

Delegated Report		Analysis sheet		Expiry Date:		29/05/2012	
(Members Briefing)		N/A / attached		Consultation Expiry Date:		24/05/2012	
Officer				Application Number(s)			
Gideon Whittingham				2012/2068/P			
Application Address				Drawing Numbers			
Witanhurst 41 Highgate West Hill London N6 6LS				Refer to decision notice			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
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)							
Recommendation(s):		Grant Planning Permission subject to completion of a section 106 agreement					
Application Type:		Householder Application					

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	17	No. of responses	01	No. of objections	01
			No. Electronic	00		
Summary consultation responses:	of	<p>A site notice was displayed from 25/04/2012 (expiring on 16/05/2012) and a public notice was displayed in the local press (Ham & High) from 03/05/2012 (expiring on 24/05/2012).</p> <p>-One objection has been received from the occupier of No.5 Highfields Grove</p> <p>This objection can be summarised as follows:-</p> <p><i>"If the fence [between our properties] cannot be replaced, we are exposed to a security risk, as anyone from Witanhurst could enter our grounds. Likewise, we would expect that it is also in Witanhurst interest not to have an open access to their grounds from our side of the boundary."</i></p> <p>-See officers assessment paragraph 7.3</p> <p><i>"The area behind the proposed glass house and garage has a considerable amount of trees, at least 15, as mentioned above. In the plans that Witanhurst has submitted only 4 trees are shown in this area, but this is not correct, as you can easily see from the attached photos. We carried out some tree work about 4 years ago and when this was done, it was absolutely necessary to do part of it from Witanhurst side of the boundary. If the planning application is approved, we will not be able to do the necessary tree work in this area."</i></p> <p>-See officers assessment paragraph 5. Gaining access to sites to undertake tree works is an ownership/legal issue and not a material planning consideration.</p> <p><i>"Some of the trees on our side of the boundary are extremely close to the boundary and directly behind the proposed glass house. We are concerned that the laying of the foundations for the glass house has already damaged the roots of these trees. If damage has been done and tree surgeons cannot access the trees, who is responsible to the possible damage to the glass house, if e.g. branches fall on it? We object to the fact that it would be our responsibility, as these proposed plans deny access to any possible maintenance work to this area."</i></p> <p>-See officers assessment paragraph 5. The Councils trees and landscape officer has confirmed that the works do not harm the root protection zones of any trees on site. The issue in relation to damage from potential branches and access rights are civil matters and not a material planning considerations.</p> <p><i>"The planned compost would be directly beside our only area with a bit of grass. We find it unacceptable as that would severely limits the use of this area. We cannot understand why a compost should be placed right next to our garden, when Witanhurst has plenty of space to place it elsewhere"</i></p>				

	<p>-The applicant has indicated that an alternative site have been considered, however, by virtue of the configuration of the formal gardens topography and the need to respect the setting of the listed building and other structures on site, this location has been chosen. It should also be noted that the location of 'compost' itself within the grounds of a single family dwelling does not required permission. Should significant smells become a problem then environmental health have powers to serve an abatement notice.</p>
<p>CAAC/Local groups comments:</p>	<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 Village Conservation Area Statement 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 - 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). 23/06/2010

2009/3192/P & 2009/3195/L - LB & PP refused APPEAL ALLOWED – 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). 23/06/2010

2009/3171/P - PP refused APPEAL ALLOWED - 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. 23/06/2010

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

2011/3037/P & 2011/3038/L - PP & LB granted - 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). 04/08/2011

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.

Relevant policies

LDF Core Strategy and Development Policies

Core Strategy:

CS1 (Distribution of growth)

CS5 (Managing the impact of growth and development)

CS11 (Promoting sustainable 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)
CS19 (Delivering and monitoring the Core Strategy)

Development Policies:

DP22 (Promoting sustainable design and construction)
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 Statement

Camden Planning Guidance 2011

National Planning Policy Framework (March 2012)

Assessment

1. Proposal:

1.1 The application proposes:

-The construction of a replacement tennis court, new tennis pavilion, glasshouse, tool shed, garage and service area within the Northern area of the grounds of existing house, adjacent to No.5 Highlands Grove.

-The buildings proposed would have the following dimensions:-

- Tennis pavilion 12.8m Width x 7.5m Depth x 3.8m Height (to the eaves) and 7m Height (to the ridge)
- Glass House 12.1m Width x 4.8m Depth x 2.6m Height (to the eaves) and 4m Height (to the ridge)
- Tool Shed 9m Width x 4.3m Depth x 2.7m Height (to the eaves) and 4.25m Height (to the ridge)
- Garage 4.3m Width x 4.2m Depth x 3.1m Height (to eaves) and 4.8 m Height (to the ridge)
- The tennis court would be 10.9m Width by 23.8m Length.
- The pergola surrounding the tennis court would be 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 This application differs from that sought in 2011 (2011/5721/P) in terms of:

-Varying the dimensions of each outbuilding from a reduction of up to 800mm and an increase of up to 500mm

- Modifying the position of the proposed tennis pavilion, approximately 11m South of the boundary with No.5 Highlands Grove (previously 4.1m)

- Amending the detailed design and quantity of pergola surrounds.

