

**PLANNING SERVICES**

**TOWN & COUNTRY PLANNING ACT 1990 (as amended)**

**HEARINGS APPEAL**

**APPENDICES**

---

**APPEAL SITE**

138 - 140 Highgate Road, London, NW5 1PB

**APPELLANT**

Mr G Meehan

**COUNCIL REFERENCE:** 2014/1692/P

**PLANNING INSPECTORATE REFERENCE:** APP/X5210/A/14/2223057

---

Appendices

- 1 Appeal decision APP/X5210/A/13/2198656
- 2 Circular 11/95 (Appendix B.7)
- 3 Circular 11/95 (Part 2, paragraph 83)
- 4 Highways contribution calculation
- U Proposed plans layout
- V Historic mapping
- X Aerial Views
- Y English Heritage response
- Z Designations map



---

## Appeal Decision

Hearing held on 8 October 2013

Site visit made on 8 October 2013

**by Ron Boyd BSc (Hons) MICE**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 21 November 2013**

---

**Appeal Ref: APP/X5210/A/13/2198656**

**61-65 Charlotte Street, London W1T 4PF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Charlotte Investment Holdings Ltd against the decision of the Council of the London Borough of Camden.
  - The application Ref 2013/0014/P, dated 19 December 2012, was refused by notice dated 7 March 2013.
  - The development proposed is described as 'Creation of retail unit for composite A1/A3 use (Sui Generis) at ground floor level of Nos. 61 and 63 and basement level of Nos. 61, 63 and 65 Charlotte Street; three residential units (2 x 2 bed and 1 x 3 bed) on the upper floors of Nos 61 and 63; new residential entrance at 61. External alterations including new shopfronts to Nos. 61-65; flat roof to existing patio area, gangway platform and handrail, exhaust duct, and plant to rear'.
- 

### Decision

1. I dismiss the appeal.

### Procedural matters

2. There are minor differences in the descriptions of the proposed development as variously contained on the application form, the Decision Notice and the Statement of Common Ground. That in the heading above is as on the Decision Notice. I consider it to be the most appropriate and it is acceptable to both parties.
3. The appellants have submitted a completed Agreement under the provisions of Section 106 of the Town and Country Planning Act 1990. However, as I have decided to dismiss the appeal on matters which would not be overcome by the Agreement I shall not comment further on it.

### Main issues

4. I consider these to be:
  - Whether the proposed loss of employment floorspace can be justified having regard to (a) development plan policies concerning the retention of land and buildings suitable for continued business use, and (b) the effect of such loss on economic activity and employment opportunities within the Borough, particularly in respect of small and medium sized enterprises (SMEs); and
  - whether the proposed dining/restaurant facility would be harmful to the character of the surrounding area.

## Reasons

5. The appeal site comprises three terraced properties, Nos. 61-65, within the Charlotte Street Conservation Area on the western side of Charlotte Street between its junctions with Tottenham Street and Goodge Street. Each has four storeys with No. 61 also having an extensive basement which extends under all three properties. No. 61 is a vacant office (Use Class B1 (a)) on all floors. No. 63 previously operated as a hairdressers on the ground floor (Use Class A1) with offices on the two upper floors. A brand-building / film-production company (Magic Light Pictures Ltd) currently occupies the first floor but otherwise this building is also vacant, as is the ground floor of No.65, (Use Class A1) previously occupied by a café. The upper floors of No. 65 are in residential occupation, and other than in respect of the provision of a new shop front as mentioned below, No. 65 does not form part of the application.
6. The proposal is that the upper floors of Nos. 61 and 63 be linked by means of openings in the party wall between the two buildings to provide a residential unit on each of the three combined floors – two-bedroom units on the first and second floors and a three-bedroom unit on the third. On the ground floor retail units would be provided for the sale and display of food and drink produce – a bakery, a green grocer and dry goods are indicated on the submitted drawings. Nos. 61 and 63 would be linked internally by a double-door-width opening within the party wall to provide a combined net retail sales area of some 213 sqm. No internal works to the former café at No. 65 are included in the proposal. This would remain as a separate small retail unit. However, external works in the form of new shop fronts to all three ground-floor units would be carried out, giving the appearance of three separate shops notwithstanding the internal linking of Nos. 61 and 63. The basement would be a composite A1/A3 use with 91sqm of net retail sales area (wine and cheese indicated) and up to 183 sqm of restaurant/dining area to provide a maximum of 67 covers. This Class A3 facility would not function as a separate entity - only as part of the overall A1/A3 composite use. An additional entrance at the southern end of the street frontage of No. 61 would be created to provide access from Charlotte Street to the residential units.

