

<b>Delegated Report (Members Briefing)</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	<b>05/12/2012</b>
		N/A		<b>Consultation Expiry Date:</b>	22/11/2012
<b>Officer</b>			<b>Application Number(s)</b>		
Gideon Whittingham			2012/5497/P		
<b>Application Address</b>			<b>Drawing Numbers</b>		
Witanhurst 41 Highgate West Hill London N6 6LS			See decision notice		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal(s)</b>					
Amendment to planning permission ref 2012/2068/P dated 29/05/2012 for the erection of a replacement tennis court, new tennis pavilion, glasshouse, tool store and garage/tool store within the grounds (northern west part) of existing house (Class C3), namely amendment to the size and position of the garage/tool store and tool store.					
<b>Recommendation(s):</b>		Grant Planning Permission subject to a deed of variation of the S106			
<b>Application Type:</b>		Householder Application			
<b>Conditions or Reasons for Refusal:</b>		Refer to Draft Decision Notice			
<b>Informatives:</b>					

**Consultations**

<b>Adjoining Occupiers:</b>	No. notified	<b>17</b>	No. of responses	<b>03</b>	No. of objections	<b>03</b>
			No. Electronic	<b>00</b>		
<b>Summary of consultation responses:</b>	<p>A site notice was displayed on 26/10/2012 and a public notice was published in the Ham &amp; High on 01/11/2012.</p> <p>Objections have been received from Nos.5 Highfields Grove, Highfields Grove Management Company and No.1 The Grove. The objections are summarised as follows:</p> <p><u>Amenity:</u></p> <ul style="list-style-type: none"><li>• Loss of amenity to occupiers of No.5 Highfields Grove (Para 3.1-3.3)</li><li>• Loss of privacy (Para 3.1-3.3)</li><li>• Increases in noise (Para 3.1-3.3)</li><li>• Exacerbate flooding to Nos. 2 and 3 The Grove (Para 6.1)</li></ul> <p><u>Consultation and Submission</u></p> <ul style="list-style-type: none"><li>• Amendment not appropriate submission (Para 1.4)</li></ul>					
<b>CAAC/Local groups comments:</b>	<p>The Highgate CAAC were formally consulted. No response has been received to date.</p>					

## Site Description

The application site comprises a substantial neo-Georgian detached single family dwelling house. The property was built between 1913 and 1920 by George Hubbard for Sir Arthur Crosfield and is a Grade II\* Listed Building. The building has an 'L' shaped form. Several garden structures, including the pergola, garden steps, retaining walls, gateway, fountain, pond and four sculptures surrounding the pond in the Italianate garden are all Grade II listed. The tennis pavilion c 1913 (Listed Grade II), was designed by Sir Harold Peto.

The Highgate Conservation Area Appraisal and Management Strategy specifically notes Witanhurst as being a building at risk as no viable use can be found for it. The building was placed on the English Heritage Buildings at Risk Register in 2000, and remains as such to date.

The site is surrounded to the North, East and South by the residential boundaries of the Grove and Highfield Grove.

## Relevant History

**2009/2597/P & 2009/2595/L** - Non-determination APPEAL ALLOWED (23/06/2010) - Repair and reconstruction of boundary wall with associated tree removal and replanting on southern boundary facing Highgate West Hill (Option 3 of submitted structural report).

**2009/3192/P & 2009/3195/L** - LB & PP refused APPEAL ALLOWED (23/06/2010) – Construction of a basement in front forecourt area for ancillary residential use as part of Witanhurst House including associated planting, forecourt reinstatement and landscaping plus permanent vehicular access from Highgate West Hill (Class C3).

**2009/3171/P** - PP refused APPEAL ALLOWED (23/06/2010) - Demolition of the service wing and associated remodelling of front façade, forecourt reinstatement and landscaping. Construction of a 'Orangery' building to provide ancillary residential accommodation as part of Witanhurst House with associated link to main property, terrace, garden retaining walls and landscaping of eastern garden. In addition proposal for permanent vehicular access from Highgate West Hill.

**2011/0511/P & 2011/0514/L** - PP & LB granted (01/04/2011) - Reconstruction of the upper section of boundary wall forming curtilage of Witanhurst House (Class C3) with associated tree removal and planting.

**2011/3037/P & 2011/3038/L** - PP & LB granted (04/08/2011) - Dismantling and reinstatement of the lower garden retaining wall, including repair/replacing existing balustrades and steps, to the side elevation of existing residential dwelling (Class C3).

