectural or historic merit. Furthermore English Heritage's assessment at the time of the previous application was that "The value of these structures lies principally in their perception as vernacular buildings that convey a sense of historic activity which really survives in such areas, rather than architectural merit".

English Heritage confirmed in its consultation response letter dated 11 February 2013 that, "The buildings are likely to have 19th century origins and are noted in the conservation area statement as making a positive contribution to the character of the conservation area, probably earlier due to the fact that they have a pleasing vernacular aesthetic and serve as reminders of the workshop uses on the site. Notably, the relatively low height of these buildings allows glimpse views from High Street towards the buildings and trees within Pond Square, and provides a visual connection between these two significant historic spaces."

Having considered all of the context, and most importantly given the current extent of alteration to the fabric, the significance of the buildings is considered relatively minor. Their demolition is not considered to lead to substantial harm to the Conservation Area and as such the Council have considered these proposals in the light of policy 134 of the National Planning Policy Framework and weigh this 'less than substantial' harm against the public benefits of the proposed development of the site.

However, given the issues raised in respect of the proposed replacement building at the site (as explained below), conservation area consent is unable to be supported owing to the absence of an approved scheme for replacement being in place. Thus if the existing buildings were to be demolished and not be replaced it would cause harm to the character and appearance of the surrounding Highgate Conservation Area. This would be contrary to CS14 and DP25 and thus conservation area consent is recommended to be refused.

In line with the previous application at the site, it is continued to be considered that conservation area consent is required in this instance (following queries from the public consultation responses suggesting listed building consent was required as the existing site is connected to the listed No.67). The reasoning behind the Council's view on this matter at the time of the previous application was as follows, and this continues to be the case:

The starting point is Section 74 (1) of the Planning (Listed building and Conservation Areas) Act 1990, which reads "A building in a conservation area shall not be demolished without the consent of the appropriate authority". However section 75 (2) of the Act sets out that "The Secretary of State may direct that Section 74 shall not apply to any description of buildings specified on that direction". The exceptions mentioned in this section are detailed on Circular 01/01 at paragraph 31. (1) and include "any building with a total cubic content not exceeding 115 cubic metres (as ascertained by external measurement) or any part of such a building". "Building" is defined at section 336 of the Town and Country Planning Act 1990 as "any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in the building".

This definition is applied in the same way as the term would be understood by a reasonable person with no special knowledge of the law, planning, the situation or circumstances of the application. Therefore it is considered in this case (whilst bearing in mind that all applications have to be considered individually and on their merits) it should be based on the view of the hypothetical passer-by on Highgate High Street.

Therefore in the case of either the Store **or** the Studio being demolished it is considered that a passer-by would be of the view that a building had been demolished but the same passer-by, in the case of **both** the Store and the Studio being demolished, would again say that a building had been demolished and not differentiate between the situations.

The purpose of the Council's policies in relation to conservation areas are to protect those areas and ensure that buildings in a conservation area are not demolished without consent. It is considered that the applicant's view could lead to absurd scenarios which were clearly not intended by Council policies of the Act. Furthermore the legislation and policies cited above must be read together.

With this in mind it is considered that the existing building, containing the studio, workshop and storage unit, to be a single structure with a cubic content of more than 115 cubic metres and therefore requires an application for conservation area consent. The proposed demolition plans also show the demolition of the existing flower stall structure and hence the description of development refers to buildings (plural) for the sake of clarity for nearby residents and local groups. Listed building consent is not required owing to the application site buildings not being listed.

Proposed design (also incorporating listed building / conservation area considerations)

Prior to the detailed assessment of the proposals it is first acknowledged that this is a challenging site

with frontages on all sides except one and being narrow, tapering to just 2.5 metres. For its modest size it has a prominent and open position on an important 'gateway' junction. The existing height also affords views of greenery of Pond Square viewed through the site which is considered as a positive feature. The site is also considered to have an intimacy and informality created by the narrow passage connecting Pond Square and West Hill. It forms part of a continuous run of historic properties, most of which are listed as building of architectural and historic importance.

With this in mind the proposal seeks to respond to many contextual issues which provide character in this part of the conservation area, whilst developing a modernist contemporary approach to the site. This is considered by the local planning authority to be a challenge and one which requires all aspects of the scheme to be acceptable to off-set the bold approach to design in a sensitive part of inner London which has a semi-rural feel and strong traditional architectural vernacular.

