

Camden Council  
Planning  
4<sup>th</sup> Floor  
Camden Town Hall Extension  
Argyle Street  
London  
WC1H 8EQ

28<sup>th</sup> November 2013

Dear Mr. McEllistrum,

**Planning Applications (2013/6674/P)**  
**1-11A Swains Lane & 109-110 Highgate West Hill London N6 6QX**

## Introduction

On behalf of my clients, the owners of [REDACTED] which backs on to the north east corner of the application site, I strongly object to the above application.

## Background

In September 2001, applications for planning permission (PEX0100720) and conservation area consent (CEX0100721) to redevelop the site for a mixed use development comprising five ground floor commercial units and eighteen flats above in a building of three and four storeys. The application was due to be reported to committee with a recommendation for refusal but was withdrawn by the applicant prior to determination. The recommended reasons for refusal stated:

### **Reasons for Refusal for PEX0100720**

*(1) The proposed development would by reason of its height and massing represents an over development of the site, which would be out of scale and character within the context of the surrounding area. It would be detrimental to long distance views through and from the surrounding Conservation Areas and to the setting of surrounding listed buildings. Overall it fails to relate satisfactorily to its surroundings, falling neither to preserve nor enhance the character or appearance of the Dartmouth Park Conservation Area or adjoining Conservation Area. This is contrary to policies EN1, EN13, EN14, EN16, EN31 and EN35 of the London Borough of Camden UDP 2000.*

*(2) The proposed development would by reason of details of its design and appearance would constitute an undesirable form of development, detracting from the character and appearance of this part of Dartmouth Park Conservation Area, and would appear as an intrusive and incongruous development in context with the street scene, specifically in relation to the roof form, entrances to residential units, size and design of shop fronts and balconies and balustrade. This is contrary in terms of policies EN13, EN14 and EN31 of the London Borough of Camden UDP 2000.*

**(3) The proposed parking layout and lack of satisfactory service vehicle access does not comply with Council standards. Therefore the proposal is likely to prejudice the safety of pedestrian and vehicle users as a result of kerbside parking at the front and unsatisfactory parking and servicing arrangements at the rear. The proposal would therefore be contrary in terms of policy TR17, TR22, DS7 and DS8 of the London Borough of Camden UDP 2000.**

**(4) The proposed development would by reason of its excessive density represent an over intensive form of development of this site, detrimental to the amenities and character and appearance of the surrounding area. This is contrary in terms of policy HG10 of the London Borough of Camden UDP 2000.**

**(5) The proposed development would result in an unacceptable mix of residential units, failing to provide for family sized units, including proposals for affordable housing mix. This is contrary to Policy HG16 and HG11 of the London Borough of Camden UDP 2000.**

#### **CEX0100721 Refuse Conservation Area Consent**

**(1) As indicated in Policy EN32 of the Adopted Unitary Development Plan March 2000, it would be inappropriate to grant Conservation Area Consent for demolition in the absence of an approved replacement scheme.**

In July 2003, applications for planning permission (PEX0200580/P) and conservation area consent (CEX0200638/C) to redevelop the site for a mixed use development comprising seven ground floor commercial units and flats above in a building of two and three storeys. The application was withdrawn prior to determination.

The current applicant's planning statement states in paragraph 4.5 that:

*The scheme now the subject of this planning application responds to issues raised during the consideration of these two previous applications. It is a much improved scheme which has been the subject of considerable pre-application consultation to address issues raised by the local community.*

I will demonstrate that the new application does not respond positively to the previous concerns. Before setting out the detailed concerns, I comment on the proposal description and lack of supporting information.

#### **Lack of Supporting Information**

There are two significant omissions in the application. First, there is no construction management plan. This is an important part of most applications, even more so on a site like this with historic and physical constraints.

Second, there is no basement impact assessment as required by Policy DP27 (basements and lightwells) of the adopted Camden Development Policies 2010 and further detailed in Camden Planning Guidance Basements and lightwells CPG4.

In light of the above, I'm surprised the application was validated.

#### **Planning Policy**

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, applications for planning permission should be determined in accordance with the Development Plan unless other material considerations indicate otherwise. The Development Plan for this area

principally comprises the London Plan (2011), Camden Council's Core Strategy (2010) and Development Policies (2010).

Other material considerations include the Council's Planning Guidance Notes and the National Planning Policy Framework (2012).

## Planning Issues

### Heritage

The site is located in the Dartmouth Park Conservation Area. In January 2009, the Council adopted an Appraisal and Management Statement for the conservation area. The site and specifically the existing parade of shops are identified as *Positive Buildings*. Immediately to the north of the site, 9 and 10 St Anne's Close is also identified as *Positive Buildings* and 107 and 108 Highgate West Hill and St Anne's Church are statutorily listed. There are no *Negative Buildings/sites* nearby.

