

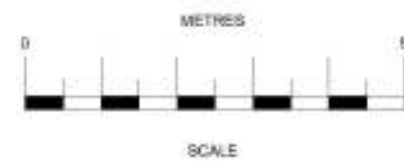
Rev. D 25.08.11 - Second floor extension to service post removed and new existing new to external railing added.  
 Rev. C 15.07.11 - Entrance to lobby and upper floor entrance moved. Plots redesigned & schedule revised.  
 Rev. B - 20.02.11 - Plot to be retained has been revised with removal of external stair to upper floor.  
 Rev. A - 23.04.11 - Service yard elevation removed. All drawings revised to comply with planning & floor space requirements.

**Sceptre**  
 Associates Ltd.  
 2nd Floor East,  
 96 White Lion Street,  
 Islington,  
 London N1 9PF

**Extension to the  
 Carob Tree Restaurant  
 Highgate,  
 Camden**

**Proposed Swain's Lane (North)  
 Elevation**

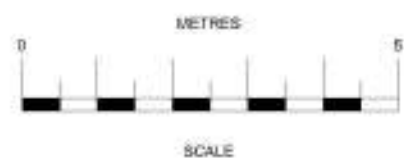
Scale:	Date:
1:50 (@A1)	SEPT 11'
Drawn By:	Checked:
S.G.D	D.U.
Drawing No:	Revision:
SA/PL/101/09	D



**SWAINS LANE (NORTH) ELEVATION 1:50**



**SERVICE YARD (EAST) ELEVATION 1:50**



Rev. D 26.03.11 - Second floor extension to third floor removed. Original window to first floor balcony replaced.  
Rev. C 18.07.11 - Entrance to site and upper floor extension moved. This redesigns & re-schedule work.  
Rev. B - 22.02.11 - To comply with inspection trajectory. Second upper floor extension and access corridor removed. New window and fire position.  
Rev. A - 23.04.10 - Studio's Loss services removed. All drawings revised to comply with planning & fire safety requirements.

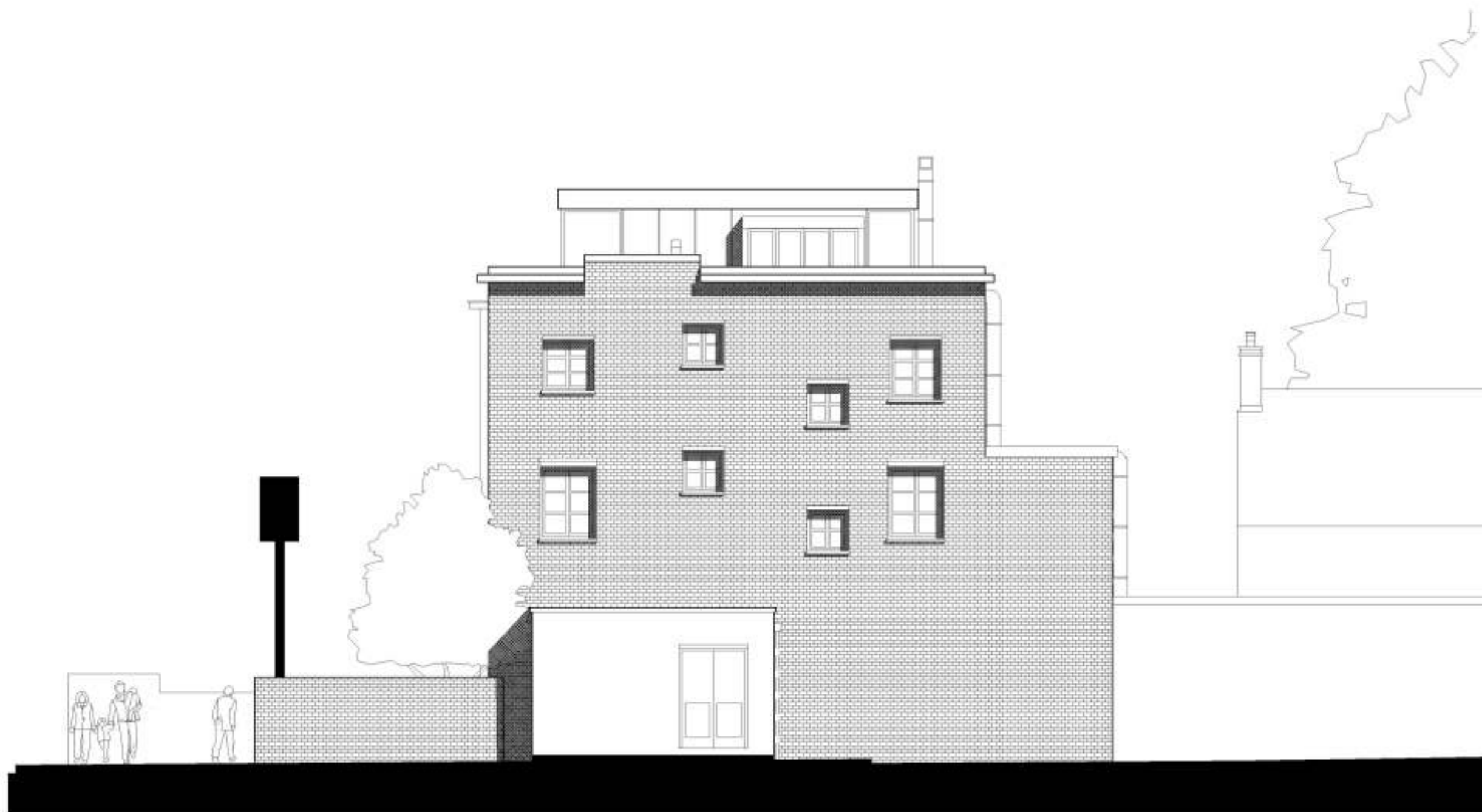


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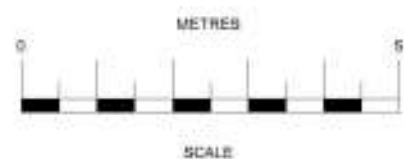
**Extension to the  
Carob Tree Restaurant  
Highgate,  
Camden**

**Proposed Service Yard (East)  
Elevation**

Scale:	1:50 (@A1)	Date:	SEPT 11'
Drawn By:	S.G.D	Checked:	D.U.
Drawing No:	SA/PL/101/10	Revision:	D



ALLEY WAY (SOUTH) ELEVATION 1:50



Rev: 0/25/09/11 - Second floor extension to service yard removed, new building line added.  
 Rev: 0/18/07/11 - Extension to site and upper floor extension removed. Plans redesigned & schedule revised.  
 Rev: 8 - 20/03/11 - External upper floor extension removed due to inspectors objection. New replacement and extension extension removed to match new internal layout.  
 Rev: A - 23/04/10 - Service yard elevation removed. All drawings revised to comply with planning officers spatial and design comments.



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Extension to the  
 Carob Tree Restaurant  
 Highgate,  
 Camden

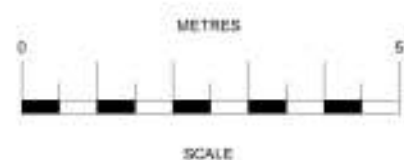
Proposed Alley Way  
 (South) Elevation.

Scale:	Date:
1:50 (@A1)	SEPT 11'
Drawn by:	Checked:
S.G.D	D.U.
Drawing No:	Revision:
SA/PL/101/11	D





HIGHGATE ROAD (WEST) ELEVATION 1:50



Rev. 0.25.06.11 - Recently perfected free added to elevation  
 Rev. 0.10.07.11 - Entrance to left and upper floor entrance moved. Plot redesigned & schedule revised  
 Rev. 4.23.04.10 - Service yard entrance removed. All drawings revised to comply with planning or local authority requirements.