### *Loss of employment space*

7. In terms of gross internal area the proposal would result in the loss of 837 sqm of existing office floor space of which 317 sqm would be from the basement area, 172 sqm from the ground floor of No. 61, and the remainder from the upper floors of Nos. 61 and 63.
8. Policy CS8 of the Council's Core Strategy 2010 seeks to ensure a strong economy in Camden by, amongst other things, safeguarding existing employment sites, with the expectation that the mix of employment facilities in the Borough will include those suitable for small and medium sized enterprises (SMEs). Policy DP13 of the Council's Development Policies states that proposals for a change to a non-business use will be resisted unless it can be demonstrated that the site is no longer suitable for its existing business use and there is no possibility of an alternative business use.
9. There is no suggestion that any business use other than offices would be appropriate for the appeal premises and I accept this to be so. In such a situation Policy DP13 explains that where a change of use has been justified the Council may allow a change to permanent residential uses. The Council's

Supplementary Planning Guidance (CPG5), paragraphs 6.3-6.5, identifies situations where this may be allowed and sets out considerations the Council would take into account in assessing applications for such a change of use from offices to a non-business use. The emerging Fitzrovia Action Plan echoes this flexible approach, particularly in the case of vacant premises originally designed as housing. However the Council's aim of ensuring that the stock of business premises is not reduced in a way that would harm business growth in general, and particularly the birth and growth of SMEs, is clearly stated, together with the recognition that relatively un-modernised premises are often the most attractive to small businesses due to their character, low cost and ease of subdivision.

10. Physical layout and condition, both existing, and that which could reasonable be achieved, are amongst relevant indicators of whether business-use premises would be suitable for a continuation of such use. The level of demand for the present use would inform an assessment of the degree of harm likely to be caused by its cessation and thus the extent of any economic reasons against such a course of action.
11. Having viewed the basement area with its complex physical layout and poor provision of natural light I consider this to be sufficient demonstration that the area is not suitable for continued office use. Accordingly, its loss would not be harmful to economic activity in Camden. I concur with the Council's Officers' Report that in this instance marketing evidence is unnecessary. I conclude that a change of use is justified.
12. The ground floor of No.61 also suffers from poor natural light and to my mind offers an unsatisfactory standard of office accommodation. As estimated by the appellants, and not disputed by the Council, the proposed conversion to retail use would be likely to provide a greater level of employment. The replacement of the present inactive office façade by a retail unit would be more in keeping with, and an enhancement of, the character of the area. I conclude that the above considerations are sufficient to justify the loss of this existing office floorspace.
13. The upper floors of Nos. 61 and 63 broadly retain the layouts of the domestic residences they originally were and are somewhat tired in appearance. Nevertheless, they comprise practically sized rooms with good levels of natural light. The occupation of the first floor of No. 63 by Magic Light Pictures indicates they are capable of providing suitable accommodation for those SMEs requiring such a basic standard of provision, and that there is some demand for such provision. Whilst the Company has arranged to move out in December, discussion with the on-site personnel gave no indication that the move was prompted through dissatisfaction with their current premises. In the light of the above I conclude that it has not been satisfactorily demonstrated that the floorspace is no longer suitable for continued office use.
14. The appeal site lies within the Central Activities Zone (CAZ), an area covering the City of London and parts of neighbouring Boroughs which is identified in the London Plan 2011 as a unique area containing a cluster of nationally and internationally important activities, including the largest concentration of London's financial and business services. The CAZ has been exempted from the recent amendment to the General Permitted Development Order which, for a three year period from May 2013, allows a change of use from office to residential (Use Class C3) without the need for planning permission.

