



Appeal Decision

Site visit made on 2 September 2010

by **Peter Eggleton MRTPI**

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

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Decision date:
17 September 2010

Appeal Ref: APP/X5210/A/10/2123934

20 Highfields Grove, London N6 6HN.

- 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 Bourne Ltd against the decision of Camden Council.
- The application Ref 2009/1838/P, dated 8 April 2009, was refused by notice dated 28 October 2009.
- The development proposed is the demolition of the existing two storey, four bedroom dwelling and the erection of a seven bedroom, three storey dwelling.

Appeal Ref: APP/X5210/E/10/2125024

20 Highfields Grove, London N6 6HN.

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant conservation area consent.
- The appeal is made by Bourne Ltd against the decision of Camden Council.
- The application Ref 2009/1845/C, dated 8 April 2009, was refused by notice dated 28 October 2009.
- The demolition proposed is a two storey, four bedroom dwelling.

Decisions

Appeal Ref: APP/X5210/A/10/2123934

1. I allow the appeal, and grant planning permission for the demolition of the existing two storey, four bedroom dwelling and the erection of a seven bedroom, three storey dwelling at 20 Highfields Grove, London in accordance with the terms of the application, Ref 2009/1838/P, dated 8 April 2009, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 2007/104/09A, 10A, 11A, 12A, 13A, 14A, 15A, 16A, 17, 18A, 19 and 20.
 - 3) No development shall take place until details of the materials to be used in the construction of the external surfaces of the building hereby permitted, including details of window frames, doors, brickwork, glazing, and roofing materials, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

- 4) No development shall take place until full details of both hard and soft landscape works, including the green roofs, have been submitted to and approved in writing by the local planning authority. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority.
- 5) No demolition or development shall take place until full details of a plan and method statement for the protection of the retained trees on and adjacent to the site, have been submitted to and approved in writing by the local planning authority. This should include details of any tree works required to implement the development. The tree works shall be carried out in accordance with the approved details prior to any works of demolition. The erection of tree protection fencing shall be undertaken in accordance with the approved plan and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the demolition or development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the local planning authority.
- 6) No development shall take place until a schedule of landscape maintenance for a minimum period of 1 year and to include the areas of green roof, has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. These maintenance works shall be carried out in accordance with the approved schedule.

Appeal Ref: APP/X5210/E/10/2125024

2. I allow the appeal, and grant conservation area consent for the demolition of a two storey, four bedroom dwelling at 20 Highfields Grove, London in accordance with the terms of the application Ref 2009/1845/C, dated 8 April 2009 and the plans submitted with it subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this consent.
 - 2) The works of demolition shall not be carried out before a contract for the carrying out of the works of redevelopment of the site has been made.
 - 3) No demolition shall take place until full details of a plan and method statement for the protection of the retained trees on and adjacent to the site, has been submitted to and approved in writing by the local planning authority. The erection of tree protection fencing shall be undertaken in accordance with the approved plan and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the demolition.

Main issue

3. The main issue is whether the proposals would preserve or enhance the character or appearance of the conservation area.

Reasons

4. This decision relates to two appeals, one relating to a planning application to replace the existing dwelling and the second relating to a conservation area consent application for the demolition of the existing dwelling.

Planning appeal

5. The property lies within the Highgate Conservation Area. In the vicinity of the appeal site, this is characterised by the dominance of trees and vegetation. Although dwellings are located within this setting, their form and detail is very much secondary to the landscape character of the area. Highfields Grove is a development of large modern houses all of which have a uniformity in terms of their design and materials. The houses are served by a narrow road and a number of properties are built very close to it, giving the development a very intimate feel.
6. This proposal would replace an existing dwelling with a larger dwelling. Although it would depart from the standard house types within the estate, it would be of a similar form and appearance. Although the specific proportions of the dwelling would differ, it would for the most part re-use the existing position of the house and retain its overall height in relation to the road. Although it would result in a three storey dwelling, the third floor would be at a lower level and would be unnoticeable from most vantage points.
7. The change in size would not be particularly evident and would be accommodated within a structure of similar design merit to the property that it would replace. Although I understand that there are four specific standard designs within this estate, this is not entirely evident when within this area. A number of houses have been modified and the differing orientations present different aspects to the public areas. The design proposed would not be discernably different and I am satisfied that it would have little or no impact on the overall character of the estate. I consider that once built, this proposal would sit comfortably within its setting.
8. The proposal would bring development closer to existing trees, particularly to the side and rear. Given the details of the arboricultural report, I am satisfied that all the important trees could be retained and their reduced crowns would retain satisfactory shapes and integration with the building. The garden area of the property would be more shaded due to the proximity to the trees but the garden is already shaded to a large degree and this would not significantly change. Construction work would require considerable care to ensure that these trees would not be harmed. I am satisfied that this could be controlled to ensure that the overall appearance and character of the property would be retained.
9. I find that the proposal would not detract from the character or appearance of the immediate area and given its limited wider impact, it would preserve the character and appearance of the conservation area. I do not find conflict with the elements of Policy B1 of the London Borough of Camden Replacement Unitary Development Plan 2006 (UDP) which seek high standards of design. The proposal would also satisfy Policy B7 which relates to preserving or enhancing conservation areas.

