

Delegated Report		Analysis sheet	Expiry Date:	09/09/2009
		N/A / attached	Consultation Expiry Date:	25/08/2009
Officer			Application Number(s)	
Sara Whelan			1) 2009/2597/P 2) 2009/2595/L	
Application Address			Drawing Numbers	
41 Highgate West Hill London N6 6LS			Please see draft decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
1) Repair and reconstruction of boundary wall with associated tree removal and replanting on southern boundary facing Highgate West Hill. 2) Listed building consent for works associated with the repair and reconstruction of boundary wall with associated tree removal and replanting on southern boundary facing Highgate West Hill.				
Recommendation(s):		1) Refused 2) Approve		
Application Type:		1) Full Planning Permission 2) Listed Building Consent		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	24	No. of responses	06	No. of objections	05
			No. electronic	00		
Summary of consultation responses:	<p>Site notice was erected on 4 August 2009 – 25 August 2009 and 24 neighbouring properties were consulted.</p> <p>A total of five objections were received from 80 Highgate West Hill, 42 South Grove House, Flat 2 and Flat 5 at 1 Holly Terrace,</p> <p>The following objection were raised;</p> <ul style="list-style-type: none">- Mature trees are very important- The area has already lost a mature sycamore and horse chestnut tree through disease- The trees planted to replace any of the lost trees will take at least 20 years to grow- I appreciate that it is necessary to repair the wall however there are many engineering solutions available- destruction of mature beautiful trees- object to permanent opening onto Highgate West Hill- volume of traffic would be increased- this would be particularly hazardous located next to a bus stop- I appreciate the owner is restoring a unique property but at a large increase to traffic- object strongly to the felling of 12 trees- not clear why the felling of one tree to provide a potentially dangerous access would be acceptable- will the applicant agree to replace any mature tree with an equivalently mature specimen- the planting of saplings is not a solution- the southern wall has character and should under no circumstances be removed unless proven to be of immediate danger to the public- replacement with a characterless modern substitute would again be an unacceptable solution- as a resident I have always been grateful to Camden Council for the preservation of trees in the area and in being rigorous to conserve them where possible- Highgate's trees are integral to the landscape which is becoming more polluted with increased traffic flow- The trees preserve the charm of this area and have a great health and ecological benefit to the environment- I cannot see why there is not some other way to repair the wall concerned without destroying these trees- I have myself employed an engineer to develop a way to carry out major works on a wall whilst maintain in the safety of existing trees and mature shrubbery- I urge you to consider the invaluable contribution the 12 mature trees make to the environment and the health of the community <p>Letters of support were received from 40 Highgate West Hill offering the following comments;</p> <ul style="list-style-type: none">- The wall is unsafe and a danger to the public					

**CAAC/Local groups*
comments:**
*Please Specify

English Heritage – confirmed that the listed building consent and planning applications should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

However English Heritage did suggest informatives and conditions to be attached to any permission granted

English Heritage GLAAS – Waiver of archaeological requirement

Highgate CAAC – No objection

Heath and Hampstead Society – Objection

Seriously concerned about the possible impact on the setting of the house as viewed from the Heath.

Heath and Hampstead Society Voluntary Tree Officer – Objection

If this wall requires rebuilding, this should be done without removing this very important line of Lime trees. Their importance is evidenced by the TPO status of trees 2302-211. They are mature trees with an important role as a pollution barrier for Witanhurst itself, are indigenous trees with an important contribution towards biodiversity and are significant visual amenity for the whole road.

It is disputed that trees 2020 and 204 are category C. Restricted rooting due to the wall in question is irrelevant for categorising a tree. The lifespan of 206 would be extended by pruning. 210 and 211 require attention including work to their neighbours – probably removal of 212, but do not deserve category C; many of their problems are remediable and they still have a significant lifespan remaining. Camden itself has been able to save a tree in a similar situation but even closer to a wall requiring repair. There are many ways of repairing walls and reinforcing them without removing trees.

Highgate Society – No objection

This wall has been leaning at a dangerous angle, and we recognise that the works, including the removal of trees as a contributory factor, are necessary.

However, we would particularly ask that a condition be made to ensure that identical materials are used in the reconstructed wall, and that the trees be of a native species characteristic to the area (e.g. Hampstead Heath) which will grow to a similar size as the existing ones, and planted as close as possible to the wall without risking future destabilisation.