**2011/5721/P** - Construction of a replacement tennis court, new tennis pavilion, glasshouse, tool shed, garage and service area within the grounds (northern west part) of existing house. (Class C3). This application was withdrawn to amend the design of the scheme, specifically moving the tennis pavilion away from the site boundary and the consolidation of the pergola design, in addition to submitting an acceptable Construction Management Plan, to form part of a subsequent application.

**2012/2068/P** – PP Granted (29/05/2012) - Construction of a replacement tennis court, new tennis pavilion, glasshouse, tool shed, garage and service area within the grounds (northern west part) of existing house (Class C3)

## Relevant policies

### LDF Core Strategy and Development Policies

#### Core Strategy:

CS5 (Managing the impact of growth and development)  
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)  
CS19 (Delivering and monitoring the Core Strategy)

#### Development Policies:

DP16 (The Transport Implications of Development)  
DP20 (Movement of Goods and Materials)  
DP24 (Securing high quality design)  
DP25 (Conserving Camden's heritage)  
DP26 (Managing the impact of development on occupiers and neighbours)  
DP28 (Noise and Vibration)

### Highgate Conservation Area Appraisal and Management Strategy (2007)

#### Camden Planning Guidance 2011

#### National Planning Policy Framework (March 2012)

## Assessment

**Background:** Planning permission was granted in 2012 (2012/2068/P) for the erection of 4 outbuildings, namely a tennis pavilion, tool store, garage/tool store and glass house, within the northern area of the grounds. A total of 3 buildings would be located along the southern boundary of 5 Highlands Grove and 1 building would be located along the northern boundary of the replacement tennis courts. This amended application essentially relocates 2 buildings to the northern boundary of the replacement tennis courts and increases the size of the garage/tool store by 100%.

### 1. Proposal:

#### 1.1 The application proposes:

- The erection of 4 outbuildings, namely a tennis pavilion, tool store, garage/tool store and glass house, within the northern area of the grounds of existing house, adjacent to No.5 Highlands Grove and Nos. 4 and 5 The Grove. The glasshouse would be located along the southern boundary of No.5 Highlands Grove, whilst the tennis pavilion, tool store and garage/tool store would be located along the northern boundary of the replacement tennis courts. The key difference from the previous permission is that the tool store and garage/tool store have been relocated away from the northern boundary with 5 Highlands Grove and placed to the south directly alongside the new tennis court and that the relocated garage is now increased in size.
- The 4 outbuildings would be of the following dimensions:
  1. Tennis pavilion - 12.8m Width x 7.5m Depth x 3.8m Height (to the eaves) and 7m Height (to the ridge)
  2. Tool Shed - 9m Width x 4.3m Depth x 2.7m Height (to the eaves) and 4m Height (to the ridge)
  3. Garage/tool store - 9m Width x 4.3m Depth x 2.7m Height (to the eaves) and 4m Height (to the ridge) (*previous approval was 4.3m W x 4.2m D x 3.1m H*)
  4. Glass House - 12.1m Width x 4.8m Depth x 2.6m Height (to the eaves) and 4m Height (to the ridge)
- A replacement tennis court would measure 10.9m Width by 23.8m Length with a pergola surrounding at 3.2m Height.

#### 1.2 In consideration of S.1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990,

given the proposed outbuildings are not fixed to the (listed) aspects of the building(s), the proposal would not amount to development requiring listed building consent.

1.3 The principal considerations material to the determination of this application are summarised as follows:

- Design
- Residential Amenity
- Trees
- Transport

1.4 Revision- The proposal has, since the initial submission, been changed from a non-material amendment application to a householder planning application.

## **2. Design**

2.1 In terms of setting, many of the existing structures within the garden are listed within their own right, separate from the main house, including the former tennis pavilion. This application proposes the erection of four outbuildings towards the Northern boundary of the site, an area which does not comprise any listed structures. In this particular location, a tennis court is currently in situ, bounded by the rear gardens of properties on the Grove and Highfields Grove, high retaining garden boundary walls and mature vegetation and trees.

2.2 Although relatively close to the boundaries of Highfields Grove, it is considered the proposal site, by virtue of its topography, a mixture of high boundary walls, mature vegetation and trees, is relatively concealed from surrounding viewpoints in a secluded part of the host's garden. The proposal would therefore preserve the setting of the special architectural and historic interest of this listed building.