15. The Council is concerned that the temporary ease of conversion of office space to residential outside the CAZ could lead to an overall shortage of employment space within the Borough (contrary to earlier projections of demand for such space being met, stated in the Council's Core Strategy). It contends that this possibility, together with the status accorded to the CAZ by virtue of the exemption, heightens the need to preserve employment floorspace within the CAZ.
16. The Council has advised of an increase in change-of-use development outside the CAZ since May 2013 but this does not amount to conclusive statistical evidence to support the concern of the likelihood of a future overall shortage. To my mind the consideration of change-of-use applications in the light of development plan policy and relevant material considerations provides appropriate protection of employment space within the CAZ. Development plan policies are framed to ensure the retention of employment space which remains suitable for continued employment use. A satisfactory demonstration that this is no longer the case is required to support applications for a change of use and, as I have concluded above, this has not been provided. Whether, notwithstanding the absence of such a demonstration, the loss of the employment space can be justified in the light of relevant material considerations, requires the harm caused by the loss to be identified.
17. In assessing whether, or to what extent, the loss of the facility would be harmful to the economy or employment in the Borough, evidence of the extent of demand for it is necessary. Such evidence is one of the CPG5 considerations and the guidance explains that where it would be difficult to make an assessment using the listed considerations the Council may ask for additional information in the form of a marketing assessment.
18. In putting the case for the proposed conversion to residential units the appellants assessed the proposal against the considerations listed in CPG5. The appellants point out that the premises do not include features required by tenants requiring modern office accommodation. They contend that significant investment would be required to bring the facility up to modern standards, which would not be justified by the level of rent that could subsequently be charged for what would still remain B grade office space.
19. Also that there is a significant existing supply of alternative B grade office floorspace within the area and that the premises would not meet the general demand of SMEs for short-lease, serviced, office accommodation, of which there is also a competitive supply within the area. An opinion supporting these claims has been submitted by RIB Property Consultants and details of office accommodation available in the area as at December 2012 and August 2013 have been provided. However there has been no testing of demand for the appeal premises by any marketing of the office space.
20. In this case, in the light of my conclusion above, I consider that evidence from some marketing of the office space to be necessary to identify the extent of demand and thus the strength of any economic argument against a change of use. It would inform an assessment of whether the loss of the office space could be justified through weighing the effect of such loss against such relevant material considerations including the Council's aim of maximising the supply of additional housing. The submitted claims regarding demand and the lists of alternative accommodation available, whilst establishing that there is other office accommodation available in the area, do not establish that there is no

commercial demand for the office space offered by the appeal premises. They do not amount to a satisfactory substitute for evidence from the premises being marketed, and no marketing has been carried out. Accordingly, I conclude that a convincing case to justify the proposal, notwithstanding the lack of a satisfactory demonstration that the upper floorspace is no longer suitable for continued office use, has been made.

21. The requirements of Policy DP13 have not been met and it has not been demonstrated that there is no reasonable prospect of the continued use of this floorspace for the allocated employment use of Class B1 (a) offices. The circumstances are thus not those referred to in Paragraph 22 of the Government's National Planning Policy Framework that would support consideration of alternative uses. Accordingly, and having taken the advice in paragraph 51 of the Framework into account, I conclude that conversion of the upper floor offices to residential use has not been justified.

*The Class A3 use dining/restaurant facility*

22. The Council considers the Class A3 use proposed for the basement would result in an intensification of food and drink use detrimental to the character of the area. The surrounding area is generally characterised by a mix of development including retail premises, cafes, restaurants and offices at ground floor with offices or residential accommodation above. The frontage containing the appeal properties comprises Nos. 53-69. The nine individual ground floor frontages appear to be used as an office; a café; a restaurant; a retail unit; an A1 frontage leading to a ground floor and basement restaurant; and four vacant units of which two previously operated as cafés, one as a hairdressers and one as an office.
23. The proposed A3 development in the basement would have no physical effect on the frontage but would be likely to increase footfall through the proposed ground floor A1 retail units at Nos 61 and 63 through which access to the basement would be gained. A condition that the A3 use should be limited to the hours of noon to 22:00 hours Mondays to Saturdays and noon to 18:00 on Sundays and Bank Holidays would be acceptable to both parties. As stated in the Council's Supplementary Planning Document '*Revised Planning Guidance for Central London – Food, Drink and Entertainment, Specialist and Retail Uses*' (RPGCL) this means no customers on the premises beyond the closing times. Subject to compliance with such a condition I consider there would be no unacceptable effect from the A3 use upon the character or appearance of the surrounding area as perceived from the public realm.
24. The appellants explained that the aim was to operate in a similar manner to 'The Natural Kitchen' or 'La Fromagerie' in neighbouring Marylebone. Both comprise a mix of food-related A1 retail and A3 uses and focus on day-time and early-evening operation.
25. To the rear of the buildings the A3 use would not alter the bulk of the building and the proposed rationalisation of extraction and ventilation plant would improve the appearance of the rear elevation. The proposed use of obscured double glazing to the basement roof and the imposition of conditions regarding noise levels would avoid unacceptable intrusion to the detriment of the character of the area viewed from neighbouring dwellings.

