

Address:	41 Highgate West Hill London N6 6LS	
Application Number:	2009/2601/P	Officer: Sara Whelan
Ward:	Highgate	
Date Received:	08/06/2009	
Proposal: Partial demolition of southern boundary wall to allow for temporary access (for a period of two years) with associated gate and landscaping to residential dwelling (Class C3).		
Drawing Numbers: Method Statement & Risk Assessment; Report on Likely Impact on Trees; PP1; B337 111 REV A; 601-E-022; 601-P-001A; 601-P-001D and SK40-090602		
RECOMMENDATION SUMMARY: Grant planning permission subject to a Section 106 Legal Agreement		
Related Application Date of Application:	08/06/2009	
Application Number:	2009/2603/L	
Proposal: Listed building consent for the partial demolition of southern boundary wall to allow for temporary access (for a period of two years) with associated gate and landscaping to residential dwelling (Class C3).		
Drawing Numbers: Method Statement & Risk Assessment; Report on Likely Impact on Trees; PP1; B337 111 REV A; 601-E-022; 601-P-001A; 601-P-001D and SK40-090602		
RECOMMENDATION SUMMARY: Grant listed building consent		
Applicant:	Agent:	
Safran Holdings Limited PO BOX 139, 9-12 The Grange, St Peter Port, Guernsey, GY1 3JL	Planning Potential Magdalen House, 136 Tooley Street, London, SE1 2TU	

OFFICERS' REPORT

Reason for Referral to Committee: Any grant of permission would require the conclusion of a Section 106 Planning Obligation relating to, inter alia, matters outside the normal scheme of delegation [Clause 3 (vi)].

This application was deferred from the 22/10/2009 and 12/11/2009 Development Control Committee meetings.

1. SITE

- 1.1 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 principle front elevation is three storeys plus attic accommodation. The subordinate 'service wing' has two storeys plus attic accommodation. The roof of both sections has dormer windows, ten on the principle elevation and eight on the service wing. The house has approximately 65 rooms. In 1914 White Allom and Co were commissioned to decorate and furnish the interior of the house. This included the music room, drawing room, study, hall and staircase, dining room, Chinese room, billiard room, the gallery and most of the bedrooms.
- 1.2 Witanhurst is said to be the second largest private residence in London, after Buckingham Palace. 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 also protected (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 when she played tennis here as a young girl.
- 1.3 The two-storey North and South Lodges (Listed Grade II) flank the main entrance adjacent to no. 1 The Grove. The left hand side was extended in the later 20th Century.
- 1.4 The Highgate Conservation Area Statement states that in the post-war period, several of the larger houses in the area were sub-divided into flats. 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.
- 1.5 The building has not been occupied since the mid 1970s. It has been largely vacant since this time, although ad-hoc uses such as filming the TV series 'Fame Academy' have taken place within the building. In 2008, the property was acquired by new owners who wish to continue the use as a single family dwellinghouse.

2. THE PROPOSAL

- 2.1 These applications seek full planning permission and listed building consent to demolish part of the boundary wall fronting Highgate West Hill and to insert temporary gates. This would provide a temporary vehicular access to facilitate the refurbishment of the Witanhurst buildings and gardens. The temporary access is sought for a period of two years and is required to allow for the entrance of vehicles which are too large to fit through the Gate House entrance. The vehicles required to use the temporary access may include fire engines and large delivery vehicles/cranes.

- 2.2 It is important to note that these applications are two of many currently submitted to the Council. The overall master plan of the site is to provide a single family dwellinghouse with additional basement accommodation and side wing accommodation. In addition the forecourt area would be rearranged and a permanent access would be provided in the same place as the temporary access. The boundary wall fronting Highgate West Hill would be 'made good' either side of the new access and the structures and gardens surrounding Witanhurst would be refurbished. Please see the table below for further information of the various applications.

