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Recd.
K11/21/E/8903033 [2102] 11/12/90
9003088(R) [3095]
DISMISSED
SR

Heffernan and Associates
Architects
35A Pond Street
LONDON
NW3 2PN

Your Reference:
381-12/DH/YH

Our Reference
T/APP/X5210/A/90/160166/P5
Date:

23 NOV 90

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY EMERALD HOUSE DEVELOPMENTS
APPLICATION NO:- PL/9003088/R1

1. I have been appointed by the Secretary of State for the Environment to determine this appeal which is against the failure of the Council of the London Borough of Camden to decide, within the prescribed period, an application for planning permission to erect an extension to the existing builders office premises and provision of one bedroom flat at 96A Highgate Road, London, NW5 and for the erection of an extension to the existing garage and workshop, part office use at 98A Highgate Road.

2. I have considered the written representations made by you and by the Council, together with those from neighbours. I have also taken account of representations made direct to the Council which have been forwarded to me. These include letters from the College Green and Little Green Residents Association and from the Highgate Society. I inspected the site on 22 October 1990. I conclude that the main issues in this appeal are, first, the effect on the sunlight to, outlook from and privacy of neighbouring dwellings, secondly, the effect on the character and appearance of the Highgate Conservation Area and finally, whether the scheme would be likely to result in material congestion and danger on the Highgate Road.

3. The scheme would cover most of the site area, but the ground floor would not extend above the top of the garden wall of No 10 College Green. No loss of light would therefore result from the ground floor element. The first floor element would be further from, though still close to, the rear of the houses on College Green and the evidence indicates that there may be marginal gains and losses in the amount of sunlight reaching these properties. The amount of sunlight they currently receive is limited, because of their orientation and the height of surrounding properties, but, in my view, the scheme would not result in an unacceptable loss of sunlight.

4. I am more concerned about the effect on the outlook from the nearby houses. A new 2 storey element would be introduced very close to the boundaries of 96 Highgate Road, so that the rear of this house, apparently in residential use, would have a severely restricted outlook: at present there is only the 2 storey building close and immediately to the east. The 2 storey part would extend past the rear of No 98



and contribute to the enclosure of the prospect from the rear windows and garden. However, removal of the garage on the boundary between the 2 properties would improve matters. The outlook from the backs of houses in College Green would be altered for the worse, the open areas behind them would be almost entirely filled in and the outlook from their first floors would be closed off by the new 2 storey elements, which would be close to the windows. I therefore find that the effect on the outlook would be unacceptably enclosing.

5. In high density areas some overlooking is unavoidable and much of the privacy problems caused by the glazed areas at first floor close to many properties could be overcome by using obscure glass. Nevertheless, the sensation of activity close to the houses, especially in the case of No 96, and of the potential for overlooking are not insignificant objections. The objections add weight to my conclusions on the question of outlook and I find sound and clear cut reasons to refuse permission based on the effect on the amenities of the nearby residents.

6. The site, being partly open, forms a break between the Victorian properties to the south and the excellent terrace to the north. This terrace is set back from the road so the site also marks a step back in the building line. The garage at [redacted] is not attractive and there are several modern buildings in the neighbourhood, though these are not notable for their architectural quality.

7. In this setting, I would not set my face against a plain, modern building which respected the proportions and design of the buildings on either side. Nor do I find a 2 storey building inappropriate to the frontage. The Council consider that improvements could be made to the street elevation. In my view the large void for access and parking, the car parking areas in front of the building, the apparently random proportions of the windows and the design of the roof would jar against the more harmonious proportions and design of the adjacent buildings. I consider that much more could be done to enhance the appearance of the area.

8. A further aspect of the character of the area is the gardens at the rear of Highgate Road and College Green. These are small, but the sense of openness they provide is no doubt appreciated by the residents. Covering the vast majority of the site with building would significantly harm this aspect of the character of the area. Notwithstanding that the scheme would result in the removal of an unattractive building, it is my view, after giving special attention to the desirability of preserving or enhancing the character or appearance of the area, that the design of the scheme is unacceptable.

9. Open areas are shown at the front of the site which could be used for parking. The space would be cramped, but if only one car were parked on the site, there may be space to manoeuvre so that it could turn without too much difficulty. This would enable it to leave and enter the site forwards. However, it would be difficult to prevent cars parking here and in these circumstances it seems likely that cars would attempt to leave the site by backing out. This movement would also be likely to put pedestrians at risk, in particular because the visibility to the south is poor. To my mind the site would be inconvenient and awkward for parking and is likely to result in manoeuvres which would cause congestion and danger on the busy Highgate Road.

10. The existing uses on the site are a repair garage and a builders yard, neither is attractive to look at and they are both likely to cause nuisance to the residents. Residents would be happy to see some redevelopment for offices. The Borough Plan seeks to retain existing employment uses and to discourage the growth of offices. This scheme would be comparatively small and would replace unneighbourly uses: in the circumstances, I do not consider the policy objection to

outweigh the benefits of the scheme. However, I do find sound and clear cut objections based on the effect on residential amenity, the character of the conservation area and traffic congestion. Although the plot ratio is below that recommended in the Environmental Code, the objections are an indication that the scheme would be an overdevelopment of this very restricted site.

11. Having considered all other matters raised in the appeal, I find nothing to alter these conclusions.

12. For the above reasons and in exercise of the powers transferred to me I hereby dismiss your clients' appeal and refuse planning permission.

I am Gentlemen
Your obedient Servant

A handwritten signature in black ink, appearing to read 'R H Baker', with a long horizontal flourish extending to the right.

R H BAKER BSc MA ARICS MRTPI
Inspector