

MINISTRY OF HOUSING & LOCAL GOVERNMENT
WHITEHALL, LONDON, SW1

Any reply to this letter should be addressed
to THE SECRETARY quoting reference



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Your Ref: 2/KS

2/11 November, 1958.

Gentlemen,

Town and Country Planning Act, 1947 - Section 16
Residential development at
No. 46, Highgate West Hill, N.6.

1. I am directed by the Minister of Housing and Local Government to say that he has considered the report of his Inspector, Mr. V.H. Loney, A.R.I.B.A., A.M.T.P.I., who held a local Inquiry into the appeals by the Misses E.G. and K.P. Dickinson against the refusal of (a) the London County Council, (b) the Hornsey Borough Council acting on behalf of the Middlesex County Council as local planning authority, to permit the conversion of No. 46, Highgate West Hill into two maisonettes, the conversion of a former school building adjoining that property into a dwelling-house and the erection on land at the rear of three garages and a dwelling house.
2. No. 46 is a vacant semi-detached house containing a basement with four floors above, lying to the western side of Highgate West Hill and approached by an access way leading from that thoroughfare. The same access way serves No. 45, the adjoining property, although a further unused access separated from the other by a triangular shaped area of coppice still exists. Against the north-east side of the house is a high single-storey structure with a gallery along one internal wall; this building, which is also vacant, was last used in connection with the remainder of the property as a private school. To the rear of the house an extensive area of open land reaches northwards to Hampstead Lane to which it has a frontage of about 73 feet. The major portion of this area has an asphalt surface and originally served as a playground in connection with the school use. The remainder of the open area forms a small garden immediately to the rear of No. 46. Part of the site lies within the Borough of St. Pancras in the County of London and the remainder is in the Hornsey Borough Council area within the County of Middlesex.
3. For your clients it was explained at the Inquiry that many years ago the existing property had commenced to be used as a boarding and day school with your clients' father as one of the masters. He had become the Principal in 1885 and had purchased the freehold in 1924. The school was continued until 1929, and thereafter your clients' father had remained in occupation, together with his wife and daughters, until his death in 1931. His widow had died in 1947, leaving your clients in occupation until January, 1958, when they had been compelled for financial reasons to acquire and move to a smaller house. The necessary financial arrangements were such that it was essential that the appeal site should be sold to the best possible advantage. Its present value would not permit of a return sufficient to ensure a living for your clients, but if the present proposals were allowed the value of the property would be enhanced. Both local planning authorities had refused permission on the grounds that the proposed density would be too high and the site would be overdeveloped. It appeared, however, that in calculating density the Councils had excluded the entrance driveway and forecourt areas. While it was true that the freehold of the forecourt, coppice and both driveways belonged to No. 45 Highgate West Hill, the property forming a pair with that under appeal, the latter had a permanent right of way over both driveways and it appeared logical and proper that a proportion of these undeveloped areas should

Messrs. Braund and Hill,
Solicitors

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be included for purposes of density calculations. The Council had obtained a figure of 56 persons per acre but a more accurate figure would be 39. Further, the effect of the local authority boundary line across the site was to place part of the land within an area zoned for a maximum of 30 persons per acre, with the remainder falling within a zoning of 50 persons to the acre. It appeared to be suggested, however, that development should be measured against the smaller figure in relation to the whole site. But whether the density was at 56 or 39 persons per acre, it was not excessive for the area in question. There was considerable open space adjoining in the form of private gardens and the extensive water reservoir nearby, which would continue to emphasise the open character of the immediate surroundings. There could be no doubt that the proposals would provide much needed units of living accommodation, and they represented the only reasonable scheme for the future of the existing house.

