
Appeal Decisions

Hearing held and site visit made on 7 November 2013

by Terry G Phillimore MA MCD MRTPI

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

Decision date: 11 December 2013

Appeal Ref: APP/X5210/A/13/2200586 (Appeal A)
69 Highgate High Street, London N6 5JX

- 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 Mr Iain Brewester against the decision of the Council of the London Borough of Camden.
 - The application Ref 2012/6826/P, dated 19 December 2012, was refused by notice dated 15 February 2013.
 - The development proposed is erection of four storey building comprising commercial (Class B1a) at lower ground (Pond Square level), retail (Class A1) at ground (Highgate High Street level) and 1 x 3 bed self-contained maisonette (Class C3) at first and second floor levels following demolition of existing single storey buildings.
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Appeal Ref: APP/X5210/E/13/2200587 (Appeal B)
69 Highgate High Street, London N6 5JX

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant conservation area consent.
 - The appeal is made by Mr Iain Brewester against the decision of the Council of the London Borough of Camden.
 - The application Ref 2012/6878/C, dated 19 December 2012, was refused by notice dated 15 February 2013.
 - The demolition proposed is of existing single storey buildings.
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Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for erection of four storey building comprising commercial (Class B1a) at lower ground (Pond Square level), retail (Class A1) at ground (Highgate High Street level) and 1 x 3 bed self-contained maisonette (Class C3) at first and second floor levels following demolition of existing single storey buildings at 69 Highgate High Street, London N6 5JX in accordance with the terms of the application, Ref 2012/6826/P, dated 19 December 2012, subject to the conditions set out in the attached Schedule.

Appeal B

2. The appeal is allowed and conservation area consent granted for demolition of existing single storey buildings at 69 Highgate High Street, London N6 5JX in accordance with the terms of the application, Ref 2012/6878/C, dated 19 December 2012, and the plans submitted with it, subject to the conditions set out in the attached Schedule.

Procedural Matters

3. At the hearing an application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.
4. An agreement containing planning obligations pursuant to section 106 of the Act was submitted in draft prior to the hearing, with a final signed version provided shortly afterwards. The obligations are considered below.
5. Revised elevations showing different external materials for the proposed building as an alternative option have been submitted, but I have dealt with the appeals on the basis of the scheme considered by the Council.

Main Issue

6. The main issue is the effect the proposal would have on the character and appearance of the Highgate Conservation Area and the settings of listed buildings in the vicinity.

Reasons

7. The special interest of the Highgate Conservation Area is identified in the Council's Appraisal and Management Proposals 2007. This document refers to its essential character as a close-knit village crowning one of the twin hills to the north of London, with earliest beginnings in about the 14th century. The High Street within its characterful small-scale houses and traditionally fronted shops and businesses and the open square around the site of the original pond remain the heart of the village. Clustered around the historic core area are large and fashionable historic houses from the 17th to 20th centuries, and on the hill slopes below the village are imposing properties set in landscaped gardens with wide-reaching views. There are extensive open spaces and green surroundings. The overall character of the Conservation Area is formed by the relationship of topography, open spaces, urban form and architectural details. The north side of Highgate High Street and beyond is within the London Borough of Haringey. That Borough has also designated a Highgate Conservation Area which shares the above special interest, as set out in its emerging Conservation Area Appraisal.
8. The wedge-shaped site is at the west end of the High Street where Highgate West Hill joins it from the south. At this junction the narrow lane of Snow Hill runs through to the open space of Pond Square, and forms the rear boundary of the site. In the Council's Appraisal this locality is the Village sub-area of the Conservation Area, being the historic core. The adjoining runs of Grade II listed properties in the High Street and Highgate West Hill are mostly 18th and 19th century and of two or three storeys with shopfronts. The plot sizes, heights, ages and façade designs vary. Opposite on the west side of Highgate West Hill is the Grade II* listed no. 47 (Apothecary House), an 18th century detached house extended in the 19th century, and the unlisted Gatehouse public house rebuilt in the early 20th century in gabled mock Tudor style. Across the High Street to the north, within the London Borough of Haringey, is the 19th century Highgate Chapel which is set back within grounds behind a Grade II listed wall. To the north west is a roundabout junction where the High Street meets Hampstead Lane from the west and North Hill from the north, these roads containing a variety of building types including a wide range of English domestic architectural styles. The site is thus at a prominent point in