Paragraph 7.95 of the Appraisal and Management Statement states:

*The north side of the western end of this road contains an unusual single storey curved shop parade, Nos.1-11A, which contributes substantially to the character of the area in design, scale and function., a recent redevelopment proposal arousing 369 individual objections. Rising above it is the spire of St. Anne's Church. The eastern, three-storey range of the shopping frontage is in the Holly Lodge Estate Conservation Area. The southern side has a number of 20 century houses of mixed style.....*

Paragraph 7.96 goes onto state:

*The junction of Swains Lane, Highgate Road and Highgate West Hill is an important landmark in the area. The views along Highgate Road to the shopping frontage, the views along Swains Lane, the vista northwards towards St. Anne's Church and its attractive broach spire (visible over the single-storey shops in Swains Lane), meet at this point.*

Appendix 2 of the Statement then states, inter alia that 1-11A Swains Lane are buildings that make a **positive contribution to the character and appearance of the conservation area.**

The site also adjoins the Holly Lodge Conservation Area for which an Appraisal and Management Statement was adopted in 2012. This identifies the adjoining terrace of properties immediately to the east of the application site on Swains Lane as *Positive Buildings*.

Notwithstanding the above, the applicant has sought to downplay the significance of the heritage assets. In fact the applicant's Planning Statement states in paragraph 7.50 that 1-11A Swains Lane of *low significance value, which make a limited contribution to the significance of the wider conservation area...* The paragraph then goes onto state that the low value of the parade should be weighed against the *substantial public benefits of the redevelopment scheme*. However, such public benefits have not been set out by the applicant other than a brief reference in paragraph 4.9 of the Heritage Impact Assessment (HIA) to what is considered to be a well designed scheme, the provision of flats, commercial units and creation of jobs. Leaving aside the value of the heritage asset, I do not consider there are any significant public benefits including those purported to be public benefits by the applicant.

Despite the fact the Dartmouth Park Conservation Area Appraisal and Management Statement was adopted recently, the applicant's HIA seeks to downplay the significance of the parade. In this respect, paragraph 3.16 of the HIA states:

*The majority of properties within the site (with the exception of the garages) have, however, been identified within the Dartmouth Park Conservation Area Appraisal as positive contributors to the Conservation Area. Whilst we consider that this over-states the significance of the current buildings, they have, nonetheless, been considered as non-designated heritage assets for the purposes of this HIA.*

More importantly the HIA states in paragraph 4.4 under the heading *Impact on Heritage Assets*:

*Overall, therefore, we consider that the existing site buildings do not make a positive contribution to the character and appearance of the Conservation Area. On this basis, we consider that the Council's Conservation Area Appraisal over-states the significance of these buildings.*

It is interesting to note that there is in fact no actual assessment of the value of the parade in the applicant's HIA to counter the Council's view that the parade has significant value. This is a major flaw in the applicant's case for demolition.

The applicant's comments must be considered in the context of Policy DP25 of the Development Policies which states, inter alia, that in conservation areas the Council will:

- c) *take account of conservation area statements, appraisals and management plans when assessing applications within conservation areas;*
- .....
- c) *prevent the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area where this harms the character or appearance of the conservation area, unless exceptional circumstances are shown that outweigh the case for retention;...*

In relation to a), the conservation area Appraisal and Management Statement specifically states that:

*...the Council will normally expect all buildings that make a positive contribution to the character or appearance of the conservation area to be retained, unless their loss is considered to be justified.*

In relation to c), the total demolition of the parade has not been justified as an exceptional circumstance.

The fact of the matter is that in a relatively recent appraisal (2009), the Council has identified the existing parade as one ***which contributes substantially to the character of the area in design, scale and function...*** The applicant has not provided any justification to counter this view other than to refer to a few very general exceptional circumstances. At the very least I would have expected the applicants to prepare their own value assessment of the parade.

As such, and in accordance with the Core Strategy (Policy CS14), Development Policies (Policy DP25) and the NPPF, the removal of this parade must be resisted. Therefore permission must be refused.

#### *Scale/Design*

The heritage value of the existing parade is in part derived from it being single storey and affording views of the listed Church to the north. As such, an increase in height would, in theory, detrimentally impact on the character and appearance of the conservation area. Nevertheless, my client recognises that sympathetic design can in fact maintain and indeed in some circumstances enhance the conservation area. However, three storeys are considered excessive in this location.

In fact, the 2003 application (see above) comprised part two and part three storey development but was withdrawn by the applicant due to concerns. In addition, the 2001 applications were also withdrawn as they were recommended for refusal. In this respect, the scheme comprised a three and four storey building both of which were considered unacceptable. As officers considered that such height did not reflect the existing scale of buildings on the site.