26. Notwithstanding that it would introduce additional food and drink use into this length of Charlotte Street I conclude that the A3 use as proposed would not be detrimental to the character of its surroundings. It would preserve the character and appearance of the Conservation Area by leaving it unharmed. As such I consider it would qualify as an exception to the general guidance in the RPGCL that such uses be limited to 100 sqm. As to the reference in paragraph 9.12 of the RPGCL to a maximum of 25% of units in a frontage being for food drink or entertainment uses, Appendix C of the document makes it clear that this only refers to ground floor uses.

### *Conclusion*

27. I have taken into account all the matters raised in the evidence, including that an appeal in respect of a change of use of the front part of the ground floor premises of No. 67 Charlotte Street from A1 to A3 has recently been dismissed. Every appeal should be determined on its individual merits. However, I note that there are some differences between the proposal the subject of that appeal (APP/X5210/A/12/2185792) and the one before me. The Inspector for the previous appeal concluded that the proposed change of use would detract from the mixed use character of the area through the loss of a retail use and an increase in restaurant activity. The increase in restaurant activity would be at ground floor level with the entire ground floor of No. 67 given over to A3 use. In contrast, the proposal the subject of this appeal would add an A1 unit to the Charlotte Street frontage, a positive contribution to the mixed-use character of the area. The A3 use would be contained to the basement, where it would only operate in conjunction with further A1 use. I consider these differences sufficient to preclude the two cases being considered as directly comparable.
28. However, whilst I have found that the proposed A3 use would not be harmful to the character of the area neither this, nor any of the other considerations raised in the evidence, is sufficient to outweigh my conclusion, that the proposed change of use of the upper floor offices of Nos.61 and 63 to residential use has not been justified. For this reason I conclude that the appeal should fail.

*R.T.Boyd*

Inspector

## **APPEARANCES**

### **FOR THE APPELLANT:**

Mr S Robinson	Executive Director and Head of Planning - CBRE
Mr N Belsten BSc (Hons) MRICS	Director – London Planning - CBRE
Ms S Parkinson	Associate Director - CBRE
Ms A Lee M Arch Msc	Assistant Planner - CBRE

### **FOR THE LOCAL PLANNING AUTHORITY:**

Ms E Heavey	Planning Officer
-------------	------------------

### **INTERESTED PERSONS:**

Mr M Neufeld	Secretary - Charlotte Street Association
Mr L Rees	Fitzrovia Neighbourhood Association
Mrs N Shapiro	Neighbouring resident
Mr M Thompson	

## **DOCUMENTS**

- 1 Clarification of correct drawings
- 2 Correct drawings with Schedule`
- 3 Existing and proposed sections
- 4 Charlotte Street Area Office Availability
- 5 Fitzrovia Area Action Plan – track changed version September 2013
- 6 Plan of local residential and Class A3 use
- 7 Unsigned S 106 Agreement
- 8 Location of similar combined A1/A3 use
- 9 PD rights commercial to residential – Mayor of London exemption request
- 10 Charlotte Street Conservation Area Appraisal and Management Plan
- 11 Camden Employment Land Review – Final Report June 2008
- 12 Extract from Kings Cross planning obligation re provision of small business space
- 13 Wording to define permitted business operating times
- 14 PD rights commercial to residential – Camden’s exemption request
- 15 CD – recording of Development Control Committee 28 Feb 2013- submitted 10 October 2013
- 16 Signed and dated S106 Agreement – submitted 17 October 2013



## Circular 11/95: Use of conditions in planning permission

---

## Listed Buildings

**79.** Guidance on conditions and listed buildings is contained in Annex B to PPG15: Planning and the Historic Environment (England only), which also contains advice about World Heritage sites (paragraphs 2.22-2.23 and 6.35--6.37).