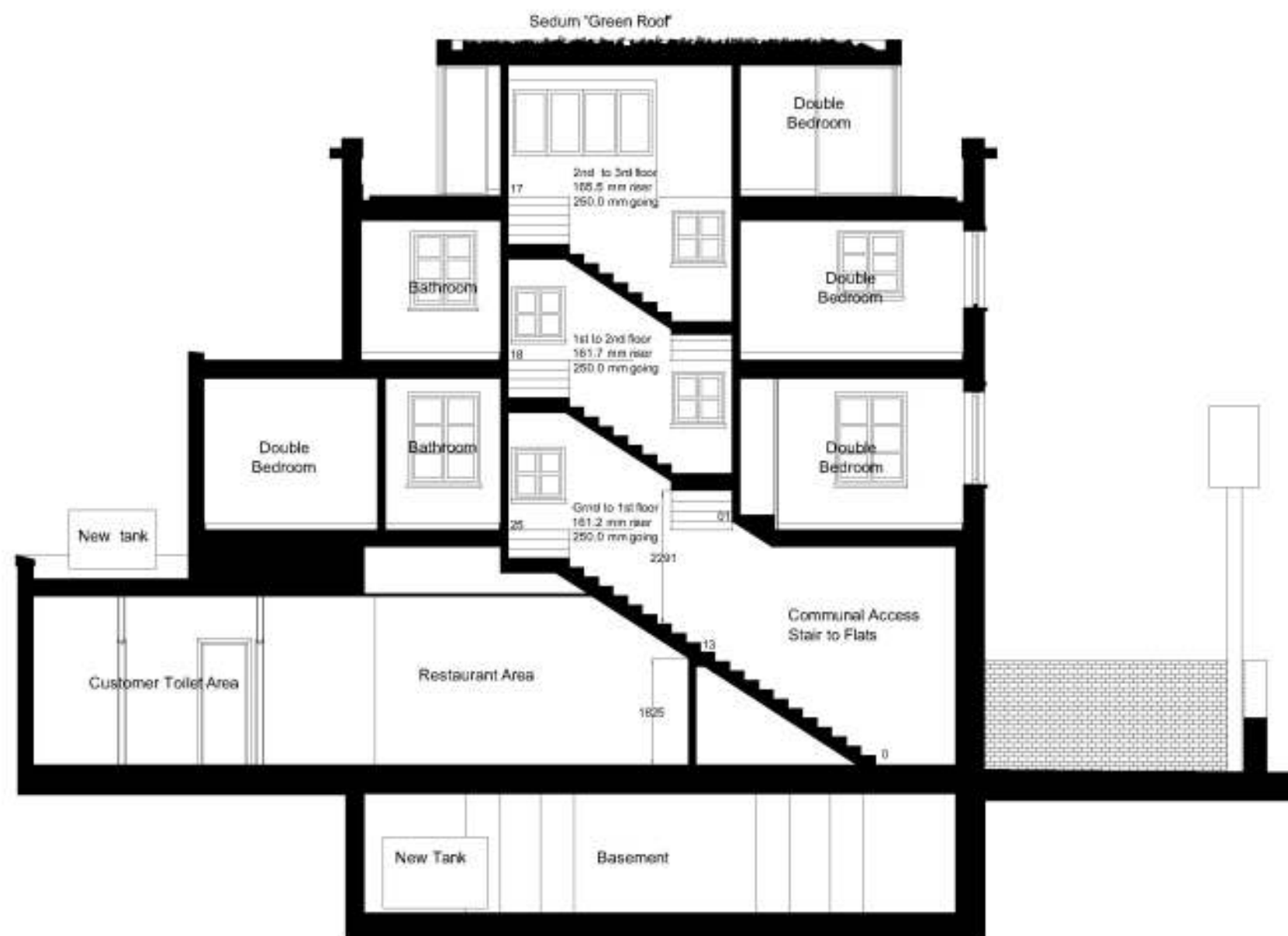


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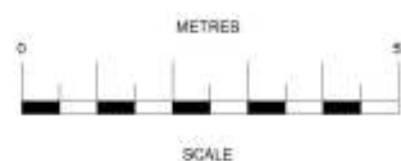
**Extension to the  
 Carob Tree Restaurant  
 Highgate,  
 Camden**

**Proposed West Facing  
 Entrance Elevation**

Scale:	1:50 (@A1)	Date:	SEPT. 11'
Drawn by:	S.G.D	Checked:	D.U.
Drawing No:	SA/PL/101/12	Revision:	C



## SECTION A-A



Rev. C 25.03.11 - 2nd floor extension removed requiring upper floors to be revised in size.  
Rev. D 10.07.11 - Entrance to flats and upper floor staircase moved. Flats redesigned & schedule revised.  
Rev. E 20.02.11 - Section DG added to show revised internal stair layout, section AA revised to reflect new plan layout.  
Rev. F 14.07.11 - Section revised to match existing.  
Rev. A 23.04.12 - All drawings revised to comply with planning officers' input and design comments.



2nd Floor East,  
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Project

Extension to the  
Carob Tree Restaurant  
Highgate,  
Camden

Title

Proposed Longitudinal  
Sections A-A

Scale:  
1:50 (@A1)