- the Area which is the location of an historic toll gate, where there is a varied mix of built form including both terraced properties and more distinctive individual buildings.
9. The existing buildings on the site are single storey, appearing as a relatively low continuous wall along the High Street frontage but with entrances and windows to Snow Hill. At the corner end is a flower stall, with the remainder of the accommodation providing studio, store and workshop space which is partly vacant. Map evidence suggests that there was a small out-building on the south eastern end of the site by 1849, with development taking its present form between then and 1894. The main interest of the buildings arises from their age and vernacular qualities as part of the village's historic development. The Appraisal identifies the structures as buildings that make a positive contribution to the Conservation Area, and they are agreed to be an undesignated heritage asset. However, they are of poor physical condition, and the appellant's unchallenged expert evidence shows that refurbishment for the existing uses lacks viability. The Council accepts the principle of redevelopment of the site subject to the provision of an appropriate replacement.
 10. The proposed building would follow the height of the adjacent no. 67, with a recessed glazed slot between the two articulating the separation. The High Street elevation at ground floor level would incorporate divided glazed shopfronts as a continuation of those to the east. Vertically linked windows would reflect the two storey nature of the maisonette accommodation above, with the alignment of elements within the façade in keeping with the levels and incremental development of the adjacent terrace. The render finish of the upper façade would also be consistent with the materials in the terrace which are a mix of brick and render.
 11. The façade would continue around the corner to Snow Hill as a bull-nose apex. This would incorporate a bronze bay window, with this and other projecting windows to the High Street elevation echoing existing oriel windows in the vicinity. Below the bay would be a curved bronze and glass canopy over a display plinth to the ground floor unit, intended to replace the existing florist accommodation. Beyond the bay the building at the rear to Snow Hill would have a faceted plan incorporating a series of stepped bay projections with windows at right angles. This elevation would be finished in brick and weather boarding, which would reflect the existing variety of materials in the rears of the adjacent buildings onto Pond Square. The building would have a flat sedum roof.
 12. The proposal would be a substantial change in the form of development on the site, including a significant increase in building height. However, the appellant's supporting material convincingly explains the rationale of the various architectural components of the proposal within an analysis of the site and its context. The scheme thus presents a logical and ordered approach to the site that responds to the surroundings. English Heritage in a written representation suggests that the scheme would introduce architectural references that are "almost 'art deco' in style, ... overall comprising a new aesthetic that does not sit comfortably in this village context". Although of a contemporary design, the proposal nevertheless makes appropriate references to the features of neighbouring buildings while also recognising and responding to the unique qualities of the site, including the existing variety around the

- junction. The overall composition and detail would create a distinctive new focal point, and the criticism of style, also made in other representations, does not warrant resisting the proposal. There is nothing in the Council's Appraisal to indicate that a low scale of building in this location is an important intrinsic feature of the village. With the proposed degree of visual separation from no. 67, the loss of exposure of the blank flank wall of that property would not be harmful to its special interest as part of a terraced group.
13. Approaching the site along North Hill and moving towards the Gatehouse public house, the existing low structures allow a view through to the trees of Pond Square. This view comprises more than just the tree canopy, with the trunks of the trees also visible and a sense given of the open space beyond. Although not explicitly identified as an important view in the Council's Appraisal, this is a positive feature of the Conservation Area that is evidently valued locally. The degree of obstruction of this view that would result from the proposal would be a negative outcome of the development. However, the upper parts of the tree canopies would still be visible, together with an open view towards the Square when in line with Snow Hill.
 14. Facing outwards from Pond Square there is similarly an existing relatively open view of the Gatehouse and beyond which would be significantly curtailed. Again, although not a specific identified view in the Appraisal, this loss of a familiar vista would be a negative element of impact. However, the narrower framing of the view by the new building would be in keeping with the existing strong sense of enclosure provided by the built form around the Square and vistas through alleys around its edge, recognised in the Appraisal as a distinctive quality of the Area's townscape.
 15. The development would be seen from a number of other locations and result in changes in the existing situation in this respect, but would not lead to a harmful impact on such further views and settings.
 16. The proposal has given rise to extensive representations both in favour and against it at application and appeal stages. The former include a number from eminent urban design specialists, referring to the skill of the architects (Birds Portchmouth Russum) and in various ways describing the scheme as a response to the particular context of the site that is handled with flair and would add to the local architectural heritage. There is also, unusually, a significant volume of individual third party representations in support of the proposal, making similar points. Conversely, other views expressed by local amenity bodies and many individuals suggest that the proposal would have a strongly negative impact on local heritage assets. Objections have also been raised by the London Borough of Haringey and English Heritage.
 17. The proposal is therefore a controversial one on which there is a wide divergence of opinion, but my above assessment attests to the high quality of the scheme's architectural response to the site which appropriately acknowledges the surroundings. There would be elements of harm from the loss of the existing old fabric of the structures on the site, and from the effect on views to and from Pond Square which are a familiar and positive aspect of the Area. However, balanced against this harm would be the introduction of a new building that provides a fitting treatment to the corner, upgrading the townscape with an appropriate mix of uses. The scheme is not the only potential response to the site, for example a lower building enabling more of

the existing views across it to be retained might be successful. However, the appeal proposal in time could be expected to be assimilated positively in the local townscape rather than be over-dominant. Overall the scheme would sufficiently preserve and in some ways enhance the character and appearance of the Conservation Area, and preserve the settings of listed buildings in the vicinity.