4. For the local planning authorities it was said that the existing house, but not the schoolroom, was included in the list of buildings of architectural or historic interest. That part of the site within the London County Council's jurisdiction came within an area originally proposed in the Development Plan for a density of "less than 70" persons per acre, but this suggested density figure had been reduced by the Minister to its present maximum of 30. The Council's density calculations showed your clients' proposal as excessive, and the alternative method of calculation suggested was not considered appropriate. Nevertheless it was the hope that the main building would be preserved if at all possible. If the application had for example been confined to the conversion of the house and school building to provide three units of accommodation, it might well have received favourable consideration despite the resulting high density. The principle difficulty was the proposed new dwelling, which added an additional unit. If the house and schoolroom were to be converted then it was contended that the playground area should be preserved as open space, and laid out as a garden or gardens to serve and form a proper setting for the three residential units resulting from the conversion, with possibly a small area reserved for garages. The proposal as at present submitted made insufficient provision for garden space. The surrounding area was one of special and unique character consisting of open, low density development; many properties were scheduled as being of architectural or historic interest.

5. In his report to the Minister, the Inspector said that he agreed that the use of the site for four units of accommodation in the manner proposed would constitute over-development - not only by way of persons per acre but by the creation of at least three units which would be almost entirely devoid of garden space. On the other hand, the Inspector said, to limit the number of units to three, for instance by the conversion of the house and schoolroom, leaving the whole of the remainder of the site for use as private open space would have several disadvantages. The bulk of the open space in question is paved and the breaking up and removal of this surface covering to the considerable area involved, coupled with the necessary importation of new top soil, would be an expensive operation. It was difficult to see how this conversion was likely to be achieved, and in its present state, the old playground would remain as an ugly untidy expanse. The use of the site for three living units would however be acceptable on density grounds and could be made acceptable in other respects. It was, therefore, for consideration which residential unit should be omitted. In the Inspector's view, a small well-designed modern house on the Hampstead Lane frontage would be far preferable to the probably unsatisfactory living unit that would result from any attempt to convert the old school building. The new house would have its own garage incorporated, reducing to two the number of garages needed for the remaining units. If these were sited as now proposed, however, a considerable area would be taken from the garden of the new house in order to form a new access to them whilst their actual site would be better utilized as private open space in connection with the maisonettes. The Inspector suggested that a possible use for the schoolroom building was as garages to serve the maisonettes: alternatively it could be demolished to make way for two garages. This matter was, however, one for

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your clients and the local planning authority. The Inspector accordingly recommended that the appeals should be allowed to the extent that they related to the erection of a new house and garage fronting Hampstead Lane and the conversion of the existing house, subject to later approval of detailed plans.

6. The Minister agrees with the Inspector's conclusions and recommendation.
7. He has accordingly decided to allow the appeal to the extent that he hereby grants permission for:-
 - (i) The conversion of No. 46 Highgate West Hill into two maisonettes and
 - (ii) The erection of a dwelling-house with its own garage on that part of the site having a frontage to Hampstead Lane.

Subject to the condition that the siting, design, and external appearance of all new building works shall be as may be agreed by the local planning authority concerned, or in default of agreement, as shall be determined by the Minister.

8. The Minister hereby refuses permission for:-
 - (i) The conversion of the building adjoining the east side of No. 46 Highgate West Hill, formerly used as a school room, into a dwelling, and
 - (ii) The erection of a block of three garages in the south west corner of the former playground with access from Hampstead Lane.

9. This letter is issued as the Minister's formal decision on the appeal. It does not purport to convey any approval or consent which may be required under the Town and Country Planning Act, 1947, otherwise than under Section 14 of that Act, or which may be required under any other Acts, including byelaws, orders or Regulations made under such other Acts.

10. A copy of the Inspector's report will be supplied if a request for it is made to the above address within one month from the date of this letter.

I am, Gentlemen,
Your obedient Servant,

A. E. HICKINBOTHAM

Authorised by the Minister
to sign in that behalf.

COUNTY COUNCIL OF ...
COUNTY PLANNING DEPARTMENT.
25 NOV 1958