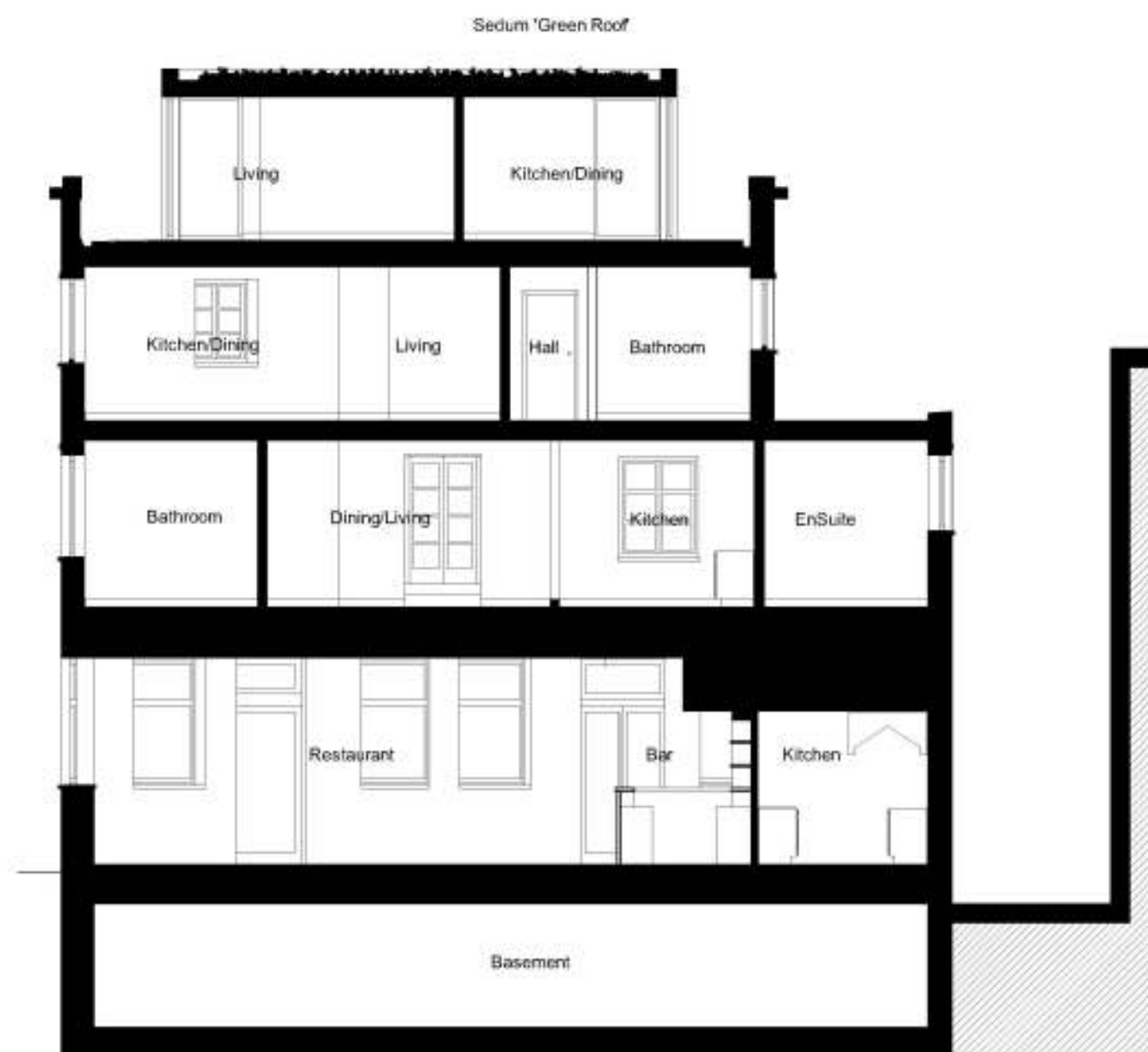
Drawn By:  
S.G.D

Drawing No:  
SA/PL/101/13

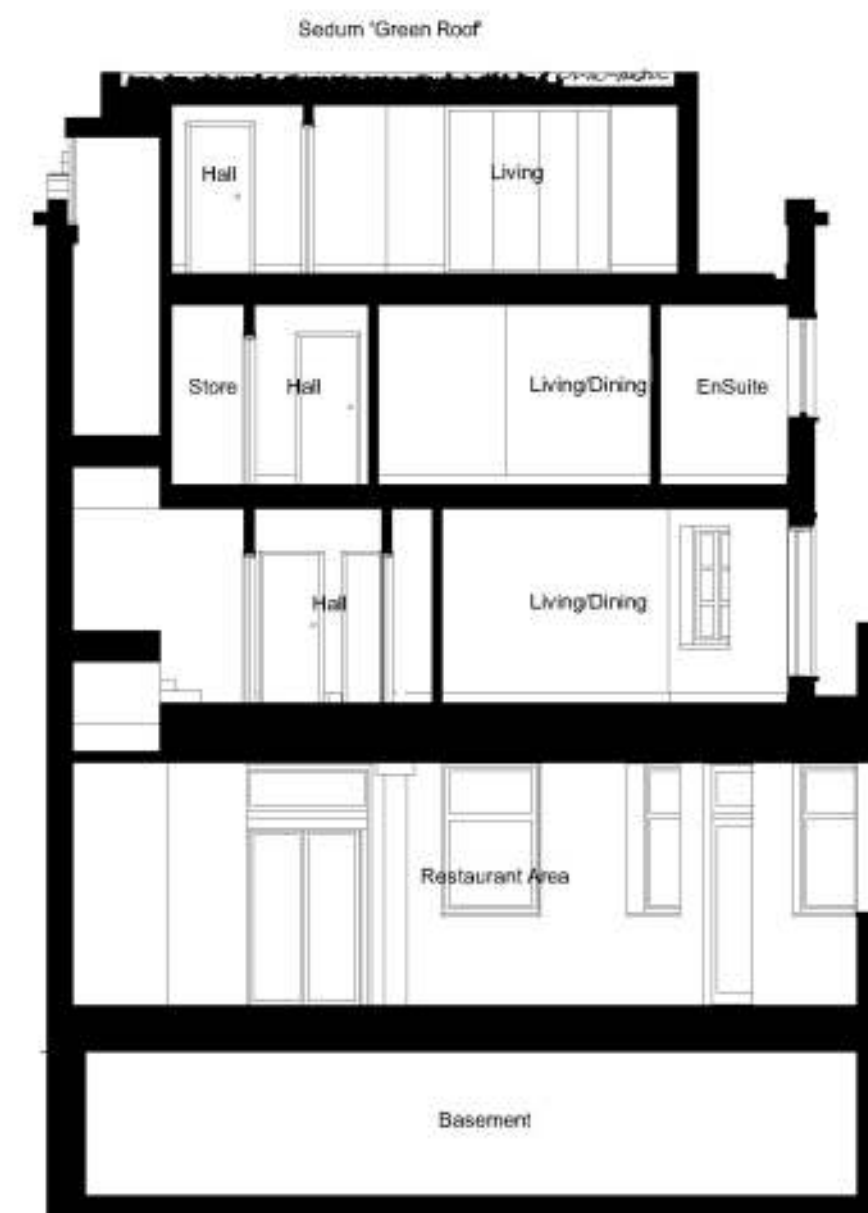
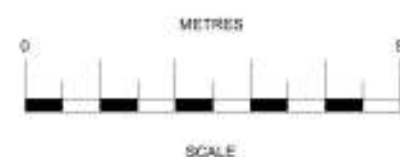
Date:  
SEPT. 11'

Checked:  
D.U.

Revision:  
E



SECTION B-B



SECTION C-C

Rev. D 28.03.11 - Sections revised in line with changes to the upper floor plans.  
 Rev. C 18.07.11 - Extension to 14th and upper floor staircase moved. Plans redesigned & schedule revised.  
 Rev. B 14.07.10 - Sections revised to match existing basement floor.  
 Rev. A - 23.04.10 - All drawings revised to comply with planning officers spatial and design comments.

**Sceptre**  
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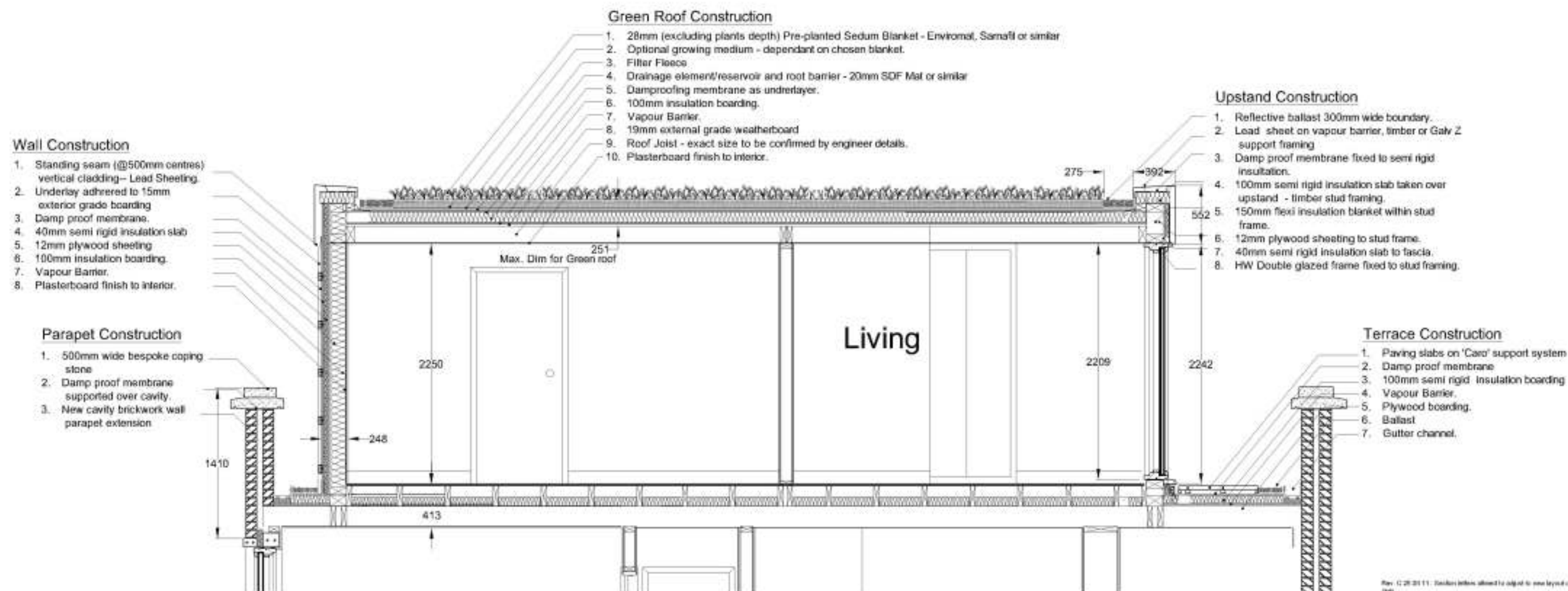
2nd Floor East,  
 98 White Lion Street,  
 Islington,  
 London N1 9PF

**Extension to the  
 Carob Tree Restaurant  
 Highgate,  
 Camden**

**Proposed Longitudinal  
 Section B-B and  
 Latitudinal Section C-C**

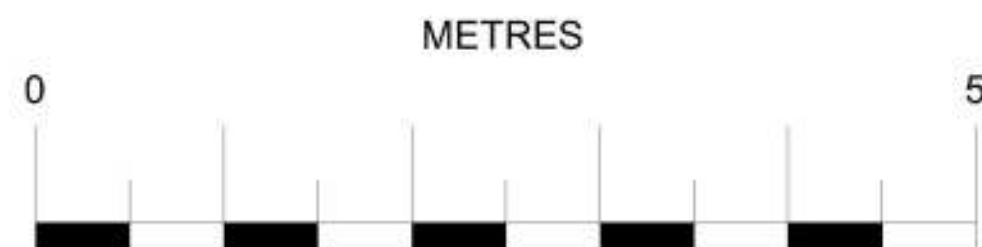
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Drawn By:	S.G.D	Checked:	D.U.
Drawing No:	SA/PL/101/14	Service:	D





Rev. C 20.01.11 - Section below altered to adjust to new layout of bath.  
 Rev. B 16.07.11 - Extension to bath and upper floor staircase moved.  
 This section moved & schedule as last.  
 Rev. A - 20.02.11 - Internal layout revised to match new plan layout.

Provisional Constructional Section D-D



PLEASE NOTE  
 THIS CONSTRUCTIONAL SECTION HAS IS PROVISIONAL SUBJECT  
 TO STRUCTURAL SIZING AND DETAILING REQUIRED FROM OUR  
 ENGINEERS INPUT.

