

DIRECT PLANNING LIMITED

**TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED BY THE PLANNING AND COMPULSORY PURCHASE ACT 2004)
SECTION 78 APPEAL**

STATEMENT OF CASE ON BEHALF OF THE APPELLANT

**APPELLANT : MR NICHOLAS PHILLIPS
APPEAL SITE : 93 HIGHGATE WEST HILL, LONDON N6 6EH
OUR REF : SP/1013/AP
LPA REF : 2015/5061/P
DATE : 21 JANUARY 2016**

**Direct Planning Limited
Riverbank House
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1.0 INTRODUCTION

1.1 The London Borough of Camden refused planning permission for the installation of a metal balustrade to form a rear terrace at 1st floor level at, 93 Highgate, West Hill, London, N6 6EH for the following reasons:

- 1. The proposed 1st floor level terrace, by reason of its location and proximity to neighbouring properties would cause harmful overlooking and result in a loss of privacy to the rear bedroom windows of 94 Highgate West Hill, contrary to policy CS5 (Managing the impact of growth and development) the London Borough of Camden Local Development Framework Core Strategy; and Policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.**

2.0 THE SITE LOCATION AND DESCRIPTION

2.1 The appeal property is a two store detached single dwelling house located on the east side of Highgate West Hill within the Holly Lodge Conservation Area. The building is not listed, please refer to the site location map enclosed in our Appendix A. The surrounding area is residential in character comprising of large detached villas and rows of mansion blocks which have been converted into self contained flats over the years.

3.0 THE APPEAL PROPOSAL

3.1 The appeal proposal involves the installation of railings over an existing single storey rear extension at 93 Highgate, West Hill, London, N6 6EH. Copies of the planning application forms submitted to the Council are enclosed in Appendix B. The proposed layout plans, and proposed elevations are illustrated on Drawing no's 93HWH_S101; S201; S102; P101B; P102B & P201B.

4.0 POLICY CONSIDERATIONS

- 4.1** Section 38 (6) of the Planning and Compulsory Purchase Act 2004 gives priority to the provisions of development plans in determining planning applications and appeals as well as all other material considerations.

The Courts have held that Central Government's policy contained in Ministerial Statements, Circulars, the National Planning Policy Framework (NPPF) are material considerations that must be taken into account by the decision maker, as are previous relevant appeal decisions. The following section reviews the NPPF, London Plan (2015), the London Borough of Camden Local Development Framework Core Strategy policies and considers any relevant matters of national policy that arise in relation to this appeal.

- 4.2** The NPPF identifies 12 core planning principles which should underpin both plan making and decision taking. They include the requirement for planning to set out a positive vision for the future of an area, to act creatively to find solutions to enhance places, to encourage the effective use of previously developed land and actively manage the pattern of growth to make the fullest possible use of sustainable transport. Underlining these principles is advice in paragraph 56 of the NPPF that "the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."
- 4.3** Advice in paragraph 64 of NPPF states that "permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."
- 4.4** **London Plan 2015 (consolidated with Alterations since 2011)** - London Plan policies are sub-divided into three sections- strategic, LDF preparation and planning decisions. The following London Plan policies are particularly relevant to an assessment of this site.

- 4.5 Policy 7.4** sets out the design principles that all boroughs should seek to ensure for all development proposals. The London Plan 2015 policy 7.4 states, inter alia, that all development proposals should have regard to the local context, contribute to a positive relationship between the urban landscape and natural features, be human in scale, make a positive contribution and should be informed by the historic environment.
- 4.6 Policy 7.6** states, inter alia, that all development proposals should; be of the highest architectural quality, which complement the local architectural character and be of an appropriate proportion composition, scale and orientation.
- 4.7 LB Camden Core Strategy**
- **CS5 (Maintaining the Impact of Growth and Development)**
- 4.8 Camden Development Policies**
- **DP26 (Managing the Impact of Development on Occupiers and Neighbours) and the Holly Lodge Estate Conservation Area Appraisal and Management Strategy December 2012.**
- 4.9** The Council's refusal reason states that, *"The proposed 1st floor level terrace, by reason of its location and proximity to neighbouring properties would cause harmful overlooking and result in a loss of privacy to the rear bedroom windows of 94 Highgate West Hill, contrary to policy CS5 (Managing the impact of growth and development) the London Borough of Camden Local Development Framework Core Strategy; and Policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies."*