Furthermore, following the previously refused application, the applicants have engaged into a series of pre-application discussions with the local planning authority and English Heritage, in line with the NPPF. As a result the scheme now subject to this application has been substantially revised and rationalised in comparison with the previously refused scheme to seek to address the previous design concerns and fit sensitively in the area whilst not unduly varying the original architectural concept.

It is viewed that the main issues to consider are the impact the proposed development would have on the different aspects of the site context, all of which are considered to be significant, recognising that the greater the harm to the significance of the particular element, the greater the justification that will be needed. Hence each of the main elements is considered in-turn:

Height and Bulk

The proposed development is 3 storeys in height when viewed from Highgate High Street, which is considered to conform to the prevailing parapet /eaves height of the adjoining buildings. This is also considered to fit satisfactorily with the varying heights of building in the area.

However following consultation responses from, amongst others, English Heritage and local conservation/amenity groups (summarised earlier in the report), it is clear that the significance of site comprises not only the relationship in terms of the height and scale with the adjoining built development, but also the importance of the gap, above and to the side of the site affording views in and out of Pond Square. This is recognised as being of considerable value to the area, as characterised succinctly in the response from English Heritage (outlined in the consultations stage of the report).

It is considered that the additional scale will inevitably reduce the view afforded of Pond Square as well as the open entrance to the Square. This will change the existing arrangement. There will still be an alley way affording narrow views and access to Pond Square. Such alleys ways are typical of features of small towns and villages. Moreover the alley way would respond to the tight knit and informal development of Highgate. In this regard it is not of concern as it would retain the intimate village feel and character of Highgate. The impact is further reduced by the design and materials of the facades facing the alley. In this regard it is however the reduction of the view above the existing building which would cause the greatest impact.

Detailed design and materials

The building is broken down into a series of elements, relating to the context on the High street, apex and alley way. Each is duly considered.

Pathway toward Pond Square façade (Snow Hill)

This element creates a series of contemporary projecting weatherboarded bays above London stock brick ground floor. The weatherboarding is considered to respond to the verdant nature of the square whilst the contemporary projected elements subtly relate to medieval canted bays often found in streets and alleyways in historic towns and villages such as Highgate. As such the form and materials of the Pond Square façade is considered to be likely to respond positively to the character and

appearance of the area.

Highgate High Street façade

This façade is broken down to create 2 elements which broadly respond to the traditional plot widths found along the high street. The facades are finished with rough and smooth render, bronzed metal shopfront with varied fenestration pattern on the upper floor including projecting and angled windows.

Apex

The corner element seeks to delicately respond to the junction and co-join the differing materials from the High Street and Pond Square façades as well as activate the retail unit at ground level.

This is achieved by creating a glazed strip through the middle of apex at upper floor levels which separates the adjoining render and timber materials. The glazing takes the form of an oriel window at 2nd floor level affording views from the main living area, with a window to a bathroom at first floor level. Bronzed coloured fret-cut metal would be sandwiched between the glass. The fret cut is designed to appear in a leaf pattern to relate to the trees in Pond Square and continue the relationship with the flower stall at the ground floor apex. The fretting is continued through the ground floor canopy which projects from the apex.

The proposed design is of acknowledged in itself to be of high quality. The architectural style of the proposed scheme has been toned down from the previous permission. The scheme remains a relatively strident modern design given the surrounding context. Hence a major consideration is whether the somewhat non-traditional /strident design and impact caused by the reduction in the views in and out of the site is outweighed by the benefits of the scheme and public benefits of the proposal?

Whilst acknowledging that considerable time and effort has been spent attempting to enhance the 'vernacular' qualities of the proposed design with a view to 'responding better to the traditional fenestration pattern' in the area, it is considered that the design does not sufficiently respond appropriately to the character and feel of the area. The site is particularly visible and plays an important role in the setting of the village as whole. The Highgate CAAMS is clear that, "All new development will be expected to respect, complement and enhance the special character and appearance of Highgate Conservation Area". A combination of the non-traditional design in this particularly prominent location is considered too overwhelming for the village setting. The design, including use of render, type and materials of the windows and overtly expressive apex is an unduly urban response to the site.

It is considered that significant weight is able to be given to the site being located on an important junction occupied by larger scale and more expressive buildings (church and public house) and in this regard it is acknowledged that there is a functional opportunity to provide a more strident building on this corner.

However the combination of the keys roles the site has to play is the deciding factor in this instance:

- Greater scale could be accommodated on the site, which responds to the junction plot, and which off-sets the impact of the loss of the views through the site, if for example it was a exemplar example of modern vernacular architecture which significantly responds to the character and appearance of the area. Or:
- A more modern approach to the site, as per the proposed scheme, could be sensitively placed on the site, if it was less prominent and retained the open aspect which is considered to be of value to the Conservation Area.