**Sceptre**  
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2nd Floor East,  
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**Extension to the  
 Carob Tree Restaurant  
 Highgate,  
 Camden**

**Constructional section of  
 the Roof Extension.**

Scale:	1:20 (@A1)	Date:	SEPT. 11'
Drawn By:	S.G.D	Checked:	D.U.
Drawing No:	SA/PL/101/sk01	Revision:	C

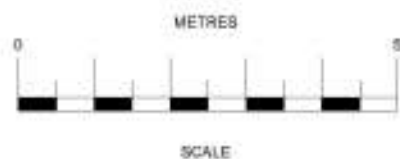


Existing Partial Highgate Road Elevation



Proposed Partial Highgate Road Elevation

PLEASE NOTE  
THESE PARTIAL ELEVATIONS HAVE BEEN PRODUCED AS AN  
EXTRA DRAWING, AT THE SPECIFIC REQUEST OF THE PLANNING  
AUTHORITY TO ENABLE THOSE MEMBERS OF THE PUBLIC UNABLE  
TO FULLY UNDERSTAND THE ACCURATE FULL EXISTING AND  
PROPOSED ELEVATIONS OF HIGHGATE ROAD.



Rev. D 28.10.11 - Tree added to external view as only planted by the client.  
Rev. A 18.07.11 - Entrance to 19th and upper floor staircase moved. Flats  
redesigned & schedule revised.



2nd Floor East,  
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Extension to the  
Carob Tree Restaurant  
Highgate,  
Camden

Existing & Proposed  
Partial Highgate Roads  
Elevations

Scale:	1:50 (@A1)	Date:	SEPT. 11'
Drawn By:	S.G.D	Checked:	D.U.
Drawing No:	SA/PL/101/15	Revision:	B





APPEAL ELEVATION



EXISTING ELEVATION



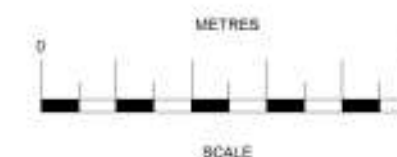
NEW ELEVATION

#### Main Changes from Appeal to New

1. The roof extension has been reduced in size in line with a reduction to the overall mass of the building on Swain's Lane. The size of the existing balcony has been redesigned to match existing.

2. To maintain the existing separation between buildings the extensions to accommodate the stair and the 2nd floor plan have been removed. In addition to improve the visual appearance the metal access stair will be removed.

3. The residential entrance extension and change to the service yard entrance have been changed back to match existing elevation.



**Sceptre**  
Associates Ltd.

2nd Floor East,  
96 White Lion Street,  
Islington,  
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**Extension to the  
Carob Tree Restaurant  
Highgate,  
Camden**

**Comparison of Existing,  
Appeal and Newly Proposed  
Swain's Lane (North) Elevation**

Scale: **1:50 (@A1)**

Date: **SEPT 11'**

Drawn By:  
**S.G.D**

Checked:  
**D.U.**

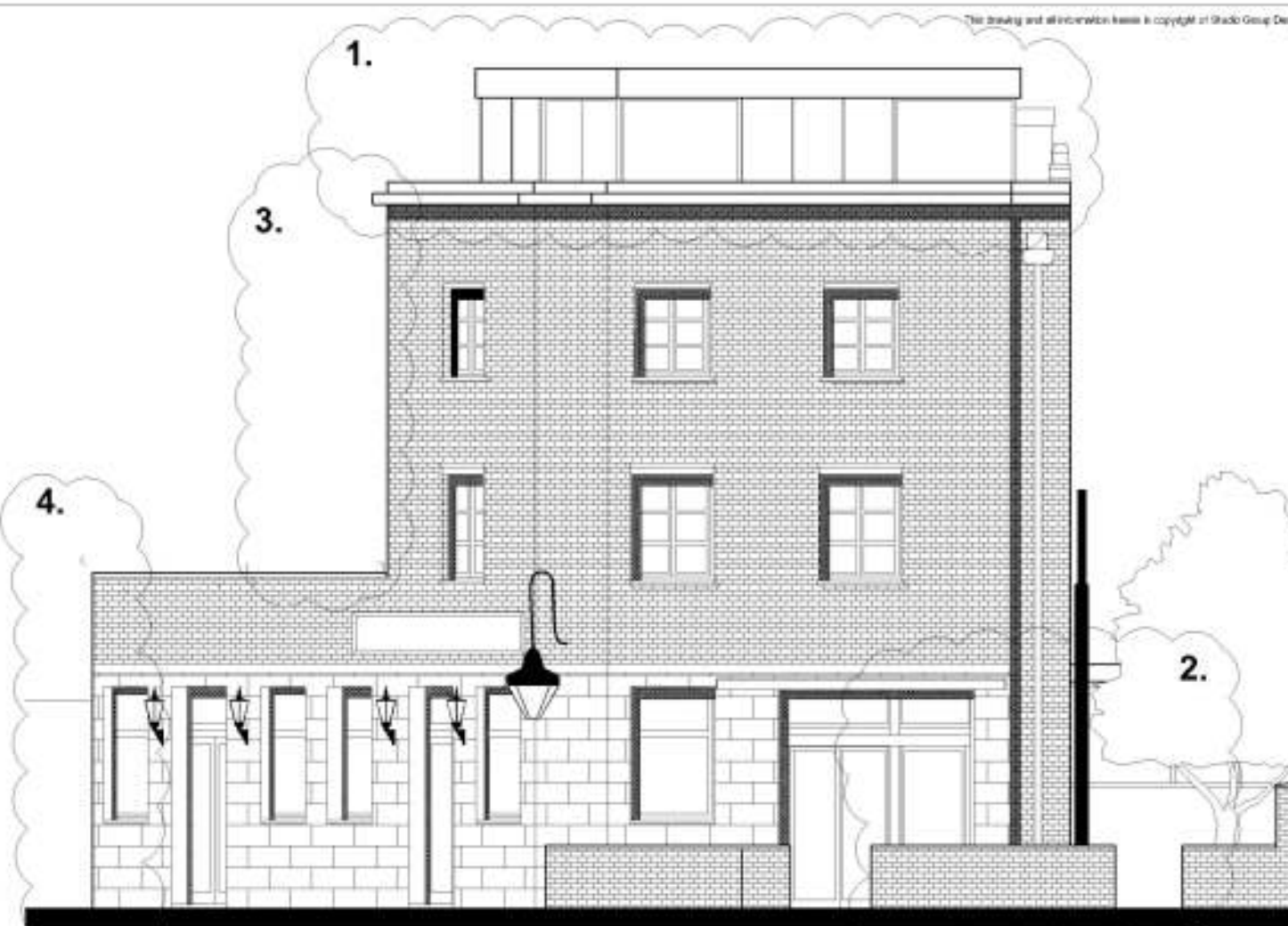
Drawing No.  
**SA/PL/101/16**

Revision





APPEAL ELEVATION



NEW ELEVATION



EXISTING ELEVATION

#### Main Changes from Appeal to New

1. The roof extension has been reduced in size in line with a reduction to the overall mass of the building on Swain's Lane. The size of the existing balcony has been redesigned to match existing.
2. Existing door opening extended to accommodate the new residential entrance, all materials to be as existing. New opening created in the wall for the residents with a new gate added to match existing.
3. Extension over first floor balcony removed reducing elevation mass to match existing.
4. The extension to the ground floor to accommodate the residential entrance has been removed, elevation to remain as existing.