10. Concerns have been raised with regard to the impact of the proposal on neighbouring residents, hydrology and local services. I have no evidence that local services would not be able to accommodate a larger dwelling and the information I have, suggests that local hydrology would not be adversely harmed. Although the building would be closer to the boundary with number 21 and would present a greater mass of development to residents of both that property and the residents of number 19, I do not consider that once built, the house would result in a material increase in harm due to loss of outlook, privacy or light compared to the current situation.
11. The issue of sustainability has been raised with regard to allowing the replacement of a relatively modern house. Policy B1 includes a requirement that development be sustainable and promotes energy efficiency and the efficient use of resources. This development would include a number of elements that relate to energy efficiency, sustainable drainage and the provision of micro-power generation. The re-use of materials is also proposed although I am unclear as to the practicality of this overall. In the absence of any local or national policy guidance which seeks to prohibit the replacement of dwellings, I am not satisfied that the intention of Policy B1 is to frustrate developments such as this. The supporting text to the policy refers to the design of new buildings and the proposal generally satisfies it in this regard.
12. Concerns have been raised by the Council and third parties with regard to the potential for disturbance during construction. I agree that this would be significant given the scale of the works; the limited space available on the site; the proximity of neighbouring residential properties; and the nature of Highfields Grove and the roads that serve it. The site is very constrained due to the presence of trees and the changes in levels. I share concerns with regard to the storage and re-use of materials within the site boundaries and also the potential for dust, noise, localised damage to road surfaces, verges and neighbouring properties.
13. The disturbance from construction activity, noise and dust during demolition and construction would have an adverse impact on the living conditions of other residents. Although some disturbance is an inevitable consequence of development, it should be limited and a detailed demolition and construction management plan would be necessary to minimise the harm to the local and wider environment given the specific constraints of the site. It would also need to fully take into account arboricultural requirements.
14. A development and construction management proposal document has been provided. I am not satisfied that the detail of this is satisfactory and I am far from clear that all activities could be carried out within the appeal site boundaries. Whilst in many cases a condition would be sufficient to require alternative details and to control implementation, as the requirements of such a document would in this case inevitably extend beyond the site, I consider that a unilateral undertaking would be necessary in order to satisfy the requirement of UDP Policy SD8(B) to minimise the impact of demolition and construction on local amenity and to meet the highway safety requirements of Policy T12.
15. The appellant has provided an undertaking which would prevent development until such a plan has been submitted and agreed. It would also require that

works would be carried out strictly in accordance with the approved details. I am satisfied that the form and content of the undertaking are satisfactory. Section 2.2.1 of the undertaking stipulates that it is conditional on the inspector finding it necessary. I am entirely certain that it would be necessary to ensure that the development would be acceptable in planning terms.

16. Whilst I have considered all the concerns of the Council and third parties, I find with regard to the main issue that, subject to appropriate controls, the proposal would preserve the character and appearance of the conservation area. Although the development would result in inevitable disturbance and inconvenience, I am satisfied that these matters would be adequately addressed by the requirements of the unilateral undertaking. As I have not identified any other material harm, I allow the appeal subject to conditions.
17. The Council have suggested that a sample panel of materials be constructed on site for approval. Whilst it is essential that materials are in keeping with the surrounding development in order to maintain the cohesive and unified character of the estate, I consider that the submission of such details would be satisfactory. I have included within the condition the need for details of all external surfacing, including windows and doors. A separate condition relating to these matters would not therefore be necessary.
18. Although statutory controls exist in relation to trees within conservation areas, for the avoidance of doubt and to ensure that appropriate protection measures are put in place, I have imposed conditions to ensure the protection of the existing trees and the submission of landscaping proposals. This would ensure that the character of the area would not be harmed; the development would have a satisfactory appearance; and the landscaping details would include measures to enhance surface permeability where possible. These conditions would cover the details of the areas of green roof, their construction and initial management.

Conservation Area Consent

19. The appeal includes an application for conservation area consent for the demolition of the dwelling. As I find that the proposed replacement dwelling would be acceptable, I consider that conservation area consent should be forthcoming. I therefore allow the appeal. I have imposed the condition suggested by the Council which would prevent demolition until a contract for re-development has been made. Given the importance of the trees, I have also required protection measures for them. Both a cleared site and any loss or harm to existing trees would fail to preserve or enhance the character or appearance of the conservation area.

Peter Eggleton

INSPECTOR