However the sense and prominence of the site is unable to accommodate a scheme which attempts fill the gap and provide an unduly modern architectural response to the site. As such a combination of the loss of the important gap, coupled with the 'urban' appearance of the proposed development, is considered to tip the balance of acceptability and as such the scheme in not considered to have gone far enough to outweigh the harm caused to the loss of the existing buildings or impact on the

character and appearance of the area. This includes the loss of the gap to and from Pond Square, the vernacular of Highgate High Street and loss of the existing building on the site. For these reasons the scheme is not supported by the local planning authority.

In conclusion the changes proposed at the site are considered to be conspicuous and unduly strident within its sensitive historic setting. There is potential for enhancement on the site, but it is the view of the local planning authority any new development should take a more modest approach which does not seek to compete with the vernacular character of the site. The proposal incorporates elements which seek to respond to the valued aspects of its surroundings and provides a considered townscape response to the junction. However at present the combination of the design and height fails to respond positively enough to offset the harm caused to the area.

Land use – retail

The application site is located within a designated neighbourhood shopping centre. It would appear from the planning history of the site that the existing flower stall has lawfully been at the site since 2002 as a retail kiosk (Class A1). The proposal is to introduce 54sqm of Class A1 retail space to the site fronting onto Highgate High Street. The applicant has indicated on the plans this to be one space to provide the greatest flexibility for future use. It could however also be split into separate units if desired, with the provision of three entry doors allowing this to occur. The principle of providing retail floorspace is welcomed in line with CS7 and DP12, providing additional retail accommodation within a neighbourhood centre which would be likely to add to the character, function, vitality and viability of the centre. Concerns have been raised during the consultation process about the loss of existing occupiers at the site. In response the Council is not considered to have any specific control over the specific occupiers of the units, and must instead consider the proposals on the basis of providing additional Class A1 retail space at the site, which in line with LDF policies is considered to be appropriate.

Land use – commercial

The proposal seeks to introduce 35sqm of commercial (Class B1a) floorspace at Snow Hill level. The introduction of this floorspace is generally welcomed in line with policies CS8 and DP13, with the proposals contributing through this small provision towards securing a strong economy in the borough.

Land use – residential

The principle of providing residential accommodation at the site is established in light of policies CS6 and DP2. Housing is the priority land use of the LDF and the proposed development would assist in meeting the Council's housing targets during the plan period. The provision of 1x3 bed unit as shown would provide a large residential unit suitable for use by families.

Quality of residential accommodation proposed

In terms of the overall floorspace and bedroom spaces of the unit proposed, these are considered to be satisfactory in line with CPG guidance and London Plan standards. In overall terms it is considered that the residential accommodation will provide a high standard of accommodation for future occupiers of the units. The rooms are generously sized and the windows are carefully sized and angled in order to minimise overlooking into the building while also providing sufficient outlook and access to daylight/sunlight. In addition, an area of private outdoor amenity space is provided at second floor level, which is welcomed in principle.

In respect of lifetime homes, the applicant submitted a fully comprehensive lifetime homes assessment with the application. This has been duly considered by officers and it is considered that the proposals meet the vast majority of standards satisfactorily; it is acknowledged that some standards will not be able to be met, such as those associated with the entrances. However this is owing to the site constraints and has been adequately justified. If the application had have been

recommended for approval a condition would have been added to ensure the standards shown on the plans were carried out in full.

The applicant has shown a dedicated area for the storage of waste and recyclables. Such details are considered appropriate and would have been secured via condition if the proposals as a whole were being supported.

Quality of retail / commercial accommodation proposed

It is considered that the retail / commercial spaces would provide suitable space for future retailers / commercial occupiers to viably trade from the premises in the future. The retail unit fronts onto the High Street and is designed so that it could be flexibly used by one or more occupier. The commercial space is also open plan and has access from the secondary Snow Hill elevation. Both spaces are considered to be of suitably regular size and shape to potentially be attractive to a range of future occupiers.