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**Extension to the  
Carob Tree Restaurant  
Highgate,  
Camden**

**Comparison of Existing,  
Appeal and Newly Proposed  
Highgate Road Elevation**

Scale: <b>1:50 (@A1)</b>	Date: <b>SEPT 11'</b>
Drawn By: <b>S.G.D</b>	Checked: <b>D.U.</b>
Drawing No: <b>SA/PL/101/17</b>	Revision:





APPEAL ELEVATION



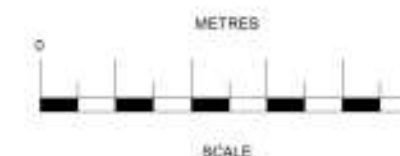
NEW ELEVATION



EXISTING ELEVATION

#### Main Changes from Appeal to New

1. The roof extension has been reduced in size in line with a reduction to the overall mass of the building on Swain's Lane. The size of the existing balcony has been redesigned to match existing.
2. The resident staircase to the service yard has been removed new windows added to first floor to reflect changes to floor plans. External ventilation duct to restaurant repositioned.
3. First floor extension added to reflect changes to floor plans



**Sceptre**  
Associates Ltd

2nd Floor East,  
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**Extension to the  
Carob Tree Restaurant  
Highgate,  
Camden**

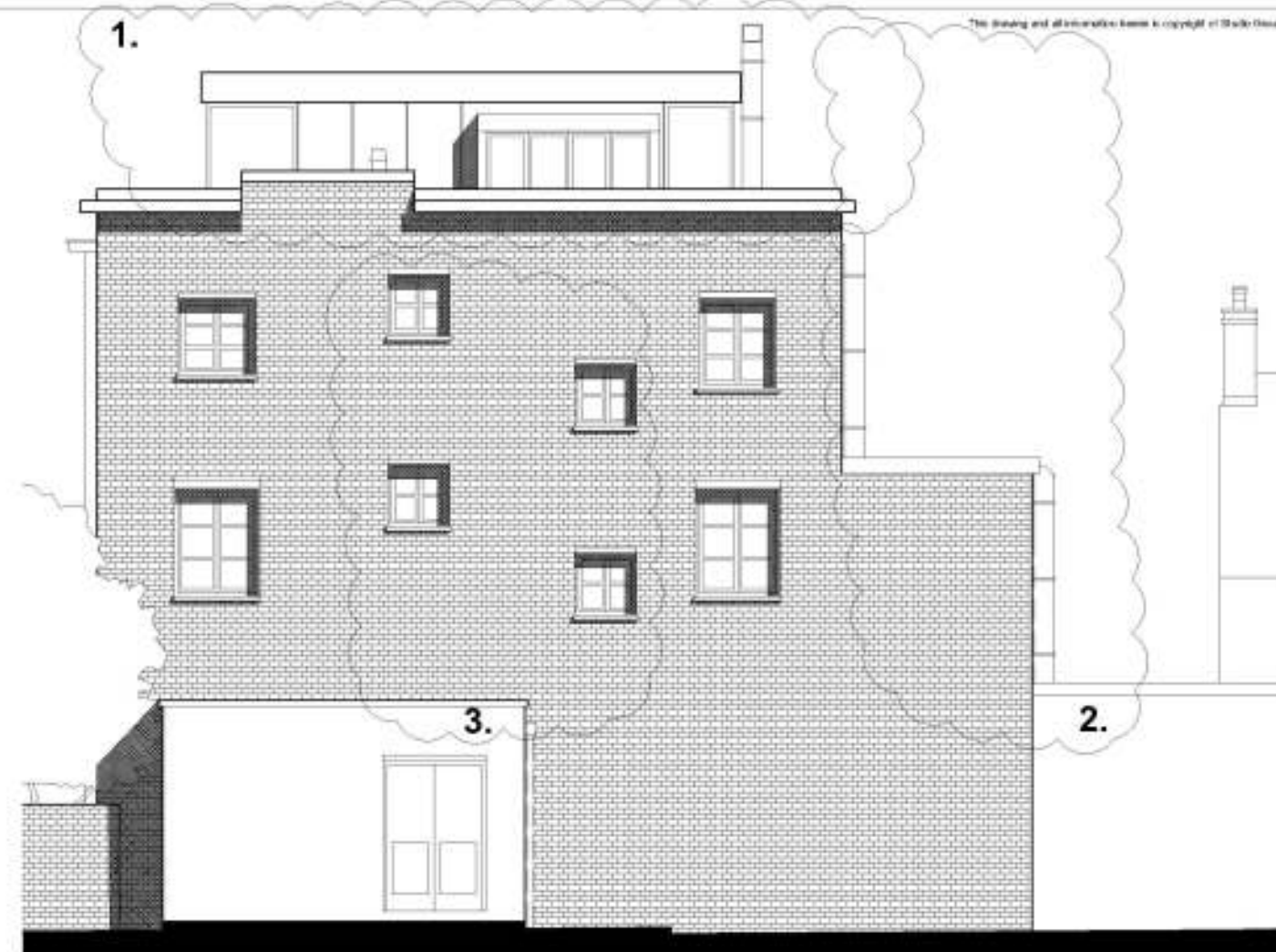
**Comparison of Existing,  
Appeal and Newly Proposed  
Service Yard Elevation**

Scale: <b>1:50 (@A1)</b>	Date: <b>SEPT 11'</b>
Drawn By: <b>S.G.D</b>	Checked: <b>D.U.</b>
Drawing No: <b>SA/PL/101/18</b>	Revision:

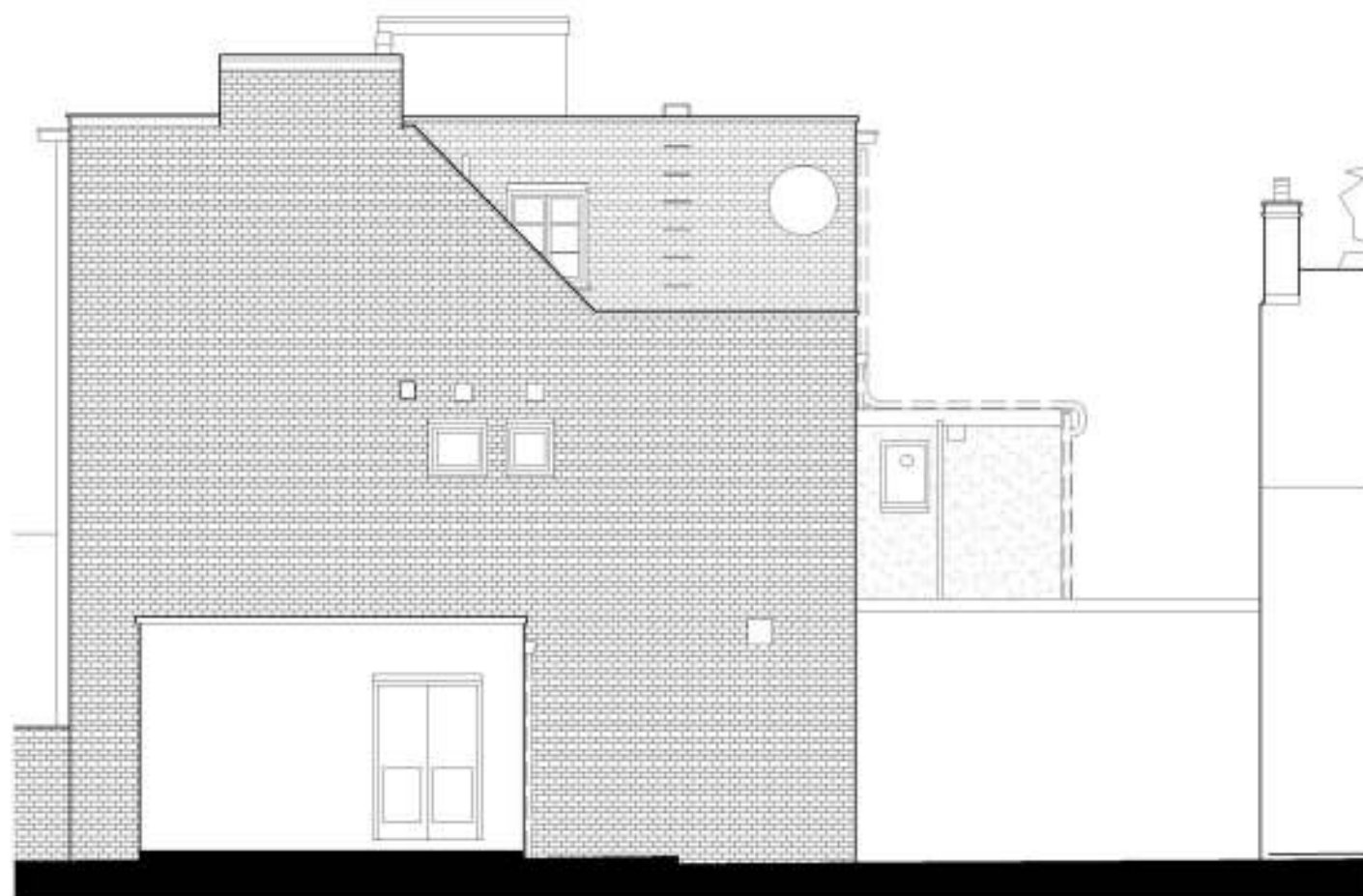




APPEAL ELEVATION



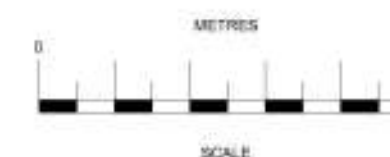
NEW ELEVATION



EXISTING ELEVATION

#### Main Changes from Appeal to New

1. The roof extension has been reduced in size in line with a reduction to the overall mass of the building on Swain's Lane
2. Staircase extension removed in line with inspectors comment. First floor extension added to reflect new plan layout, but existing gap to the existing building has been restored.
3. New window layouts created to reflect the staircase in the revised floor plans.