5.0 THE PLANNING CONSIDERATIONS

5.1 Refusal Reason 1: Amenity of the neighbouring occupiers.

- (a) This section considers the planning issues relating to this planning application and demonstrates – with reference to relevant Development Plan policies and other material considerations - that permission should be granted. The Council's reason for refusal claim that the *“The proposed 1st floor level terrace, by reason of its location and proximity to neighbouring properties would cause harmful overlooking....”* Prior to the erection of the rear extension, within the original design layout there previously existed a balcony/roof terrace in the same location as the proposed roof terrace, please refer to the photos attached in the Design and Access Statement attached in Appendix B. The appeal site is a part of the Holly Lodge Estate which is characterised by Mansion blocks and groups of villas. The architectural vernacular follows the same concept with variation from group to group. Typically the architecture consisted of timber details, gable roofs with finials, red tiles and casement windows usually with south facing balconies. Therefore, it was not uncommon for the original design layout of properties within the estate to integrate roof terraces/ balconies within the design. It is this unique variation in the pattern of development and design that makes a positive contribution to the historical character and appearance of the Holly Lodge Estate Conservation Area in accordance with paragraph 131 of the NPPF which states that local planning authorities should take account of, *“the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and...”* The reinstatement of the proposed terrace and railings would preserve, respect and reinforce the established positive characteristics of the conservation area. The size and position of the railings has been carefully considered to ensure that the proposal would raise standards in terms of its design, detailing, materials and appearance. To preserve and enhance the existing development pattern and integrate the new development into its surroundings in compliance with policy. With regard to loss of privacy to neighbouring properties this could be overcome by the provision of screening to ensure the

privacy of neighbouring properties is appropriately retained, this could be secured by condition. With regard to noise and disturbance, the use of the roof extension as amenity space would not generate a significant increase in noise and disturbance that would warrant refusal.