1.4 The main issues for consideration are:

-The impact of the proposal upon the character or appearance of the building and the surrounding conservation area;

-The impact of the proposal upon the setting of the special architectural and historic interest of this listed building;

-The impact that the proposal may have upon the amenity of the occupiers of the neighbouring properties.

2. Impact on the setting of the special architectural and historic interest of this listed building

2.1 In consideration of DP25, the Council has a general presumption in favour of the preservation of listed buildings. The Council will control external and internal works that affect their special architectural or historic interest. The setting of a listed building is also of great importance and should not be harmed by unsympathetic neighbouring development. The value of a listed building can be greatly diminished if unsympathetic development elsewhere harms its appearance or its harmonious

relationship with its surroundings.

2.2 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 along 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.

2.3 Although relatively close to the boundaries edge 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.

3. Impact on the host building and surrounding conservation area

3.1 In consideration of CS15, the Council has a general presumption against development on designated open spaces, unless it is for limited development ancillary to a use taking place on the land and for which there is a demonstrable need. Extensions and alterations to existing buildings on areas designated as open space should be proportionate to the size, including the volume, of the original building, also taking into account the cumulative impact of developments where appropriate. In accordance with CS15, the gardens of Witanhurst are designated as private open space.

3.2 Whilst it is acknowledged that the proposed structures are relatively large in size, particularly when compared to the surrounding residential buildings along Highfields Grove and the Grove, when viewed in context of the size of the host building and its substantial grounds, it is considered the proposed outbuildings would represent subordinate structures, ancillary to the use of the private open space as a garden.

3.3 The proposed garden structures are located along the Northern boundary, the closest adjoining buildings being Nos.5 & 6 Highfields Grove. As a result of the surrounding topography, the base (foundations) of the neighbouring properties, in particular No. 5 Highfields Grove rise approximately 3m above the general lying area of the existing and proposed tennis court/development site. As a result, the proposal would 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 structures closest to the boundary, in particular the tool shed, have been 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.

3.4 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.

4. Neighbouring amenity

4.1 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. Highfields Grove (except No.5), 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.

4.2 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 3m 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 access to sunlight, daylight, visual bulk, sense of enclosure or overlooking, to the occupants of No.5 Highfields Grove.

4.4 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.

5. Trees

5.1 With regard to the impact of the proposal upon the surrounding trees, this has been fully considered and it is concluded that there will be limited impact on trees. Where the tennis court extends within the Root Protection Area of existing trees, there will be no further excavation below the levels of the existing hard standing. It is not considered necessary to seek any further details or control via condition in this instance. In addition, there are no objections raised to the removal of the tree on the Northern boundary (as shown on drawing 601-P-055) or concern over pressure or impact on trees off-site.

6. Transport

6.1 The proposals include demolition and construction works. The work is therefore likely to give rise to considerable construction activity, with potential impact on the local transport network and amenity of neighbours. As such, a Section 106 agreement for a Construction Management Plan is sought in this instance. Forming part of this submission, an appropriate Construction Management Plan (CMP) has been agreed with the Council. The Section 106 agreement, therefore, shall state that the approved CMP shall be followed, unless otherwise agreed with the Highway Authority concerned. Ordinarily officers would not ask for a CMP if the application proposals were the only works occurring on site, however given the potential cumulative impact from a construction management perspective a CMP is considered both reasonable and necessary in this instance to mitigate any potential disruption.

7. Additional material considerations

7.1 Following an inspection, it has been identified that there are slab bases situated in the general areas of the proposed buildings. However the applicant's representatives have confirmed that these are bases to store materials on for the wider construction and renovations being carried out on site. The applicant's agents were advised that any work carried out by the applicant would be at their own risk without the benefit of planning permission.

7.2 The applicant has confirmed that surface water will be drained into the existing drainage system on the site. There will be no significant excavation or changes in the levels of the site other than for the normal construction of foundations etc. The existing and proposed site levels are shown on the application plans and where change occurs this is de minimus. All structures will be at ground level.

7.3 In consideration of extant permissions and those forming part of this application, it is considered the proposal would be of no greater detriment to the security of the surrounding properties, in particular those along the Grove and Highfield Grove, than the existing arrangement.

8. Conclusion

8.1 It is considered that the proposed structures would be of a size, architectural style and siting appropriate to the setting of the grounds they would be constructed within and would not be out of keeping with the character and appearance of the conservation area or be harmful to the setting of the listed buildings existing on site or the residential amenities of neighbouring occupiers. The proposal

would not conflict with the Council's policies on Private Open Space.

8.2 It is considered that to prevent the proposed buildings being used as an independent self-contained C3 or B1 unit a condition should be added to any permission granted.

9. Recommendation

9.1 Grant planning permission subject to completion of a section 106 agreement.