## Sites of Archaeological Interest

**80.** Scheduled ancient monuments are protected by Part I of the Ancient Monuments and Archaeological Areas Act 1979, and investigation for archaeological purposes is provided for in designated areas by Part II of that Act. Where these provisions apply, their effect should not be duplicated by planning conditions (cf paragraphs 21-23 above), although authorities granting planning permission in such circumstances are advised to draw the attention of the applicant to the relevant provisions of the 1979 Act.

**81.** Where, however, planning permission is being granted for development which might affect a monument which has not been scheduled, or which might affect land in an area which is considered to be of archaeological interest but which has not been formally designated as such under section 33 of the 1979 Act, the local planning authority may wish to impose conditions designed to protect the monument or ensure that reasonable access is given to a nominated archaeologist - either to hold a "watching brief" during the construction period or specifically to carry out archaeological investigation and recording before or in the course of the permitted operations on the site. (For further advice on archaeology and planning conditions see paragraphs 29 and 30 of PPG 16: Archaeology and Planning or PPG 16 (Wales), and model conditions 53-55).

## Maintenance Conditions

**82.** A condition may be imposed, where appropriate, requiring some feature of development to be retained-car parking spaces, for example, or an area of open space in a housing scheme (a better solution, however, is that adopted in model conditions 22 and 24). A condition requiring something to be maintained, in the sense of being kept in good repair or in a prescribed manner, should be imposed only when the local planning authority are fully satisfied that the requirement is both relevant to the development which is being permitted, reasonable in its effects, and sufficiently precise in its terms to be readily enforceable. Maintenance conditions should not normally be imposed when granting permission for the erection of buildings, or for works other than works of a continuing nature such as minerals extraction.

## Conditions Requiring a Consideration for the Grant of Permission

**83.** No payment of money or other consideration can be required when granting a permission or any other kind of consent required by a statute, except where there is specific statutory authority. Conditions requiring, for instance, the cession of land for road improvements or for open space, or requiring the developer to contribute money towards the provision of public car parking facilities, should accordingly not be attached to planning permissions. However, conditions may in some cases reasonably be imposed to oblige developers to carry out works on land within the application site, to overcome planning

objections to the development eg. provision of an access road. Further advice on this and on agreements with developers to cover such matters is given in "Planning Obligations" (DOE Circular 16/91, WO 53/91).

## Conditions Altering the Nature of the Development

### Modifying proposed development

**84.** If some feature of a proposed development, or the lack of it, is unacceptable in planning terms, the best course will often be for the applicant to be invited to modify the application (if the modification is substantial, of course, a fresh application will be needed). It may however, depending on the case, be quicker and easier for the local planning authority to impose a condition modifying in some way the development permitted. The precise course of action will normally emerge during discussion with the applicant. A condition modifying the development, however, cannot be imposed if it would make the development permitted substantially different from that comprised in the application. It would thus be legitimate to require by condition that a factory proposal, for example, should include necessary car parking facilities, but wrong to grant permission for a development consisting of houses and shops subject to a condition that houses be substituted for the shops. Whether a modification would amount to substantial difference will depend upon the circumstances of the case, but a useful test will be whether it would so change the proposal that those interested in it would wish to comment on the modification.

### Regulation after Development

**85.** Conditions which will remain in force after the development has been carried out always need particular care. They can place onerous and permanent restrictions on what can be done with the premises affected, and they should therefore not be imposed without scrupulous weighing of the balance of advantage. The following paragraphs give more detailed guidance.

## Conditions Restricting Permitted Development or Otherwise Restricting Use

### Restrictions on use or permitted development

**86.** It is possible, exceptionally, to impose conditions to restrict further development which would normally be permitted by a development order, or to restrict changes of use which would not be regarded as development (whether because the change is not a "material" change within the terms of section 55(1) of the Act, or by reason of section 55(2) and the provisions of the Town and Country Planning (Use Classes) Order 1987) (SI 1987/764). Changes of use can be restricted either by prohibiting any change from the use permitted or by precluding specific alternative uses (see model conditions 48--49). It should be noted, however, that a condition restricting changes of use will not restrict ancillary or incidental activities unless it so specifies (see [paragraph 91 below](#)). Similarly, a general condition which restricts the use of land does not remove permitted development rights for that use unless the condition specifically removes those rights as well.