3. RELEVANT HISTORY

Application no	Description	Decision
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 2009/2597/P	Repair and reconstruction of boundary wall with associated tree removal and replanting on southern boundary facing Highgate West Hill.	Pending consideration
2009/2601/P 2009/2603/L	Partial demolition of southern boundary wall to allow for temporary access with associated gate and landscaping to residential dwelling (Class C3).	Recommended for Approval.
2009/3000/L	Internal restoration works to Grade II* Listed building in association with the creation of a single family dwelling house.	Pending consideration
2009/3171/P 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.	Pending consideration
2009/3192/P 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.	Pending consideration
Not submitted to Council as yet	Terrace surrounding base of dwelling	

Not submitted to Council as yet	Alterations to lower garden area	
---------------------------------	----------------------------------	--

4. **CONSULTATIONS**

Statutory Consultees

- 4.1 English Heritage – No objection
English Heritage did suggest that an informative be attached to any permission granted, this would ensure that the works hereby approved are only those specifically indicated on the drawing(s) and that all new external and internal works and finishes and works shall match existing adjacent works.
- 4.2 Government Office for London (GOL) – No objection
The Secretary of State has considered the application and does not intend to require the application to be referred to him.

Conservation Area Advisory Committee (CAAC)

- 4.3 Highgate CAAC – No objection
The Highgate CAAC commented that this application would be acceptable provided the permission were to be for a limited period of two years.

Local Groups

- 4.4 Highgate Society – Two responses received
18/08/09 – no objection
- We understand this is required for emergency vehicles
 - Do not object to an access for a limited time but would object to a permanent access as the road is too busy
 - Ask the Councils Highway department to investigate if a temporary access is actually necessary – e.g. can a fire engine fit through the Gate House
- 02/10/09 - objection
- Wish to withdraw the previous statement indicating no objection
 - We have since learned from affected residents that their discussions with the emergency services have indicated that access for emergency vehicles through the existing gatehouse is fully feasible
 - New permanent entrance is sought simply for the convenience of the residents, to prevent service and other traffic from being visible from the main house
 - It is clearly unnecessary
 - It would constitute a major danger to traffic and pedestrians at a dangerous and, from the north, poorly-visible location on one of London's busiest and steepest hills
 - The proposal would therefore unnecessarily require the permanent removal of five important mature trees which, together with those mentioned in 2009/2595/L and 2597/P as also being removed, are a defining and highly

visible element of this part of the Highgate Conservation Area, the loss of which would neither enhance nor preserve its character but seriously damage it and diminish its character

4.5 The Heath and Hampstead Society – Objection

- Environmental and traffic implications of construction activities: concerned about the adverse impact on visitors' access to the Heath and enjoyment of its amenities resulting from the extra traffic generated in and around Highgate West Hill during the construction phase.

Adjoining Occupiers

	Original
<i>Number of letters sent</i>	21
<i>Total number of responses received</i>	09
<i>Number of electronic responses</i>	4
<i>Number in support</i>	0
<i>Number of objections</i>	09

Objections have been received from the owner/occupiers of; Flat 2 and Flat 5 at 1 Holly Terrace, 2 and 3 Holly Lodge Terrace, 80, 82, 84, 89 Highgate West Hill and 18 South Grove, on the following grounds;