Amenity

In terms of the overlooking to nearby residential occupiers, it is considered that the applicant has considered the proposals in this respect and sought to minimise in places opportunities for overlooking to nearby properties to the east and south of the site. For example, on the first and second floors of the south (Snow Hill) elevation no windows directly face towards the opposite properties at this point. Instead the windows are situated at an angle to face towards Highgate West Hill and thus minimise any overlooking to these nearby occupiers. In relation to the proposed outdoor amenity space at second floor level overlooking windows with No. 67 Highgate High Street / 19 Pond Square / 50 Highgate West Hill, the applicant has shown screening on the boundary with 67 Highgate High Street to reduce this potential impact. Had the proposals been considered acceptable a condition would have secured this screening. Regarding the properties to the south of the site the treatment of the terrace is not of a level which would overcome instances of possible overlooking to this properties, in particular 19 Pond Square. However, this is not considered worthy of a reason for refusal of the application as a condition could be added which seeks to provide screening to overcome this concern. At roof level the space is a flat roof with sedum material; a condition would have been added preventing this being used as outdoor amenity space.

Turning to sunlight / daylight matters, the properties to consider in full are those to the south of the site, with the primary windows being at first and second floor level within these buildings. Owing to the distance involved (c. 10m), the changes in topography and the proposed design (with the upper most floor being primary to the west side of the site and away from this rear of Highgate West Hill / Pond Square area) it is considered that although there may be some loss of access to daylight and sunlight, this would not be at a level where a significant loss of amenity to neighbouring occupiers would occur.

In terms of outlook, it is considered that nearby residential occupiers would not suffer a sufficiently significant loss of outlook to warrant the refusal of the application on this basis. It is acknowledged that the proposed building would be considerably taller than that existing at the site but the reduction in outlook from nearby properties is not considered to be acute to the degree of refusing the application on this basis. In response to neighbours specific concern of loss of views of the nearby chapel, paragraph 7.11 of CPG6 states that “the specific view from a property is not protected as this is not a material planning consideration”.

In terms of noise and disturbance matters, given the limited size of the external amenity space proposed and the small floorspace and orientation of the retail uses it is not considered that the development would lead to any significant noise or disturbance, once built, to neighbouring or nearby occupiers. If the scheme had have been considered appropriate it would not have been considered necessary to impose a condition limiting hours of the proposed Class A1 retail operations. The Class B1a nature of the commercial space, given its limited size, would similarly not be likely to provide any significant adverse amenity impacts.

In relation to crime and safety implications it is considered that the scheme has been developed with these considerations in mind. Prior to the submission of the previous application the applicant discussed the proposals with the Council's Crime Prevention Design Advisor and it is considered that necessary steps have been incorporated into the proposals to improve the situation in comparison with that existing at the site and also be satisfactory in itself.

A previous reason for refusal related to the lack of justification for the basement proposals. This reason for refusal has been overcome given that the excavation of a basement is not proposed in this submission. As such the proposed scheme is not required to submit a Basement Impact Assessment given this is not sought by these proposals.

Transport

The site has a Public Transport Accessibility Level (PTAL) of 3 / 4, being on the boundary of an area where the PTAL is moderate (level 3) and good (level 4). Although located within a controlled parking zone the parking stress in the area is below the 0.9 permits to spaces ratio (stress in 2005 was 0.74 and in 2007 was 0.73 for example) where the Council would seek to make the development car-free. In line with paragraph 5.9 of CPG7 (which denotes the highly accessible areas where the Council will seek car-free development have a PTAL rating of 4 and above and stems from CS11, DP18 and DP19) the Council could have insisted on the residential unit being made car-free. However, given the previous application was not sought to be made car-free, as determined in March 2012 and the context has not changed in the intervening period, it is not considered possible to reasonably seek for the residential unit to be made car-free.

In relation to cycle parking, the proposals show one on-site cycle parking space is provide within the building for the residential unit. As the unit would include 3 bedrooms the London Plan requires 2 cycle spaces to be policy compliant. However in this instance, given the acknowledged constrained context of the site it is considered the provision of one unit is sufficient and the under provision would not form a sustainable reason for refusing the scheme if the proposals were considered at appeal. Furthermore, a suitably worded condition could be used to secure 1 or 2 cycle spaces at the site.

It is considered that a Construction Management Plan (CMP) is required to be secured via S106 Legal Agreement for the proposed scheme. The applicant has submitted an initial CMP which details some of the elements which would be expected in this regard. However, there are several elements missing, such as consultation with local residents. Hence without a full CMP the proposal would be likely to contribute unacceptably to traffic disruption and dangerous situations for pedestrians and other road users and be detrimental to the amenities of the area generally, in line with policies CS5, CS11, DP20, DP21 and DP26 of the LDF and CPG6 Ch8. This is particularly the case owing to the site characteristics and context close to a busy junction, as well as the nature and scale of the proposed development. Owing to the scheme being unacceptable in other respects, the lack of a S106 Legal Agreement in this regard forms a further reason for the refusal of the application. However an informative will also be added to the decision notice specifying that this reason could be overcome, in the context of a scheme considered to be acceptable in all other respects, by entering into a S106 Legal Agreement with the Council.