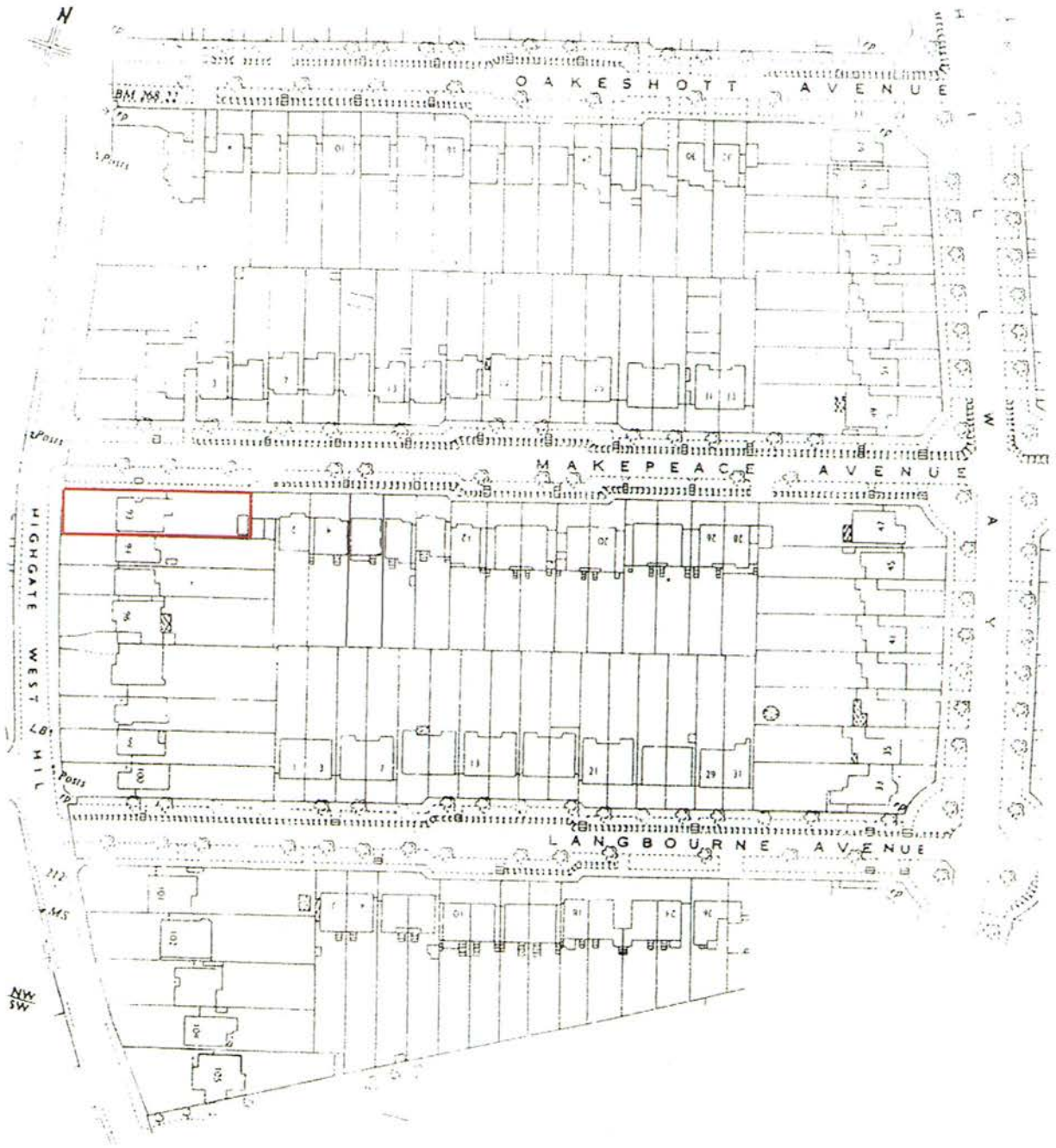
- (b) Considerable effort has been made to put forward proposals that would complement the design, character of the area. The simple, slender design of the railings with appropriate spacing softens the appearance of the railings within the context of the area. The proposal would also comply with Policy 7.4 of the London Plan (Local Character) having regard to “*the form function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings.*” The design and appearance of the appeal proposal assimilates comfortably into the existing context. The proposed materials and design would be of a high quality and durability therefore, it is considered that the proposal would not harm the character and appearance of Holly Lodge Estate Conservation Area.

6.0 CONCLUSIONS

- 6.1 Taking into account the above, it is considered that the proposals would not harm any interests of acknowledged importance. The proposal will cause no harm to the character and appearance of the area or have an adverse impact on the amenity of adjoining occupiers. The high standard of design will complement nearby buildings and respect the existing development specific to this particular appeal premises. Consequently, the proposal would not conflict with the Council’s policies CS5 of the London Borough of Camden Core Strategy 2010 and Policies DP26 of the London Borough of Camden Development Plan Policies 2010. All of which seek to ensure that new development retains the established development pattern, respect the local character of the street scene and the conservation area.
- 6.2 In these circumstances, the Inspector is respectfully requested to uphold the appeal and grant planning permission.

**APPENDIX A
SITE LOCATION PLAN**

SITE LOCATION PLAN SCLAE 1:1250



APPENDIX B
PLANNING APPLICATION DOCUMENTS

Email: planning@camden.gov.uk
 Phone: 020 7974 4444
 Fax: 020 7974 1680

Development Management
 Regeneration and Planning
 London Borough of Camden
 Judd Street
 London WC1H 8ND

Householder Application for Planning Permission for works or extension to a dwelling. Town and Country Planning Act 1990

Publication of applications on planning authority websites.