Whilst the design picks up on a traditional architectural style, it has not been executed in a way that will compliment the area. This is disappointing given the heritage assets on the site and nearby including buildings considered to make a positive contribution to the conservation areas and listed buildings.

In light of the above, I consider that two very carefully designed storeys at most might be acceptable on this site. Three storeys are unacceptable as is the design. Therefore, the proposal will conflict with the Core Strategy (Policy CS14), Development Policies (Policies DP24, DP26 and DP26), CPG1 (Design) and the NPPF.

#### *Residential Amenity*

My client is specifically concerned about two issues. First overlooking, outlook and privacy and secondly the use of Church Walk from its junction with Swains Lane.

With regard to the first point, my client's properties have several habitable room windows on their rear elevations looking directly toward the proposal. Currently this is not an issue as the existing parade is single storey. The introduction of a three storey building with the upper floors comprising residential (bedrooms and bathrooms) will undoubtedly lead to overlooking. Even if these windows were obscured, there would still be concern about perceived overlooking.

In light of the above, the proposal conflicts with the Development Policies (Policy DP26) and CPG 6 (Amenity).

Church Walk is a private road owned by one of my clients. The proposal shows what is an open access to the proposed building (flats, bike shelter and refuse) directly from Church Walk. This is unacceptable.

Furthermore, there are significant concerns about the illegal use by shoppers looking to park and indeed delivery vehicles parking on Church Walk. This currently happens and will be exacerbated given there is no parking for the proposed retail units and no dedicated parking for refuse vehicles.

I appreciate this is in part not a planning matter; nevertheless there is no need for an open access from the proposed building onto Church Walk. Removal of this access will reduce the possibility of illegal use of Church Walk.

#### *Car Parking*

The drawings show 5 spaces although the transport report refers to 6. According to the transport report the site has a PTAL of 2/3. However, I believe it has a PTAL of just 2 which is poor. On this basis, the provision of just 5 spaces for 13 flats and no car parking for the retail units is unacceptable and will inevitably lead to on-street pressure which is utterly contrary to Council policy and will potentially lead to highway safety problems.

In light of the above, I consider the proposal conflicts with the Core Strategy (Policies CS1 and CS11), Development Policies (Policies DP18 and DP19) and the NPPF.

#### *Density*

I have calculated the density of the proposal as 250 habitable rooms per hectare which is at the upper limit of the London Plan (150-250). However, my calculation does not take account of the proposed retail element which equates to 635m<sup>2</sup> of floorspace. Using a simple calculation of an average of 60m<sup>2</sup> per flat, the retail space could generate in the region of 10.5 flats which equates to approximately 26 habitable rooms. On this basis, the density would be in the region of 394hrha which is way beyond the London Plan upper limit. I consider this is a clear indication that the site is over developed.

Other reasons why I consider the proposal represents overdevelopment include:

- The daylight and sunlight report demonstrates that two of the outdoor areas fail to meet the appropriate BRE standards.
- It is debatable whether or not three existing trees (identified in the arboricultural report as numbers 5, 6 and 7) will survive the construction process.
- Nine of the proposed flats do not have any private amenity space and there is insufficient public open space.

As such, we consider the proposal conflicts with the Core Strategy (Policies CS1 and CS4), Development Policies (Policies DP26) and CPG6 (Amenity).

#### *Affordable Housing*

The Planning Statement correctly identifies that the scheme should provide 179m<sup>2</sup> of affordable floorspace but incorrectly suggests this equates to just two units. However, Camden prioritises two+ bed flats which equates to three flats (2 bed 3 person) required from this proposal.

The applicant has approached several Registered Providers (RP) to seek expressions of interest. However, the approaches were made on the basis of just two flats in the East building (one social and one intermediate).

The applicant's approach is flawed for a number of reasons. First, two rather than three units were offered. Second, the units offered were restricted to the East Building rather than anywhere in the scheme and third, the offer was for one social and one intermediate rather than a variety of tenure options for three flats. Therefore, the applicant's assertion that there was no interest from the RPs is based on a very limit.

Notwithstanding the above, the applicant has not provided evidence to substantiate the claim that the RPs were not interested in what I consider a weak offer.


#### *Lack of Consultation*

Despite my clients being the closest residential properties to the site, the applicant has not approached them, either directly or indirectly. In fact, they only found out about the summer exhibition as a result of a conversation with the local estate agent.

#### **Conclusion**

In light of the above issues I consider that permission should be refused.

Yours sincerely



**Mark Pender**  
**PPM Planning Limited**