Turning to highways works, in order to tie the development into the surrounding urban environment, a financial contribution to repave the footway adjacent to the site is considered to be required along the Highgate High Street frontage of the site. This is in line with policies CS11, DP17 and DP21. An added benefit of the highways works is that damage caused to the highway in the area of the proposed highways works during construction can be repaired. This would have been secured via S106 Legal Agreement, with the Council undertaking all works within the highway reservation, at the cost to the developer. An estimate for the cost of this work has been calculated to be £15,050. This includes the cost of the possible works required associated with there being an existing lamp column at the back of the footway which would be affected by the development/construction. The estimate therefore allows for it to be relocated (which may or may not be the case). The estimate also includes contingencies and the Council's fees. Owing to the scheme being unacceptable in other respects, the lack of a S106 Legal Agreement in this regard forms a further reason for the refusal of the application.

However an informative will also be added to the decision notice specifying that this reason could be overcome, in the context of a scheme considered to be acceptable in all other respects, by entering into a S106 Legal Agreement with the Council.

With regard to the concerns raised as a result of the public consultation involving the threat to pedestrian safety from retail operations along Highgate High Street at this point, it is considered that the remaining pavement width of predominantly 1.9m is sufficient to maintain the safety of pedestrians at this point. Policy DP21 (g) and (h) states that work affecting highways address the needs of wheelchair users, other people with mobility difficulties and other vulnerable users, should avoid causing harm to highway safety or hindering pedestrian movement and avoid unnecessary street clutter. At paragraph 21.12 it states that it is important that development does not hinder pedestrian movement. At paragraph 21.13 reference is made to Camden's Streetscape Design Manual. CPG7 (transport) states at paragraph 8.9 that footways should be wide enough for two people using wheelchairs or prams to pass each other and reference is made to Camden's Streetscape Design Manual with regard to minimum widths for different kinds of footways. Camden's Streetscape Design Manual states that a 'clear footway' (not the distance from kerb to boundary wall but the unobstructed pathway width within the footway) should be a minimum of 1.8m for two adults passing. Given this context the proposals are considered to be satisfactory.

Sustainability

In line with CPG3 guidance a code for sustainable homes (CfSH) pre-assessment has been submitted with the application. The pre-assessment demonstrates that the proposal is likely to achieve in overall terms code level 3 (62.3 of credits), as required for schemes submitted in 2012 (had the application been submitted in 2013 the Council would have sought code level 4, in line with CPG3). In terms of the minimum standard for the energy, water and materials categories (target 50%) there is a small shortfall in the energy (48%) and materials (46%) categories (water meets 50%), but it is likely that this could be improved at the design or post construction review stage. Thus the pre-assessment is considered to be satisfactory. The design and post construction review stage of the CfSH assessment would have been secured via the S106 Legal Agreement in order to ensure that the measures said to be introduced in order to achieve the anticipated code level 3 rating would actually be achieved in practice. Owing to the scheme being unacceptable in other respects, the lack of a S106 Legal Agreement in this regard forms a further reason for the refusal of the application. However an informative will also be added to the decision notice specifying that this reason could be overcome, in the context of a scheme considered to be acceptable in all other respects, by entering into a S106 Legal Agreement with the Council. Linked to this, the provision of a sedum roof at the site is welcomed in principle and if the scheme had have been supported further details of this area of roof would have been secured via an appropriately worded condition.

Other matters

The proposals would be liable for the Mayor of London's Community Infrastructure Levy (CIL), as a residential unit is sought to be created. The CIL would be collected by Camden after the scheme is implemented and could be subject to surcharges for failure to assume liability, for failure to submit a commencement notice and/or for late payment, and subject to indexation in line with the construction costs index. An informative would have been added to the decision notice reminding the applicant of the CIL requirement.

It is also noted that on the proposed plans indicative fascia signs in association with the retail accommodation proposed on the Highgate High Street frontage have been shown. Had the application been able to be approved an informative would have been added denoting that separate advertisement consent may have been required for these elements (depending on the exact nature of the advertisements, a level of detail which was not shown on the plans submitted).

Recommendation - Refuse Planning Permission / Refuse Conservation Area Consent

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