**Sceptre**  
Associates Ltd

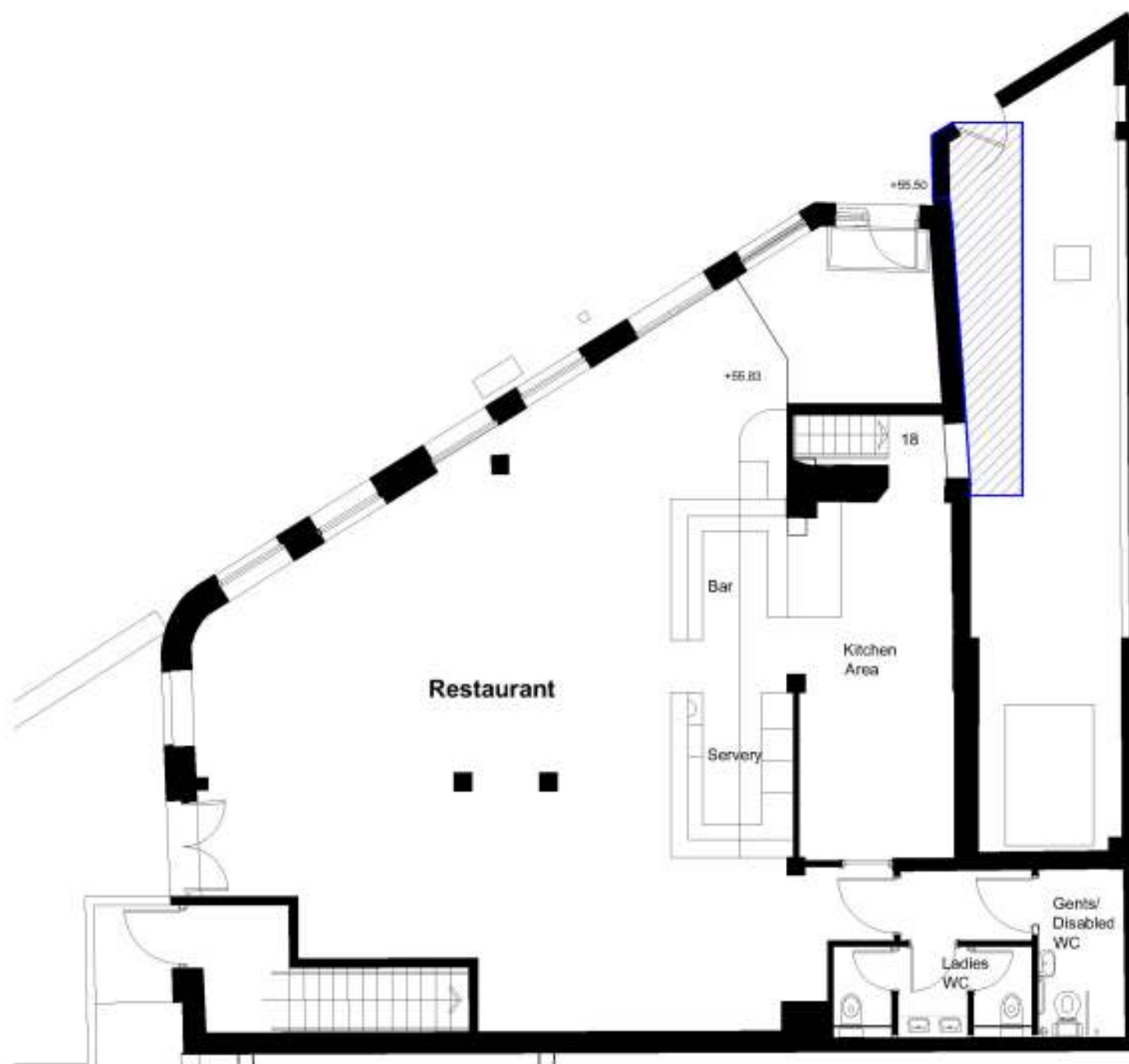
2nd Floor East,  
98 White Lion Street,  
Islington,  
London N1 9PF

**Extension to the  
Carob Tree Restaurant  
Highgate,  
Camden**

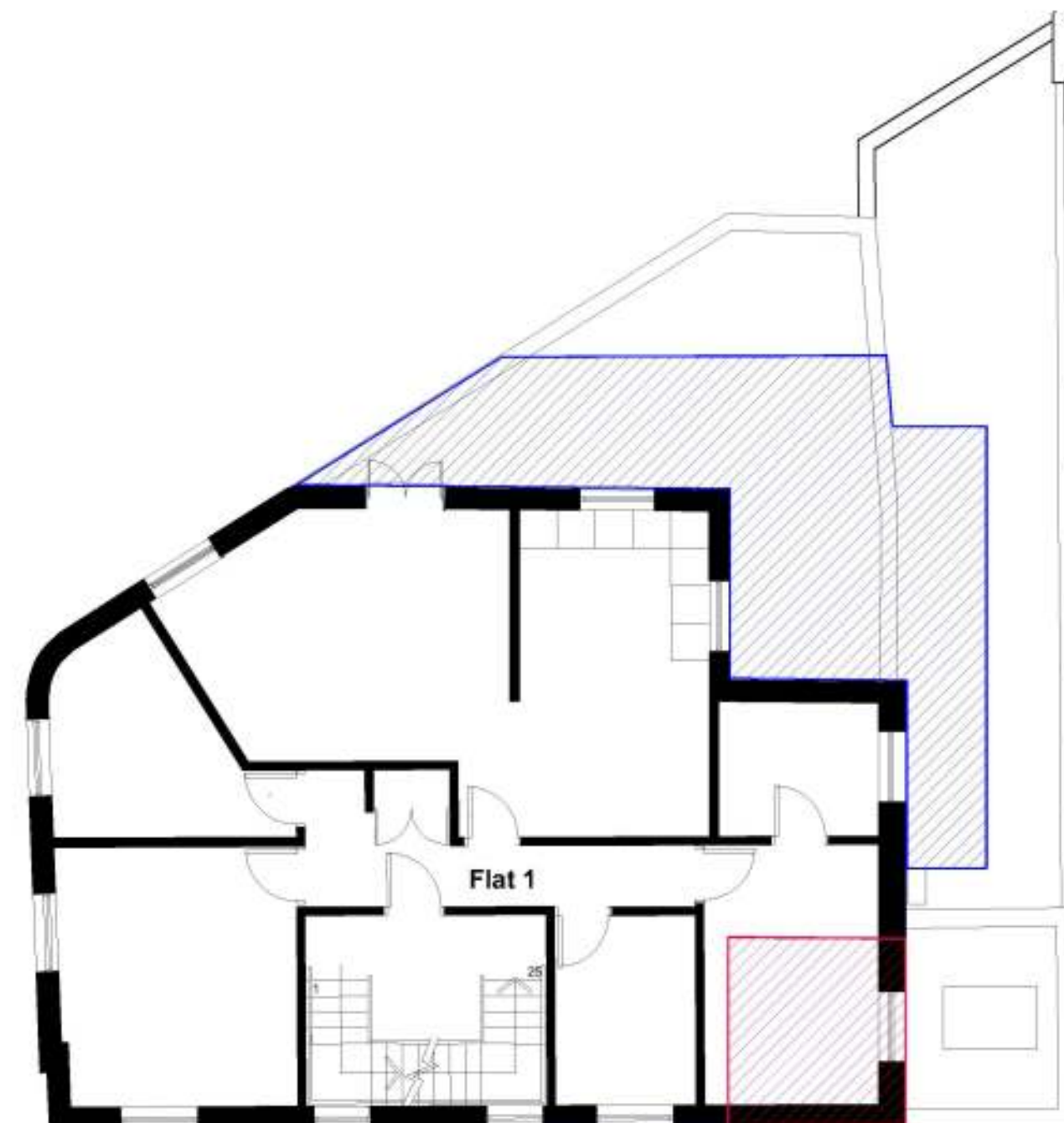
**Comparison of Existing,  
Appeal and Newly Proposed  
Alley Way Elevation**

Scale: <b>1:50 (@A1)</b>	Date: <b>SEPT 11'</b>
Drawn By: <b>S.G.D</b>	Checked: <b>D.U.</b>
Drawing No: <b>SA/PL/101/19</b>	Revision:





GROUND FLOOR



FIRST FLOOR

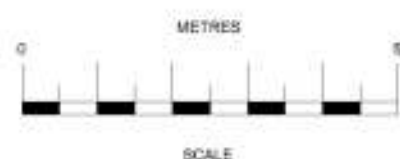
# Key To Changes



Area added to floor plan from existing layout to create new layout.