## Appendix B: Conditions which are unacceptable

Conditions of the following kinds are NOT acceptable (guidance on the reasons for this is given in the Annex above; references to the relevant paragraphs of the Annex are given in these examples):

1. To require that a development shall be completed within a time limit (*paragraph 61 of the Annex A*).
2. To require that means of access shall be set back and splayed in agreement with the local highway authority, when the latter are a third party (*paragraph 38*).
3. To require that no advertisements shall be displayed on the site. It is preferable for control of outdoor advertising to be exercised by means of the relevant provision in the Town and Country Planning (Control of Advertisements) Regulations 1992. Planning conditions should not normally be used to control advertisements (*paragraph 21*).
4. To require that the land in front of the buildings shall be made available for future road widening. This condition improperly requires land to be made available as part of the highway (*paragraph 72*).
5. To require that a lay-by shall be constructed and thereafter assigned to the highway authority (*paragraph 72*).
6. To require that flats, for example, should not be occupied by more than ..... persons. This condition is unsatisfactory in enforcement terms since it would be difficult to monitor and require an intolerable degree of supervision (*paragraphs 26 and 27*).
7. To require that loading and unloading, and the parking of vehicles, shall not take place on the highway at the front of the premises. This condition purports to exercise control in respect of a public highway, which is not under the control of the applicant (*paragraph 37*).
8. To require that the site shall be kept tidy at all times. This is vague and likely to be incapable of enforcement (*paragraph 31*).
9. To require that the applicants shall construct an ancillary road as and when required by the local planning authority (*paragraph 30*).
10. To require that the developer shall comply with the bylaws and general statutory provisions in force in the district. This condition is unrelated to planning control (*paragraph 20*).
11. To require that furnishings, eg the curtaining of a stage, shall be of a fireproof material. Fireproofing of furnishings of buildings is not a planning matter (*paragraph 22*).
12. To require that aircraft should only arrive or depart at an aerodrome on specified air traffic routes. This condition deals with an activity which is regulated by quite different statutory provisions and may well be unenforceable if the aerodrome developer is not

<b>Project Title</b>	S106 Estimate for	<b>Appendix 4</b>
<b>Location:</b>	138-140 Highgate Road	
<b>Client:</b>	2014/1692/P	
<b>Correspondence File:</b>		

#### ESTIMATED/MEASURED BILL OF QUANTITIES

ITEM	DESCRIPTION	QUANTITY	UNIT	SELECTED RATE	TOTAL
200.003	Take up or down and remove to tip off site precast concrete or york stone paving slabs any size type including fiber reinforced up to 65mm thick		m2		
200.033	Take up or down and remove to tip off site precast concrete channel any type and size up to areas of 0.06m2 in cross section		m		
200.064	Take up or down and set aside for reuse cast iron bollard type C		nr		
600.001	Excavation of any material in footways, verges and other pedestrian areas		m3		
600.007	Extra over excavation for excavation in hard material in footways, verges and other pedestrian areas		m3		
600.012	Disposal of any material.(except class U1B and U2 material)		m3		
600.020	Completion of formation on material other than Class 1C, 6B or rock in cuttings		m2		
200.021	Take up or down and remove to tip off site granite flat, edge or standard profile bus boarder kerb		m		
1100.004	Granite edge kerb 150x300mm, 'fine picked' finish, laid to curves not exceeding 12 metres radius		m		
1100.031	Remove from set aside area and relay flat granite kerb, laid straight or curved exceeding 12 metres radius		m		
200.022	Take up or down and set aside for reuse granite standard profile high containment kerb		m		
1100.058	65mm thick fibre reinforced Artificial stone paving, any size BS A or B on existing base or base measured separately and sand bedding 30mm thick		m2		
1100.081	150mm ST1 concrete base in footways		m2		
1100.079	Extra and any item of paving sand bedding 30mm thick for sand cement mortar		m2		
1100.073	25mm AC 10 Close Surf 100/150 PSV 150 surface course in footways on existing or on binder course measured separately		m2		
1200.034	Black painted cast iron type C St Pancras bollard		nr		
1200.044	Remove from store on site and erect Type A, B or C cast iron bollard		nr		
1200.060	Continuous line in yellow thermoplastic screed with applied solid glass beads, 75mm wide		m		
				<b>Sub Total</b>	
<b>Contractor Adjustment</b>					
<b>Baxter Increase</b>					
<b>Contingencies</b>					