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. The gardens are designated in the London Borough of Camden's Unitary Development plan (2006) as Private Open Space. 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, and is said to have been used by the Queen of England when she played tennis here as a young girl.

The 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.

Relevant History

PE9800452 and LE9800453 - Conversion of building to conference centre including retention of two flats in lodge – Approved 15/09/98

2009/3771/T - A large limb had split out of an Oak Tree leaving the remainder of the tree in a hazardous condition. The Council had no objection to the carrying out of these emergency works and noted that replacement planting would be incorporated into the landscape design plans associated with the future planning application for the site – Approved 22/09/09

2009/2596/L and 2009/2597/P - Repair and reconstruction of boundary wall with associated tree removal and replanting on southern boundary facing Highgate West Hill – refused

2009/3000/L - Internal restoration works to Grade II* Listed building in association with the creation of a single family dwelling house – Refused

2009/3171/P and 2009/3174/L - 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 – Refused

2009/3192/P and 2009/3195/L - Construction of a basement for residential use as part of Witanhurst House including terrace area and associated planting, forecourt reinstatement and landscaping plus permanent vehicular access from Highgate West Hill – Refused

Relevant policies

- SD1 Quality of life
- SD2 Planning obligations
- SD6 Amenity for occupiers and neighbours
- B1 General design principles
- B3 Alterations and extensions
- B6 Listed buildings
- B7 Conservation Areas
- N5 Biodiversity
- N8 Ancient woodlands and trees
- T3 Pedestrians and cycling
- T4 Public transport
- T10 Works affecting highways

Highgate Conservation Area Statement
Planning Obligations

Assessment

The principle material considerations relevant to the determination of these applications are summarised as follows;

- Impact upon the Highgate Conservation Area and Listed Building
- Impact upon trees
- Transport and highway issues
- Residential amenity

Preamble

The boundary wall in question is bowing out and leaning towards the street. A letter from the London Borough of Camden was sent to the owner of Witanhurst advising them of the dangerous structure on 7 April 1997. A further letter from the Council was sent on 27 March 1998 advising that a further survey regarding the stability of the wall had been carried out and the results suggested that the wall is not unstable at present. A dangerous wall structure notice was not served by the Council and as far as the Council is aware the wall has remained in situ for the last 13 years (since 1997) with no works

of repair occurring. The Council does not dispute that the wall does need remedial work. However, the surveys commissioned in 1997 and 98 recorded the lean over 10 years ago and there is no evidence to suggest it has got any worse since then.

The planning application and listed building consent applications have been submitted with a document titled 'Structural Engineers report on the proposed works to the existing wall against Highgate West Hill', written by Michael Barclay Partnership and dated 29 May 2008. This document includes six options to complete the works to the wall. Please see the options listed below;

Option	Description	Notes
Option 1	Partial road closure to demolish and rebuild wall	Trees to be removed Long road closure Risk that wall may collapse during works and damage highway
Option 2	Cutting down trees followed by installation of temporary tie backs to allow wall to be demolished and rebuilt	Trees to be removed Short/partial road closure Risk that when trees are cut down the ground behind the wall may heave and cause wall to destabilise
Option 3 (option applied for in these applications)	Temporary tie backs followed by cutting down of trees to allow wall to be safely demolished and rebuilt	Trees to be removed Short/partial road closure
Option 4	Construction of counter forts to strengthen the existing wall	Trees to be removed New structure interrupt new planting Additional costs Short/partial road closures
Option 5	Installation of tied anchors to strengthen the existing wall	Trees to be removed New structure obstruct planting Patress plates visible in street scene
Option 6	Ground anchor scheme to strengthen existing wall	Trees to be retained Road closure Patress plates visible in street scene

Options 1,2,4,5 and 6 are discounted by the applicants in their submission for the following reasons;

Option 1 may be unacceptable to Camdens Highways department as a lengthy road closure would be required.

Option 2 the trees would be cut down prior to works of removing wall are undertaken, this may result in falling debris and may be unsafe

Option 4 and 5 these options have an uncertain design life, this is unlikely to be acceptable to the building insurers and the applicant. The visual appearance of patress plates may be unacceptable

Option 6 This option is the only option which retains the twelve mature trees behind the wall. However the wall condition is not fully known and therefore the applicants could not guarantee that, once strengthened, the old masonry between the reinforced parts will not fail locally as, over time the masonry deteriorates and the trees grown. In addition the proposal would include a road closure and the visual appearance of patress plates may be unacceptable

These applications seeks consent to remove and rebuild the wall using option 3, temporary tie backs followed by cutting down of trees to allow wall to be safely demolished and rebuilt. A method statement prepared by John Doyle Construction Ltd for the works has been submitted. Initially the boundary wall will be made safe and structurally supported. Following this the brick work will be taken down. The land currently retained by the wall will be made structurally sound and the wall will then be rebuilt using the same materials. A full record of the wall as current will be made in order to aid the subsequent rebuild.