Area removed from 'Appeal' floor plan to create new layout.

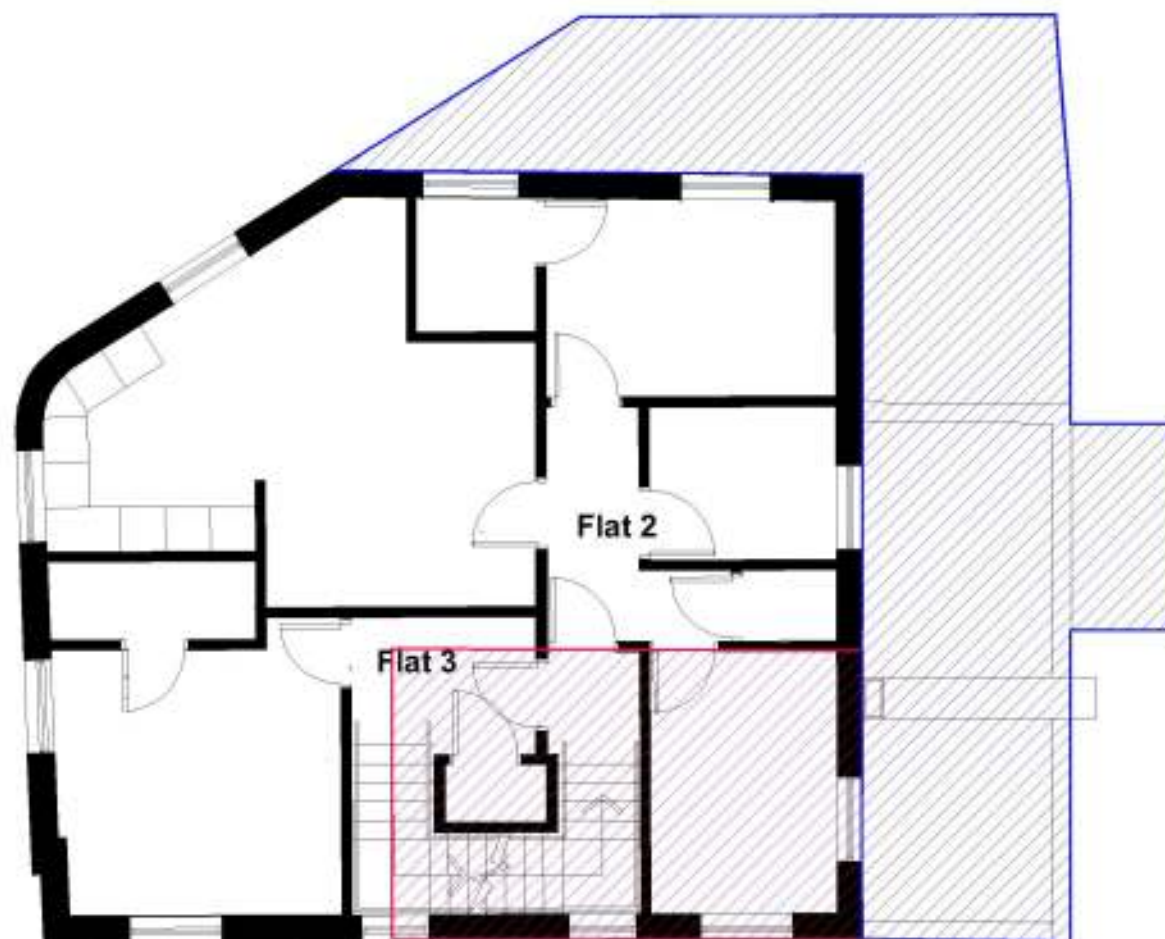


2nd Floor East,  
88 White Lion Street,  
Islington,  
London N1 9PF

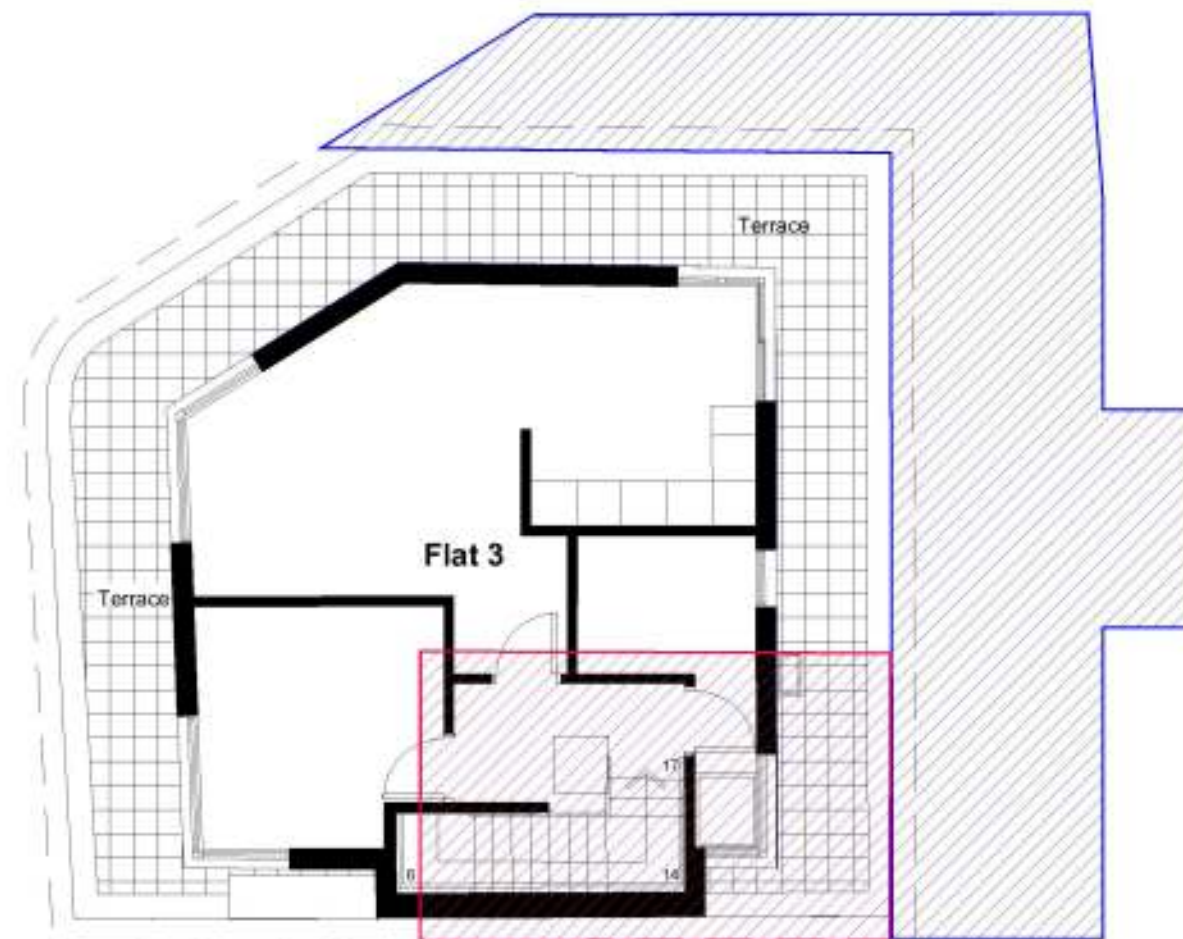
## Extension to the Carob Tree Restaurant Highgate, Camden

Comparison of Existing,  
Appeal and Newly Proposed  
Ground and First Floor Plans

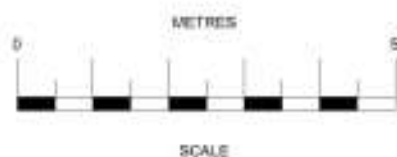
Scale:	1:50 (@A1)	Date:	SEPT 11'
Drawn By:	S.G.D	Checked:	D.U.
Drawing No:	SA/PL/101/20	Revision:	



SECOND FLOOR



THIRD FLOOR



Key To Changes



Area added to floor plan from existing layout to create new layout.



Area removed from 'Appeal' floor plan to create new layout.