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website.
 If you require any further clarification, please contact the Authority's planning department.

1. Applicant Name, Address and Contact Details

Title: First name: Surname:

Company name:

Street address:

Town/City:

County:

Country:

Postcode:

Telephone number: Country Code: National Number: Extension Number:

Mobile number:

Fax number:

Email address:

Are you an agent acting on behalf of the applicant? Yes No

2. Agent Name, Address and Contact Details

Title: First Name: Surname:

Company name:

Street address:

Town/City:

County:

Country:

Postcode:

Telephone number: Country Code: National Number: Extension Number:

Mobile number:

Fax number:

Email address:

3. Description of Proposed Works

Please describe the proposed works:

Has the work already been started without planning permission? Yes No

4. Site Address Details

Full postal address of the site (including full postcode where available)

Description:

House:	<input type="text" value="93"/>	Suffix:	<input type="text"/>
House name:	<input type="text"/>		
Street address:	<input type="text" value="Highgate West Hill"/>		
Town/City:	<input type="text" value="London"/>		
County:	<input type="text" value="Camden"/>		
Postcode:	<input type="text" value="N6 6EH"/>		
Description of location or a grid reference (must be completed if postcode is not known):			
Easting:	<input type="text" value="528158"/>		
Northing:	<input type="text" value="186633"/>		

5. Pedestrian and Vehicle Access, Roads and Rights of Way

Is a new or altered vehicle access proposed to or from the public highway?

Yes No

Is a new or altered pedestrian access proposed to or from the public highway?

Yes No

Do the proposals require any diversions, extinguishment and/or creation of public rights of way?

Yes No

6. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

Yes No

7. Trees and Hedges

Are there any trees or hedges on your own property or on adjoining properties which are within falling distance of your proposed development?

Yes No

Will any trees or hedges need to be removed or pruned in order to carry out your proposal?

Yes No

8. Parking

Will the proposed works affect existing car parking arrangements?

Yes No

9. Authority Employee/Member

With respect to the Authority, I am:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

Do any of these statements apply to you?

Yes No

10. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

Yes No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact? (Please select only one)

The agent The applicant Other person

11. Materials

Please state what materials (including type, colour and name) are to be used externally (if applicable):

Walls - description:

Description of *existing* materials and finishes:

Description of *proposed* materials and finishes:

Roof - description:

Description of *existing* materials and finishes:

Description of *proposed* materials and finishes:

11. (Materials continued)

Windows - description:

Description of *existing* materials and finishes:

N/A

Description of *proposed* materials and finishes:

N/A

Doors - description:

Description of *existing* materials and finishes:

N/A

Description of *proposed* materials and finishes:

N/A

Boundary treatments - description:

Description of *existing* materials and finishes:

N/A

Description of *proposed* materials and finishes:

N/A

Vehicle access and hard standing - description:

Description of *existing* materials and finishes:

N/A

Description of *proposed* materials and finishes:

N/A

Lighting - add description

Description of *existing* materials and finishes:

N/A

Description of *proposed* materials and finishes:

N/A

Others - description:

Type of other material:

Balustrade

Description of *existing* materials and finishes:

N/A

Description of *proposed* materials and finishes:

Metal

Are you supplying additional information on submitted plan(s)/drawing(s)/design and access statement?

Yes No

If Yes, please state references for the plan(s)/drawing(s)/design and access statement:

S101 Existing GF and FF plans
S102 Existing SF plan
S201 Existing elevations
P101 Proposed GF and FF plans
P102 Proposed SF plan
P201 Proposed elevations
Site location plan
Design and access statement
Photographs

12. Certificates (Certificate A)

Certificate of Ownership - Certificate A

Town and Country Planning (Development Management Procedure) (England) Order 2015 Certificate under Article 14

I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/the applicant was the owner (*owner is a person with a freehold interest or leasehold interest with at least 7 years left to run*) of any part of the land to which the application relates, and that none of the land to which the application relates is, or is part of, an agricultural holding ("*agricultural holding*" has the meaning given by reference to the definition of "*agricultural tenant*" in section 65(8) of the Act).