		<b>GRAND TOTAL</b>	<b>£22,639.26</b>
<b>Produced By:</b>		<b>Date</b>	
<b>Checked by:</b>		<b>Date</b>	
<b>Approved by:</b>		<b>Date</b>	
<b>Revision:</b>		<b>Date</b>	

Traffic Orders

0

Part 1  
proposed first  
floor plan



ARCHITECTS

8-18 NEW NORTH PLACE  
LONDON EC2A 4JB

TEL 820 7738 6605  
FAX 020 7730 8944

<http://books.google.com>

CLIENT

DM Land

100

138-140 Highgate Road  
London, NW5 1PB

DATE:

SCALE  
1:50 @ A1

DRAWING TITLE:

Proposed First Floor

DRAWING NUMBER:

1021-P-021

# Appendix U

## Part 2 proposed second floor plan







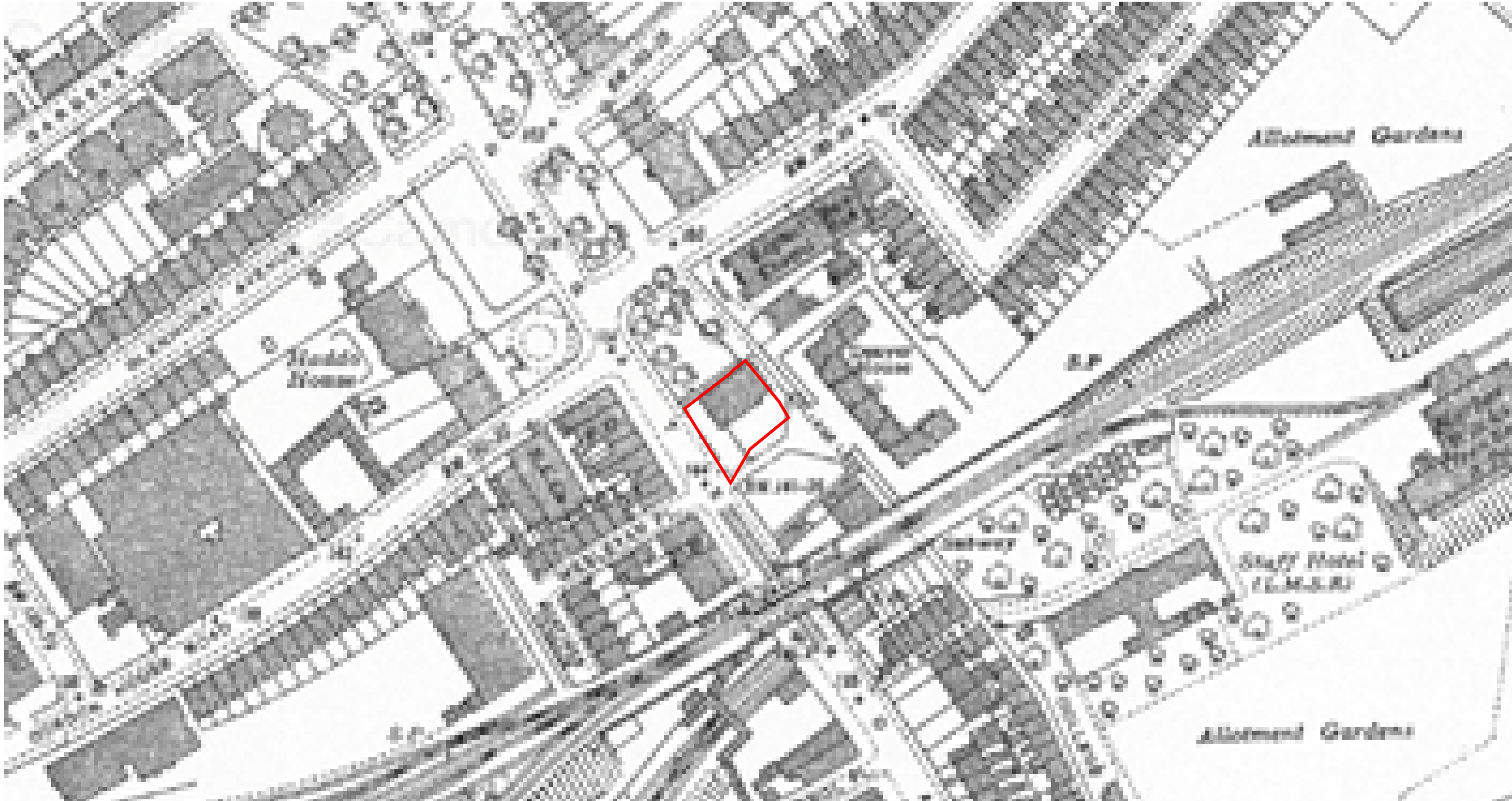
MAP 1873



MAP 1894



MAP 1914



MAP 1935





VIEW LOOKING WEST



VIEW LOOKING EAST





VIEW LOOKING NORTH



ENGLISH HERITAGE

Appendix Y

LONDON REGION

Mr Ben Le Mare  
London Borough of Camden  
Town Hall  
Argyle Street  
London  
WC1 8ND

Direct Dial: 020 7973 3763  
Direct Fax: 020 7973 3792

Our ref: P00412770

30 May 2014

Dear Mr Le Mare

**Notifications under Circular 01/2001, Circular 08/2009 &  
T&CP (Development Management Procedure) Order 2010  
138 - 140 HIGHGATE ROAD, LONDON, NW5 1PB  
Application No 2014/1692/P and 2014/1945/P**

Thank you for your letters of 15 May 2014 notifying us of the above applications for planning permission relating to the above site. We do not wish to comment in detail, but offer the following general observations.

**English Heritage Advice**

Both applications are for the demolition of an existing petrol station and the erection of:

- a 3 storey mixed use development for application 2014/1692/P
- a 4 storey residential development for application 2014/1945/P

The development site is located at the southern end of a green planting strip within Dartmouth Park Conservation Area. Paragraph 7.10 of the Dartmouth Park Conservation Area Appraisal and Management Statement (Adopted 22 January 2009, London Borough of Camden) identifies this expanse of grass as "a crucial visual feature as well as an important lung within the conservation area" (p12).

Paragraph 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid by those exercising planning functions to the desirability of preserving or enhancing the character or appearance of conservation areas.