Impact upon the Highgate Conservation Area and Listed Building

This application is for the reconstruction of a 45m long section of the boundary wall fronting Highgate West Hill. The Council has no conservation objections to the principle of rebuilding the wall like for like with strengthened foundations. The existing bricks should be re-used. None of the reinforced mechanisms suggested in option 3 would be visible from the streetscene. The proposal would ensure that the wall would be replaced like for like, therefore the completed works of replacing the wall would have no detrimental impacts upon the character and appearance of the conservation area or the special architectural interest of the listed wall and setting of the listed building.

However, the 7 mature TPO trees to be removed are considered to be established and prominent features within the streetscene, they provide a unique boundary to the Grade II* Listed Building and enhance the character and appearance of the Highgate Conservation Area. The removal of these trees would not preserve the character and appearance of the Conservation Area. It is acknowledged that semi-mature trees could be replanted in this area. However, these trees would be less established in the street scene and are not considered to preserve the character and appearance of this part of the Highgate Conservation Area. In addition the loss of the mature protected trees would harm the setting of the Grade II* Listed Building.

Impact upon trees

Option 3 would include the removal of 15 trees, 7 of which are protected by a Tree Preservation Order (TPO). The trees protected by a TPO to be removed are 1x Sycamore (T2) and x6 Limes (T202, 204, 205, 206, 208 and 209), the remaining trees to be removed are protected by virtue of been located in the Highgate Conservation Area. These are a Hawthorn, Elder, Apple, Leyland cypress and a Sycamore tree. T1 a Sycamore and T4 a Horse Chestnut on the tree survey drawing have already been removed for the reason that they were found to be in a hazardous condition (Refer 2009/2200/T). Of the remaining trees to be removed the most significant trees are the Sycamore and 6x Limes T202-206, 208 and 209. These trees are covered by a TPO (Ref: C7–G8). The removal of the other trees is not objected to as they contribute little to the landscape character of the site and surroundings.

The 7 TPO trees are close to the boundary with Highgate West Hill and are a prominent feature within the street scene. They are important features in the view towards the building from Hampstead Heath and Parliament Hill. The function of these trees in these views are to screen the large Grade II * Listed Mansion house and to integrate it into the general wooded character of the ridge leading up to Highgate Village. In both long and short views these trees are considered to be a distinctive feature in

the landscape. The Highgate Conservation Area Appraisal and Management Proposals state that the trees within the Highgate Conservation Area are an important part of the local landscape and make an important contribution to the character and appearance of the Conservation Area.

The trees to be removed are on a higher ground level compared to the road and pavement of Highgate West Hill. In addition they are mature specimens which reach a height of up to 19.5m tall. The height and location of the trees close to the boundary are an attractive and prominent feature in the streetscene and add to the local landscape. The 7 TPO trees are positioned in a row adjacent to the boundary wall. The row of trees to be removed adjoins a row of younger Lime trees growing further to the north east aligning the upper section of the boundary wall. As existing there is a continuous row of trees growing along the boundary of Witanhurst, this stretches to a distance of approximately 100m. The alignment of the trees ensures that there is a continuous landscaped appearance to the application site and the visual appearance of this part of Highgate West Hill. The continuous row of trees in this location is considered to be a strong and attractive feature which enhances the character and appearance of the Highgate Conservation Area.

The proposal would remove 15 trees, including a row of 7 TPO trees adjacent to the boundary with Highgate West Hill. The trees not protected by a TPO are considered to be less prominent in the street scene and conservation area. It is considered that the removal of the 7 TPO trees along this stretch of the boundary would harm the character and appearance of the Highgate Conservation Area.