Title: First name: Surname:

Person role:

Declaration date:

Declaration made

13. Declaration

I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

Date

DESIGN AND ACCESS STATEMENT_93 HIGHGATE WEST HILL, LONDON N6 6EH

Touseer Ahmad | Architect

December 2014

1 - INTRODUCTION AND OVERVIEW – THE PROPOSED DEVELOPMENT

The application is for the proposed use of the newly constructed rear extension roof to be used as a roof terrace. Prior to the erection of the rear extension there previously existed a balcony / roof terrace in that same location 93 Highgate West Hill and similar in size to the proposed scheme.

2 - HISTORICAL CONTEXT OF THE SITE

Holly Lodge Estate is an estate located on the site and grounds of a villa built in 1798 by Sir Henry Tempest on the south-facing slopes of Highgate, London adjacent to Highgate Rise, now known as Highgate West Hill. This villa was later to be known as The Holly Lodge. The grounds were landscaped by John Buonarotti Papworth in 1825.

In 1922, the outlying parts of the estate were sold: South Grove House and Holly Terrace to the North (the latter mostly unchanged in appearance since then) and Brookfield Stud to the south (now replaced by housing). Eventually, in March 1923, referred to as the Holly Lodge Estate, to London Garden Suburbs Limited with the building of the first road of houses, on Bromwich Avenue. The former 'lodge' was demolished during the building of the new roads of houses and no trace of the building now remains, apart from a plaque at the entrance to the gardens taken from the north wall.

Langbourne Mansions was built first and provided 88 self-contained flats which have changed little in the intervening years. The mansion blocks on Makepeace Avenue and Oakeshott Avenue though were designed from the outset as bed-sitting rooms, sometimes with bedroom or kitchen alcoves. Makepeace Mansions originally provided 269 rooms and Holly Lodge Mansions on Oakeshott Avenue had 408 flats but later conversions have seen this number reduced as bedsits have given way to self-contained flats. New regulations have seen a start on the conversion of the remaining bedsits to self-contained accommodation during 2005.

Ownership of the mansion blocks was transferred a number of times. Whilst Camden looks after the mansion blocks and the gardens in between the blocks, the remainder of the estate is managed and maintained by the Holly Lodge Estate Committee. The whole area remains a private estate and has been a Conservation Area since June 1992.

3 - PHYSICAL CONTEXT: CONSERVATION AREA DESIGNATION AND CHARACTER

The design of the mansion blocks on each avenue follow the same design concept with variations from group to group. From a distance they appear as 'Tudor Cliffs' as they tower above the adjoining houses and which is aided by the topography with not only the fall of the hill to the South but also to the East adjoining Highgate Cemetery.

The blocks are four or five stories in height and are united by timber details, gable roofs with finials, red tiles and casement windows usually with south-facing balconies. The rear and side elevations are in a very different plain and minimal style and overall reflect the modern design of the 1920's rather than the use of the vernacular.

4 - INVOLVEMENT: CONSULTATION WITH PLANNERS AND COMMUNITY

The conservation officer and duty planner were both consulted regarding the proposed development of the rear extension prior to receiving approval for it as lawful development. He had advised that he has that he had no objection in principle to the proposed rear extension. He also suggested that a separate application be submitted after the rear extension had been constructed for the proposed re-use of the roof as a terrace.

5 - PLANNING HISTORY

2011/0263/P Erection of single storey rear extension at ground floor level ; installation of replacement door and window and removal of existing railings and balcony at rear first floor level.

(09.02.2011) Granted

2010/4781/P Full planning application for removal of rear terrace and erection of new rear extension with terrace above.

(08.11.2010) Application withdrawn following discussions with planning case officer (Anette De Klerk)

2004/0617/T Front garden 1no. magnolia – reduce re-growth back to previous points of reduction.