English Heritage therefore welcomes the proposed demolition of existing garage which has been identified as having a negative contribution to the conservation in the aforementioned Management Statement. However, the existing garage, although undesirable, allows visual permeability (particularly in north/south views along Highgate Road) to the historic buildings and greenery beyond. The proposed development in both schemes would introduce a significant built element to this green strip which would block many of these views. Therefore we do not consider that either

	<p>1 WATERHOUSE SQUARE 138-142 HOLBORN LONDON EC1N 2ST</p> <p>Telephone 020 7973 3000 Facsimile 020 7973 3001</p> <p><a href="http://www.english-heritage.org.uk">www.english-heritage.org.uk</a></p>	
<p>English Heritage is subject to the Freedom of Information Act. All information held by the organisation will be accessible in response to a Freedom of Information request, unless one of the exemptions in the Act applies.</p>		



## ENGLISH HERITAGE

### LONDON REGION

application as currently submitted would preserve or enhance the character of the conservation and your Council should take this into consideration in determination of the application.

#### **Recommendation**

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again. However, if you would like further advice, please contact us to explain your request.

Please note that this response relates to historic building and historic area matters only. If there are any archaeological implications to the proposals it is recommended that you contact the Greater London Archaeological Advisory Service for further advice (Tel: 020 7973 3712).

Yours sincerely

#### **Alasdair Young**

Assistant Inspector of Historic Buildings and Areas  
E-mail: [alasdair.young@english-heritage.org.uk](mailto:alasdair.young@english-heritage.org.uk)

Cc Charles Rose, LB Camden

	<p>1 WATERHOUSE SQUARE 138-142 HOLBORN LONDON EC1N 2ST</p> <p>Telephone 020 7973 3000 Facsimile 020 7973 3001 <a href="http://www.english-heritage.org.uk">www.english-heritage.org.uk</a></p>	
<p>English Heritage is subject to the Freedom of Information Act. All information held by the organisation will be accessible in response to a Freedom of Information request, unless one of the exemptions in the Act applies.</p>		





# Appendix Z