- The trees are for the enjoyment of everyone, they provide beautiful screening and add to the Highgate Village Conservation Area – they should not be removed
- The trees listed in the submitted tree report state that the group of trees have very little conservation or cultural benefit – this is not the case
- Object most strongly to felling of trees
- What is the point of having a conservation area and tree preservation order if the trees are not conserved and protected?
- The temporary access would be dangerous to traffic and pedestrians
- Spillage on the road would be a hazard to vehicles
- This application does not give neighbours the full motive behind the applications
- The house already has a entrance this one is unnecessary
- Highgate West Hill is a busy through road with a high volume of speedy traffic.
- Temporary access would result in congestion outside of 84 Highgate West Hill
- The access would be located in a small area of straight road in-between two bends in the road, the road is hazardous due to the sharp bends which obscure views of oncoming traffic
- Works have been carried out to Witanhurst in the past and items too large to fit through the Gate House were lifted over the Gate House entrance
- The existing car parking spaces should be kept for residents of Highgate West Hill
- I would like to know how long 'temporary' would be for
- I would suggest S106 head of terms should read 'new access in case of emergency for fire tenders or other large emergency vehicles or vehicles with dimensions greater than 3.2m height or 2.8m width that will not fit through the Gate House, that a trained banksman be used at all times, new access shut when not in use and that the new access should only be used in emergencies and at most four times a year'.

5. **POLICIES**

Replacement Unitary Development Plan 2006

- | | | |
|-----|------|---|
| 5.1 | SD1 | Quality of life |
| | SD2 | Planning obligations |
| | SD6 | Amenity for occupiers and neighbours |
| | SD9 | Resources and energy |
| | SD12 | Development and construction waste |
| | B1 | General design principles |
| | B6 | Listed buildings |
| | B7 | Conservation Areas |
| | N5 | Biodiversity |
| | N8 | Ancient woodlands and trees |
| | T1 | Sustainable transport |
| | T3 | Pedestrians and cycling |
| | T4 | Public transport |
| | T8 | Car free housing and car capped housing |
| | T9 | Impact of parking |
| | T10 | Works affecting highways |

Other Relevant Planning Policies

- 5.2 Highgate Conservation Area Statement
Planning Obligations

6. **ASSESSMENT**

The principal material considerations 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

Impact upon the Highgate Conservation Area and Listed Building

- 6.1 This application is for the creation of a temporary access within the boundary wall fronting Highgate West Hill. This would facilitate the proposed refurbishment and extension of a Grade II* Listed building, which is on English Heritages buildings at risk register. It is proposed to bring the mansion building back into use as a single family dwellinghouse. The property has remained vacant for the past 30 years and is in urgent need of repair and refurbishment works.
- 6.2 The access is required for construction and delivery vehicles. The existing main entrance through the gatehouse fronting the corner of Highgate West Hill and the Grove is not sufficiently large for this purpose and its use could result in damage to

these structures. The Gate House structure itself is listed in its own right and is not therefore easily modified to create a substantial entrance. The width of the Gatehouse entrance is 2.7m wide and its height under the springing point of the archway is 3.2m high. This would restrict the size of vehicles using the Gatehouse entrance to 2.4m wide and a vertical clearance of 3m.

- 6.3 The proposed works to refurbish the Grade II* Listed building, including the erection of an Orangery extension and basement could not be completed by using the Gatehouse as an entrance. Wider, higher and heavier vehicles would be required to complete these works than the Gatehouse entrance would allow for. The refurbishment works would in turn enable the building to be taken off English Heritages building at risk register and bought back into use as a single family dwellinghouse.
- 6.4 In addition to the requirement of construction vehicles the access is required for use in emergencies by the fire brigade for example. The London Fire Brigade advised the applicants that the fire tenders required to access the site in case of emergency would not be able to access the site through the Gatehouse and recommended an alternative emergency access off Highgate West Hill. The London Fire Brigade Guidance Note, 'GN29 Access for Fire Appliances' requires a minimum width of gateways of 3.1m and a minimum height clearance of 3.7m. Therefore the access is also required to allow for emergency vehicles.
- 6.5 It is proposed to remove a 7.3m wide section of the existing brick wall. This after construction of the black painted posts would allow for a 7m wide opening available for large vehicles to enter and exit. The steel black painted posts would be positioned both sides of the temporary entrance. They would be fixed to the walls with a pair of green painted steel gates inserted between them. A new 150mm deep concrete apron will be laid immediately behind the wall so as to provide manoeuvring space for vehicles.
- 6.6 The entire boundary wall is a Grade II* Listed structure by virtue of it being a pre 1948 structure and within the curtilage of a Grade II* Listed Building. The retaining wall which fronts Highgate West Hill is not a listed structure within its own right. The area of the brick wall in the south east corner of the application site comprises plain brickwork. The brickwork to the south west of the application site (lower down Highgate West Hill) is considered to be more elaborate.
- 6.7 The area proposed for the temporary access would be a maximum of 7.3m wide. The entire brick boundary wall is approximately 100m long. Therefore the proposed works to the wall would only comprise a small section of the entire boundary treatment to the building.
- 6.8 The area of the brickwork wall in question is considered to be of plainer detail compared to the sections of the wall located further down Highgate West Hill. It is important to note the size of the area of the brick wall which is to be removed compared to the continuous expanse of the remaining sections of the brick wall. It is not considered that the proposed works would dominate or have any detrimental impacts upon the character and appearance of the boundary treatment of the Grade II* Listed building or wider Highgate Conservation Area.