(13.02.2004) Final decision: No objection to works to tree in CA.

PE9900371 The demolition of an existing garage and glass house, replacement with new garde including lower ground floor playroom at excavated garden level. As shown on drawings 854/1 and 854/2.

(25.05.1999) Final decision: Grant full planning permission (conds)

2014/4097/P Installation of glazed balustrade to rear first floor in connection with use of rear extension roof as a terrace

(09.07.2014) Withdrawn decision

6 - DESIGN EVALUATION

The recently constructed rear extension replaced an existing balcony and terrace to the property. The roof is to be re-used as a terrace with a new 1100mm high metal balustrade defining the extent of the terrace which is similar in size and proportion to the original terrace.

8 - PHYSICAL CHARACTERISTICS OF THE DESIGN

The design is a simple and low-key so that it does not any impact on the conservation area. The metal balustrade is both traditional and its use is in keeping with the character of conservation area. A glazed balustrade was deemed to be too modern for the context and location.

9 - LAYOUT: ORIENTATION OF THE BUILDING

The proposed extension follows the same orientation as the existing house.

10 - AMOUNT: SCALE AND VOLUME

The proposed glass balustrade is 1100mm high.

11 - UNDERSTANDING OF THE CONTEXT

The location is a sensitive one in a conservation area. The house is part of a terrace and it is important that the new extension does not become bulky and high so that the rear elevation would be read as a coherent terrace.

The new design fits in well as the glass balustrade does not visually add any bulk and allows the existing building to remain dominant.

12 - APPEARANCE

The traditional metal balustrade is in keeping with the surrounding context of the conservation area and is the only visual addition that is proposed.

14 - LANDSCAPING

n/a

15 - PEDESTRIAN ACCESS

Pedestrian access remains unchanged.

16 - SUSTAINABILITY ISSUES

n/a

17 - LIFETIME HOME STANDARDS

The house is an existing house and therefore the majority of the points would not be applicable to this application.

End

93 HIGHGATE WEST HILL_PHOTOGRAPHS

FIG 1 OLD FIRST FLOOR BALCONY/TERRACE TO REAR REMOVED (2013) TO ALLOW FOR NEW REAR EXTENSION



FIG 2 VIEW OF OLD BALCONY/TERRACE TOWARDS NEIGHBOURING PROPERTY



93 HIGHGATE WEST HILL_PHOTOGRAPHS

FIG 3 CURRENT REAR ELEVATION SHOWING IMPLEMENTED SCHEME REF PLANNING APPROVAL 2011.0263/P



FIG 4 CURRENT REAR ELEVATION SHOWING IMPLEMENTED SCHEME REF PLANNING APPROVAL 2011.0263/P



**APPENDIX C
COUNCIL'S DECISION NOTICE**

DIRECT PLANNING
95-97 Riverbank House
High Street
St Mary Cray
Orpington
Kent
BR5 3NH

Application Ref: **2015/5061/P**
Please ask for: **Oluwaseyi Enirayetan**
Telephone: 020 7974 **3229**

26 November 2015

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Householder Application Refused

Address:
93 Highgate West Hill
London
N6 6EH

Proposal:
Installation of metal balustrade to form a rear terrace at 1st floor level.
Drawing Nos: Site location plan; 93HWH_S101; -S201; -S102; -P101B; -P102B; & -P201B.

The Council has considered your application and decided to **refuse** planning permission for the following reason(s):

Reason(s) for Refusal

- 1 The proposed 1st floor level terrace, by reason of its location and proximity to neighbouring properties would cause harmful overlooking and result in a loss of privacy to the rear bedroom windows of 94 Highgate West Hill, contrary to policy CS5 (Managing the impact of growth and development) the London Borough of Camden Local Development Framework Core Strategy; and Policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.



n dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

A handwritten signature in black ink, appearing to read 'Ed Watson', written in a cursive style.

Ed Watson
Director of Culture & Environment