2.3 It is acknowledged that the proposed structures are relatively large as stand-alone buildings, particularly when compared to the surrounding residential buildings along Highfields Grove and The Grove, and that the garage store has been doubled in size. However when viewed in context of the size of the host building and its substantial grounds, and the amendment which locates the structures further away from neighbours, it is considered the proposed outbuildings would represent subordinate structures, ancillary to the use of the private open space as a garden. In the amended plan, the newly relocated garage/stores would now present a symmetrical appearance in that both outbuildings are now identical in size flanking the larger centrally placed tennis pavilion.

2.4 The proposed outbuildings would be located near (or in the case of the glasshouse, adjacent to) the building of No. 5 Highfields Grove and the rear gardens of Nos.3, 4 and 5 The Grove. As a result of the surrounding topography, the base (foundations) of the neighbouring properties, in particular No. 5 Highfields Grove rise approximately 3-4m above the general lying area of the existing and proposed tennis court/development site. The proposal would therefore be the subject of direct private views from No.5 Highfields Grove, albeit through mature vegetation and trees. In order to minimise its impact, the proposed structures and terminating roof heights are set below the ground floor level windows of No.5 Highfields Grove. This would also maintain clear outlook views from No.5 Highfields Grove to the private open space and more importantly the setting of the Grade II\* listed building beyond.

2.5 In terms of design, the proposed outbuildings would use timber for framing and cladding materials, except for the glasshouse which would be metal framed. It is considered, by virtue of their size, scale and materials, the proposed structures would represent functional outbuildings for garden activities, thereby preserving the character and appearance of the host building and the surrounding conservation area.

## **3. Residential Amenity**

3.1 The properties along The Grove are approximately 70m from the proposal site, separated by rear gardens comprising mature trees and vegetation and high boundary walls. Other than No.5, the properties of Highfields Grove are approximately 25m from the proposal site. Within this context, it is considered no undue harm would be caused with regard to the amenity of the neighbouring properties

in terms of access to sunlight, daylight, visual bulk or sense of enclosure.

3.2 With particular regard to No.5 Highfields Grove, this residential building, separated by mature trees and vegetation, is approximately 6m from the development site. As a consequence of the surrounding topography, the building lies 3-4m above the general lying area of the development site. In order to minimise its impact, the closest proposed structures have been set below the ground floor level windows of No.5 Highfields Grove. In addition to the natural screen of mature trees and vegetation which forms the boundary between these buildings, it is considered no undue harm would be caused in terms of loss of sunlight, daylight, outlook or privacy to the occupants of No.5 Highfields Grove. As a result of the amendment, the 2 relocated buildings will be further away from this neighbouring house by at least 10m and thus reducing further any potential impact of amenity.

3.3 With regard to noise and disturbance, it is considered the level of activity (including plant/machinery) associated with the reasonable use of outbuildings of this size for domestic purposes would not result in noise levels or disturbance that would be harmful to the neighbouring residential amenities.

#### **4. Trees**

4.1 The proposal would result in the loss of 1 mature tree; whilst regrettable, this loss in context of the high level of planting already proposed throughout the site is considered negligible.

#### **5. Transport**

5.1 Due to the extent of works proposed and the potential effect of construction in terms of noise, dust vibration etc on nearby residential properties from the basement and associated demolition works forming part of the extant/under construction permissions, the proposed scheme would require the submission of a CMP, secured by a deed of variation to the previous S.106 legal agreement associated to application ref: 2012/2068/P, thereby complying with policies DP20 and DP26.

#### **6. Additional material considerations**

6.1 The applicant has confirmed that surface water will be drained into the existing drainage system on the site.

6.2 In terms of the use of the proposed outbuildings, a condition is recommended to be added to any consent which requires that the outbuildings be used for purposes incidental to the residential use of the main building

#### **7. Community Infrastructure Levy (CIL)**

7.1 The proposal will be liable for the Mayor of London's CIL. Based on the Mayor's CIL charging schedule and the information given on the plans, the charge is likely to be around £10,750 (215sqm x £50). This will 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 will be attached advising the applicant of this charge.

**Recommendation: Grant Planning Permission subject to a deed of variation of the S106**

#### **DISCLAIMER**

Decision route to be decided by nominated members on Monday 10<sup>th</sup> December 2012.  
For further information please click [here](#).