- 6.9 The proposed access gates would be of a similar height to the existing boundary walls. Therefore the temporary access gates would maintain the proportions of the boundary wall and be read directly in line with the existing boundary wall. It is considered important to maintain the height and continuous enclosure of the boundary treatment to this property. Therefore a section 106 head of term would be attached to any permission granted stating that the temporary access should be locked shut when not in use. It is considered that the visual appearance of a continuous boundary treatment fronting Highgate West Hill would preserve the character and appearance of the Highgate Conservation Area.
- 6.10 A variety of conditions would be attached to any permission granted to ensure that the method of installing the temporary access would be suitable to the boundary wall. It is considered that instead of 'saw cutting' the wall which would result in a scar in the wall the opening in the wall should be created manually, so as to allow for the reinstated brickwork to be properly bonded back in. In addition as much as possible the bricks of the wall should be saved for re-use; this would require the wall to be dismantled carefully by hand. A condition would be attached to any permission granted securing that all works of removal and reconstruction would be carried out manually by hand.
- 6.11 It is important to note that although these applications seek a temporary access for a period of two years, the applicants have submitted planning applications and listed building consents to establish this access as a permanent feature. The rationality behind seeking consent for this access to become permanent would be for servicing requirements to the refurbished single family dwellinghouse and to allow for fire engines and other wide/tall loads to access the application site. The permanent access does not comprise part of these applications. Therefore the proposed permanent access cannot be taken into consideration when assessing these applications for a temporary access.
- 6.12 For the purposes of these applications, the applicants have stated that they would require the access for a period of two years and would make the access good with brickwork to match the existing wall upon completion of the temporary access use. It is on this basis that the applications have been assessed.

Impact upon trees

- 6.13 The proposed works would require the removal of four Lime trees (known as 217, 218, 219 and 220). These trees are young or middle aged specimens planted at some time between 1947 and 1971 as replacements for larger trees that formerly stood in this location. The trees close to the location of the proposed temporary access are not covered by a tree preservation order. However, they are protected by virtue of been located within the Highgate Conservation Area. The trees are considered to contribute to the character and appearance of the conservation area.
- 6.14 The location of the temporary access has been considered at different positions which may allow for the retention of the existing trees. The access could not be located further to the east, as it would interfere with the clear zone area located either side of the pedestrian access. If the proposed access were to be positioned

closer to the Gatehouse entrance the pedestrian crossover would need to be moved. The Councils Highways team have advised that there are no other possible positions for the pedestrian crossover as it is required to be in a convenient position in relation to the bus stop.

