

Planning Potential
Magdalen House,
136 Tooley Street,
London,
SE1 2TU

Application Ref: **2009/2597/P**
Please ask for: **Sara Whelan**
Telephone: 020 7974 **2717**

9 February 2010

Dear Sir/Madam

Town and Country Planning Acts 1990 (as amended)
NOTIFICATION OF DECISION WHEN AN APPEAL HAS BEEN MADE
REFUSAL

Address:
41 Highgate West Hill
London
N6 6LS

Proposal:
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).

Drawing Nos: SK40-090602; SJA TPP 02; 601-E-020; 601-P-001C; 601-P-030; 3966/RW-110 rev P2; 3966/RW-111 rev P1; 3966/RW-112 rev P1; 3966/RW-120 rev P1; 3966/RW-121 rev P1; B337 110 rev A; Method Statement & Risk Assessment; Report on Likely Impact on Trees of the repair and reconstruction of boundary wall; Site Location; Landscape notes (02.06.09); Structural Engineer's Report (29.05.09) and Planning, Heritage and Design and Access Statement

The Council has considered your application and had an appeal not been made to the Secretary of State, would have refused Full Planning Permission for the following reason(s):

Reason(s) for Refusal

- 1 The proposed repair and reconstruction of the boundary wall facing Highgate West Hill, would result in the loss of one mature Sycamore and six mature Lime trees protected by a Tree Preservation Order, which are considered to have a high amenity value in both the local and wider townscape, detrimental to the character and appearance of the streetscene, the Highgate Conservation Area and the setting of the Grade II* Listed Building contrary to policies N8 (Ancient Woodlands and

trees), B6 (Listed buildings) and B7 (Conservation areas) of the London Borough of Camden Replacement Unitary Development Plan 2006.

- 2 The proposed development, in the absence of a legal agreement for the submission of a construction management plan, would be likely to contribute unacceptably to traffic disruption and general highway and pedestrian safety, contrary to policies SD2 (Planning obligations), SD6 (Amenity for occupiers and neighbours), SD8B (Disturbance from demolition and construction), T3 (Pedestrians and cycling) and T12 (Works affecting highways) of the London Borough of Camden Replacement Unitary Development Plan 2006.
- 3 The proposed development, in the absence of a legal agreement securing highway improvements, would be detrimental to highway and pedestrian safety, contrary to policies SD2 (Planning obligations), T3 (Pedestrians and cycling) and T12 (Works affecting highways) of the London Borough of Camden Replacement Unitary Development Plan 2006.

Informative(s):

- 1 Without prejudice to any future application or the appeal, you are advised that reasons 2-3 could be overcome, in the context of a scheme acceptable in all other respects, by entering into a S106 legal agreement with the Council.
- 2 Without prejudice to any future application or appeal, the applicant is advised that reason for refusal No.1 (Loss of trees) may be overcome by the submission of a scheme using Ground Anchor techniques and retaining the existing trees. You are invited to discuss this technique further with the Local Planning Authority.

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