2nd Floor East,  
98 White Lion Street,  
Islington,  
London N1 9PF

**Extension to the  
Carob Tree Restaurant  
Highgate,  
Camden**

**Comparison of Existing,  
Appeal and Newly Proposed  
Second and Third Floor Plans**

Scale: **1:50 (@A1)**

Drawn by: **S.G.D**

Drawing No: **SA/PL/101/21**

Date: **SEPT 11'**

Checked: **D.U.**

Revised:



# Appendix



## Appeal Decision

Site visit made on 15 December 2010

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 January 2011

### Appeal Ref: APP/X5210/A/10/2137283 Duke of St Albans, Highgate Road, London NW5 1QX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr L Loizou and Mr S Webster against the decision of the Council of the London Borough of Camden.
- The application Ref 2010/2274/P, dated 28 April 2010, was refused by notice dated 10 September 2010.
- The development proposed is erection of roof extension and conversion of upper floors into five self-contained flats together with external alterations.

#### Decision

1. I dismiss the appeal.

#### Procedural Matters

2. I have used the name of the appeal premises (Duke of St Albans) as it appears on the application form, although I recognise that the property has since been renamed The Carob Tree.
3. Since my site visit the appellants have submitted, to the Council, a revised and completed Unilateral Undertaking, signed as a Deed, made under s.106 of the Town & Country Planning Act 1990. The Council has confirmed that the document, a copy of which I have been provided with, was amended in accordance with their advice. I have taken this into consideration.
4. The London Borough of Camden Replacement Unitary Development Plan 2006 policies referred to in the decision notice have been superseded by policies contained within the Camden Core Strategy (CS) and Camden Development Policies (DP), both adopted on 8 November 2010 as part of the Local Development Framework (LDF). I am satisfied that no one would be prejudiced by my consideration of the appeal against the CS and DP documents

#### Main Issues

5. The main issues are: - (i) the effect of the proposed extensions and alterations on the character and appearance of the existing building and the Dartmouth Park Conservation Area; and (ii) whether the proposal would make adequate provision for open space and education requirements, car-free housing and a sustainable form of development by way of a planning obligation.

#### Reasons

##### *Character and Appearance*

6. The proposed roof extension would be of a simple design, finished with lead-cladding and glazed corners, recessed from the building's main elevations facing Highgate Road and Swain's Lane. Proposed extensions at first and second floor levels, including over part of an existing balcony area, and a proposed new, side stair-core, would all be finished with brickwork to match the existing building. Although the proposal would increase the height of the existing parapet wall around the perimeter of the building, this would be reasonably modest and would not unacceptably distort the building's proportions. Proposed works to the ground floor frontage along Swain's Lane would match the existing appearance of the building at this level. Despite the building's prominence at a corner location, I find the proposed extensions and alterations would be sympathetic to its overall form and appearance.
7. Hampstead Heath has a long and open frontage to the west side of Highgate Road, opposite the appeal site, which gives the wider area a strong feeling of expansive openness. This would remain unaffected.
8. The spire to St Anne's Church is an important and distinguished landmark within the area. When approaching the appeal site from the south along Highgate Road it is clearly visible in the distance. However, when seen along this vista it is set forward of the appeal building and at a higher level due to the rising gradient of Highgate West Hill where it is located. As such, the additional height to the appeal property would not alter the sight or setting of the spire from this direction. When seen from Hampstead Heath the spire appears well removed from the appeal site and views of it would be unaffected. There is no evidence to suggest that any other important views of the spire from the public domain would be materially harmed as a result of the development.
9. Although the proposal would add an additional storey, the overall height of the building would not exceed the maximum height of many other buildings in the immediate area. When seen from Highgate Road and Hampstead Heath, it would be viewed against the taller gable-end to the 4-storey part of St Alban's Villas, located adjacent, to the south-east of the appeal site, in St Alban's Road. When seen from Highgate West Hill the development would be viewed within the context of the 4-storey buildings opposite along Highgate West Hill. The recess to the additional storey would further ensure that the proposal would appear neither dominant nor intrusive in the locality when viewed from these particular directions.
10. However, the immediately surrounding context within Swain's Lane is noticeably different. There is a predominance of single-storey buildings, including a newsagent shop at No 2 (Meg's News) adjacent to the appeal property. This has a first-floor element set a significant distance behind the shop-front such that it is the single-storey proportions of the building that are dominant within the immediate street scene. At present, there is an important gap between the 2 buildings determined by a small yard area to the side of the appeal property and space above its existing first-floor roof terrace. This provides an appropriate degree of separation to enable the change in scale

between the 2 buildings to be adequately assimilated within the street scene. However, this space would be considerably eroded by the infilling of the roof terrace to the side of the main building at first and second floor levels, but more significantly by the side, stair-core extension that would project into part of the yard. This element of the proposal would also extend upwards to the full 4-storey height, linking directly with the additional roof-storey, such that the mitigating effect of its recessed elevations, when viewed from other directions, would be lost at this point. As a consequence, the resulting gap would be insufficient to provide an acceptable separation between the low-rise appearance of 2 Swain's Lane and the more imposing scale of the extended appeal property. I find that the proposal would dominate the appearance of No 2 in a form that would be incongruous and out of keeping with the pattern of development along Swain's Lane.

11. For this reason I find overall that the proposal would fail to display an acceptable standard of design that would respect the local context. I therefore conclude that it would be harmful to the character and appearance of the area and although it would be unlikely to effect the setting of the nearby Holly Lodge Estate and Highgate Village Conservation Areas, it would neither preserve nor enhance the character or appearance of the Dartmouth Park Conservation Area. This would be contrary to the Council's LDF Policies CS14, DP24 and DP25 which seek to promote high standards of design that respects local context and character and which conserve Camden's heritage, including its conservation areas.

*Provision for open space and education requirements, the control of on-street parking and a sustainable form of development*

12. The signed Unilateral Undertaking dated 20 December 2010 deals with a number of issues and would generally comply with Part (b) of LDF Policy CS19, which clearly states that the Council will use planning obligations, and other suitable mechanisms, where appropriate, to support sustainable development; to secure any necessary and related infrastructure, facilities and services to meet the needs generated by any development; and to mitigate the impact of any development.
13. With regard to the financial contributions, there is no substantive evidence from either party to demonstrate any shortfall in either open space or education provision that would be directly related to, or made worse by the development. Neither is there any substantive evidence to show that parking stress and traffic congestion in the vicinity of the appeal site would be made materially worse, despite suggestions to the contrary by some nearby residents. As such, having regard to the provisions of Circular 05/2005: *Planning Obligations*, and the *Community Infrastructure Levy Regulations 2010*, I am not persuaded by the information before me that the scale of the contributions, or the control that would be exercised in relation to a car free housing development, as set out within the Undertaking, would be strictly necessary to make the development acceptable. Nevertheless, I recognise that the Council is satisfied with the Undertaking, and based on my findings with regard to the first main issue I have no reason to consider this matter further.
14. Insofar as the Undertaking relates to a sustainability plan and a post-construction appraisal to ensure compliance prior to first occupation, this would

be necessary in order to comply with the Council's aims to support sustainable development as set out in Policy CS19.

#### *Other Matters*

15. I have had regard to other concerns expressed by some nearby residents and interested parties. Matters relating to the occupancy of the existing ancillary residential accommodation within the restaurant premises are not relevant to the planning merits of the case before me. Neither do I find any support within the development plan to protect ancillary staff accommodation within such premises. Due to the separation distances between the appeal property and dwellings to the south in St Alban's Road, and its orientation and relationship with properties immediately adjacent, there would be no degree of overlooking, overbearing impact, loss of daylight or sunlight, or material loss of outlook that would be significantly harmful to the living conditions of any adjoining occupiers. I share the Council's view that the proposed replacement extract duct would be in a more favourable position than the existing such that it would be unlikely to result in any increased nuisance in terms of noise or smells.
16. I have noted 2 other appeal cases at 76 Highgate Road and 1-8 College Yard. However, I have been provided with only limited information in relation to these, which are sited some distance away from the appeal site. Furthermore, there is nothing to suggest that those cases are in any way directly comparable to this current appeal, which I have considered on its own merits.

#### **Conclusion**

17. There is no evidence to conclude that the proposal would make inadequate provision for open space and education requirements, or that a car free development would worsen any existing parking stress or traffic congestion that may exist in the vicinity. I also conclude that the proposal would provide for an acceptable form of sustainable development. Nevertheless, these considerations are outweighed by the harm I have identified to the character and appearance of the area, including the Dartmouth Park Conservation Area. Accordingly, and having regard to all other matters raised, the appeal is dismissed.

*John D Allan*

INSPECTOR