- 6.15 The ground level of the forecourt of Witanhurst is higher than the level of the adjacent footpath. Therefore the access could not be positioned further to the west as the difference in land levels would be too great and would require a ramp onto the pavement. In addition any position further west would also include the removal of trees.
- 6.16 The proposed location of the access is therefore considered to be the only viable position, as it provides level access from Highgate West Hill, maintains the safety of the pedestrian access and provides good sightlines and visibility splays.
- 6.17 It is unfortunate that the proposal would result in the loss of trees, however it is acknowledged that there is no alternative to this. The consideration of the loss of four young/middle aged Lime trees must be weighed against the restoration of the Grade II* Listed building and Grade II Listed structures within the curtilage of the application site. The temporary access is required to allow large vehicles to undertake the refurbishment and any future development of Witanhurst.
- 6.18 The Grade II* Listed building is on the English Heritages building at risk register. It has been vacant for over 30 years and the current owners are seeking consent for the temporary access to refurbish the building and bring it back into use as a single family dwellinghouse. This is welcomed by the Council and English Heritage. Although it is regrettable that four trees would be removed, the Council considers that when weighed against the refurbishment of a building at risk and bringing the property back into use as a single family dwellinghouse, permission should be granted.
- 6.19 Considering that there are no alternative locations for a temporary access and understanding the importance of this temporary access in order to facilitate the refurbishment of the Grade II* Building at Risk it is considered that permission should be granted to remove the four Lime trees. There is a discrepancy between the submitted drawings and the submitted tree report. The submitted trees show that four Lime trees would be removed and the tree report shows six Lime trees to be removed. The Council has identified this discrepancy and does not feel that it is necessary for six trees to be removed. Therefore a condition would be attached to any permission granted stating that only four Lime trees shall be removed.
- 6.20 The minimum amount of trees would be removed to create this temporary access. The two trees directly adjacent to the proposed entrance 221 and 216 would be retained. It is noted that the removal of four trees would create a gap in the existing continuous row of trees. However, it is considered that the canopy of the remaining trees, as part of the continuous group, would provide continued screening into the site and visually stretch the overall impression of the continuity of the tree canopy along Highgate West Hill.

- 6.21 A condition is recommended requiring the sufficient ground protection of the root protection areas of the remaining trees. Upon the expiry of the two year permission the tree canopy would be repaired with semi-mature Limes of equivalent size and stature to those existing.
- 6.22 It is important to note that the Council has received planning and listed building applications for the creation of a permanent access in this location. The proposed permanent access would be in the same position as the temporary access, although it would be 1m narrower. The merits of a permanent access in this location can not be assessed as part of these applications. The applications for a permanent access to be used by vehicles which are too large to enter or exit the site via the Gate House are currently pending consideration by the Council.

Transport and Highway issues

- 6.23 The proposed temporary access would only be used by vehicles which are too large to access the site via the Gate House. This would be secured by a Section 106 legal agreement.
- 6.24 All vehicles when using the temporary access would enter the site from the east turning right into the site and they will exit in the same direction turning left onto the highway. Major vehicle movement will be required to follow a designated route to and from the A1. A Construction Management Plan (CMP) would be secured by a section 106 legal agreement. The details of this CMP include that a banksman would guide vehicles using this access at all times. When the access is not in use the access would be locked shut. The closure of the access when it is not in use would ensure that the main access to the site (through the Gate House) is obvious and would remove the confusion/temptation for vehicles to use the temporary access unnecessarily.
- 6.25 The road which the access would lead onto, Highgate West Hill does not have a weight restriction for vehicles requiring access to development sites at present. There is however, a zonal weight-restriction in the Highgate area which limits the weight of vehicles that wish to pass through Highgate (and not stop) to 7.5 tonnes. This zonal weight-restriction does not include vehicles which wish to gain access to a site in Highgate. Therefore heavy loads can use Highgate West Hill at present without any weight limitations, to gain access to a development site.
- 6.26 Concern has been raised from neighbouring properties regarding the impacts of traffic vibration upon the structural stability of properties on the opposite side of Highgate West Hill. In particular no. 80 which is directly opposite the proposed temporary entrance and which has basement accommodation underneath the footpath. The property no. 80 sits on a slope and concern has been raised that the vibration of heavy traffic loads on Highgate West Hill may firstly lead to the collapse of the basement and in turn the pavement above and secondly may result in movement of the house by virtue of it being located on a slope. The Council recognises these concerns and has visited the property in question. However it is not evident that that the property is experiencing any structural difficulties at present. In addition it is important to note that Highgate West Hill is not a restricted road at present therefore vehicles of any weight and size can use the road.