It is acknowledged that a tree replanting scheme is proposed which would include the planting of semi-mature trees to replace the removed trees. The Council could condition which specimens would be planted. However, 7 of the 15 trees to be removed are protected by a Tree Preservation Order. The purpose of a TPO is to protect trees that make a significant impact in their local surroundings. Paragraph 4.44 of the Councils UDP states that;

'Developers should not regard the existence of trees on site as a constraint, but as a valuable feature that will enhance the development as well as the wider area. the loss of trees will not be allowed solely on the basis that new planting will be undertaken elsewhere on the site'

The Michael Barclay Partnership report includes an option known as a Ground Anchor scheme which would strengthen the existing wall. It is considered that a modified version of option 6 with the installation of an anchor system would provide structural strength required to make the wall safe, eliminating the bowing and lean of the boundary wall. It would also retain all trees within the application site and would be minimally invasive to the visual character of the listed wall. The Councils preferred technique in order to complete the repair and reconstruction works of the boundary wall.

The applicants state that this Ground Anchor technique would not be acceptable to them as they could not guarantee the long term stability of masonry in the wall, it would involve a road closure, patresses would be visible and that the anchor works may damage the existing tree roots.

The Council would seek that the applicant implements a Ground Anchor technique in order to retain the existing trees. The Council commissioned Conisbee to advise on structural issues and to consider whether the Ground Anchor technique would be a feasible option. The Conisbee report agreed that the only solution put forward that retains trees is one to strengthen the existing wall by the use of Ground Anchors. In addition ground anchors would be the best solution in order to retain the historic fabric of the wall, which apart from the lean is considered to be in good condition. The Conisbee suggests a few alterations to the option 6 suggested in the Michael Barclay report, the main amendment being instead of using patresses the wall could be strengthened using techniques which would appear 'invisible'.

The Conisbee report goes on to state that their head of Heritage Engineering, has used these systems before to provide long term solutions on historic retaining walls and parapets including one dating from the 12th Century. To determine the parameters of a strengthening scheme using Ground Anchors Conisbee consulted with a specialist installer and anchor manufacturer and their design

engineer who are independent Consulting Structural Engineers.

They visited the site and produced a report which in summary confirms and sets out;

- That an anchor system is entirely feasible and practical
- The approximate number and positioning of anchors
- The existing wall would be retained and strengthened and they outline the approximate extent of additional in-situ strengthening to the wall using bed joint reinforcement and vertical Cintec anchors
- Anchors will be built into the wall and the wall strengthened so that the work will be 'invisible' on completion
- An outline programme for the works and particularly the length of time where a partial road diversion or closure may be required. Only half the road is required for the installation of the anchors only.

Considering the above and further information provided in the reports commissioned by the Council, it is considered that a Ground Anchoring technique is the most appropriate option to carry out the works of repair to the boundary wall. The Ground Anchoring technique would retain the historic wall and mature trees in the Highgate Conservation Area. The period of works would be quicker and less disruptive than other options and amendments could be made to the technique to ensure that there would be no visible patresses on the completed wall.

The Council suggested to the applicant that a Ground Anchoring technique is adopted. In response the applicant has suggested that this is not a long-term option and their engineers would not be prepared to underwrite this as a re-building option. Unfortunately the issue of whether the applicant would be able to insure works completed to the wall is not a material planning consideration. In addition the consultants report commissioned by the Council notes the risk of a tree blowing over in a storm to be far greater than the wall (once strengthened using Ground Anchor system) falling.

In summary from the information submitted with the applications illustrating six options to completing the works, the Council recommends that a Ground Anchoring technique is implemented. However, the applicant has not agreed to implement this technique. They have chosen to implement option 3, which includes temporary tie backs followed by cutting down trees and rebuilding the wall. This method is unacceptable to the Council by reason of the loss of protected trees and therefore this application should be refused.

Transport and highway issues

Most of the techniques suggested would require a road closure. The Highways department has no objection in principle to the closure of half of the road. The part road closure could be managed with traffic lights and hours of construction works to the wall. Although there is no objection in principle it must be noted that if planning permission were to be granted this would not guarantee that highways works will be implemented as they are subject to further detailed design, consultation and approval by the Highway Authority.

Residential amenity

The strengthening or rebuilding of the wall would result in a like for like replacement. The completed wall would be no taller than existing; therefore the proposed works would have no further impacts upon the residential amenity of the surrounding area.

It is noted that the construction period of the repair and reconstruction works to the wall may have impacts of noise and disruption upon the surrounding area. These impacts would be managed through a Construction Management Plan which would regulate the hours of construction and the most appropriate techniques. The Council cannot refuse planning permission for works due to impacts

that may occur throughout the construction period. However as mentioned previously the Council would seek to manage these impacts.

Recommendation: refuse planning permission and approve listed building consent.

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