Therefore it is considered unreasonable to refuse a temporary access in this location by reason of heavy vehicles using the access.

- 6.27 In addition it is important to note that the temporary access would be opposite no. 80 Highgate West Hill, at this point where a vehicle is being guided into the entrance by a banksman the vehicle would not be moving at a fast speed, therefore although the load may be heavy the speed would be slow and this would limit vibration to a minimum.
- 6.28 The visibility splays and track lines of a vehicle entering and exiting the site via the temporary access have been submitted to the Council. These drawings show that vehicles would be able to turn into the temporary access without disrupting parked vehicles. No parking spaces would have to be suspended or removed by reason of the temporary access.
- 6.29 In summary the visibility splays and turning space for access and egress are considered acceptable. The temporary access would be used only by vehicles which are too large to use the Gate House and the access would be locked shut at all other times.

Residential amenity

- 6.30 Objections have been received from neighbouring properties in relation to impacts of noise and disturbance as a result of the proposed temporary access. As mentioned previously the temporary access would be used only for vehicles which cannot fit through the Gate House. The details of the Construction Management plan indicate that all vehicles will be directed by a banksman and would be travelling at slow speeds in the immediate area of Witanhurst in order too prepare to turn right (as all vehicles will be travelling eastwards) and enter the site. It is considered that the limited use of the temporary access would ensure that any disruption to nearby residents would be kept to a minimum.
- 6.31 Although the temporary access would be used for essential use only, it is considered necessary to attach a condition limiting the hours of use. This would ensure that deliveries etc would not occur via the temporary access at unsociable hours. It is considered appropriate that the temporary access can be used from 8am – 6pm Monday – Friday and 9am – 1pm on Saturdays and not at all on Sundays and Bank Holidays. This would ensure that the residential amenity of the surrounding occupants is protected.

7. CONCLUSION

- 7.1 In summary the proposal of a temporary access for two years is considered to be acceptable. The works would require the removal of part of the boundary wall, however the bricks removed would be retained and reused when reconstructing the brick wall. The detailed appearance of the temporary gate would be subject to a condition and the gates would remain shut when not in use. This would preserve the appearance of the solid boundary treatment fronting Highgate West Hill and the character and appearance of the wider Highgate Conservation Area. The proposal

would result in the loss of four Lime trees, however these are young or semi mature saplings and their removal is not considered to result in a significant impact upon the continuous canopy of trees which characterises Witanhurst. In addition a replanting scheme would be agreed by the Council and implemented after the temporary access has been removed. The temporary access would only be used in essential cases where vehicles cannot fit through the Gate House. This would protect the Grade II Listed Gate House building and the infrequent use of the access, which is to be controlled by a banksman and only used within certain hours. This is considered to be acceptable in transport terms and would not have any significant impacts upon the residential amenity of surrounding properties.

8. LEGAL COMMENTS

- 8.1 Members are referred to the note from the Legal Division at the start of the Agenda.

9. RECOMMENDATION

- 9.1 That planning permission be granted subject to conditions and to the satisfactory conclusion of a Section 106 Planning Obligation covering the following heads of terms:
- Construction Management Plan
 - Financial contribution to create a temporary crossover, reinforce the footway and to repave this footway along the frontage of the site to take the load of heavy vehicles and to tie the work in to the surrounding public highway and make good any damaged caused during construction
 - The temporary access would be locked shut when not in use
 - The temporary access would be used by those vehicles too large to use the Gate House entrance only