18. The proposal therefore meets the requirements on design quality and heritage protection of policies CS14 and CS15 of the Camden Core Strategy 2010-2025 and DP24 and DP25 of the Camden Development Policies 2010-2025, together with similar objectives set out in supplementary guidance and Government policy in the National Planning Policy Framework.

Conditions and Obligations

19. In view of the sensitivity of the site and the particular features of the proposal's design, various detailed matters should be subject to approval, including the sedum roof. The same factors justify ensuring control over potential visually jarring external additions to the building. Provision for cycle parking, refuse storage and lifetime homes should be made in accordance with local policies and to ensure that these requirements are satisfactorily accommodated. Amenity use of roof areas, and screening to the proposed terrace, should be controlled to safeguard neighbouring privacy. A condition specifying the approved plans is needed for the avoidance of doubt and in the interests of proper planning.
20. On the conservation area consent, demolition should only be carried out in conjunction with a redevelopment scheme to avoid a vacant site that would be harmful to the heritage context.
21. The planning obligations relate to construction management, the implementation of highway works associated with the proposal, and securing sustainability measures. Having regard to mitigation of the impact of the development, and the Council's policies, these obligations are necessary and meet other relevant tests, and can be given weight in support of the proposal.
22. With the above measures the proposal would be satisfactory in terms of privacy and access.

Conclusion

23. For the reasons given above I conclude that the appeals should be allowed.

T G Phillimore

INSPECTOR

Schedule of Conditions

Appeal A

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.

- 2) No development shall take place until the following details of the building hereby permitted have been submitted to and approved in writing by the local planning authority:
- i) plan, elevation and section drawings, including jambs, head and cill, of all new external windows and doors at a scale of 1:10 with typical glazing bar details at 1:1
 - ii) typical details of new railings and balustrade at a scale of 1:10 with finials at 1:1, including method of fixing
 - iii) plan, elevation and section drawings of the new shopfronts at a scale of 1:20
 - iv) samples and manufacturer's details of all materials to be used in the construction of the external surfaces of the building including windows and door frames, glazing, fret metal work, render and timber cladding.

Development shall be carried out in accordance with the approved details.

- 3) No lights, meter boxes, flues, vents or pipes, telecommunications equipment, alarm boxes, television aerials or satellite dishes shall be fixed or installed to the external faces of the building other than as shown in the plans hereby approved without the prior approval in writing of the local planning authority.
- 4) The dwelling shall not be occupied until space has been laid out within the site in accordance with the approved plans for cycle parking and thereafter the space shall be permanently retained for that purpose.
- 5) The dwelling shall not be occupied until space has been laid out within the site in accordance with the approved plans for the storage of waste and recycled materials and thereafter the space shall be permanently retained for that purpose.
- 6) The lifetime homes features and facilities, as indicated on the drawings hereby approved and in the application documents, shall be provided in their entirety prior to the first occupation of the dwelling hereby approved and shall be permanently retained thereafter.
- 7) No roof areas of the building hereby permitted shall be used as a balcony, roof garden or similar amenity area other than the area at second floor level shown as an external terrace on the approved plans. The use of that area as a terrace shall not commence until privacy screening has been installed in accordance with details that shall be submitted to and approved in writing by the local planning authority and thereafter the screening shall be permanently retained.
- 8) No development shall take place until details of the sedum roof including species, planting density, substrate and a section at a scale of 1:20 showing that adequate depth is available in terms of the construction and long term viability of the sedum roof and a programme for a scheme of maintenance have been submitted to and approved in writing by the local planning authority. Prior to the occupation of the dwelling the sedum roof shall be fully provided in accordance with the approved details and thereafter it shall be retained and maintained in accordance with those details.
- 9) The development hereby permitted shall be carried out in accordance with the following approved plans: P001, P002, P003, P/E 001, P/E 001A,

P/E 002, P/E 003, P/E 004, P/E 005, P/E 006, P/E 007, P/E 008, P/E 009, P010, P011, P012, P013, P014, P021, P022, P023, P030, P031, P032.

Appeal B

- 1) The works hereby authorised shall begin not later than three years from the date of this consent.
- 2) The works of demolition hereby authorised shall not be carried out before a contract for the carrying out of the works of redevelopment of the site has been made and planning permission has been granted for the redevelopment for which the contract provides.

APPEARANCES

FOR THE APPELLANT:

Michael Russum	Birds Portchmouth Russum Architects
Richard Portchmouth	Birds Portchmouth Russum Architects
Julie Greer	Greer Pritchard
Peter Stewart	Peter Stewart Consultancy
Iain Brewester	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Jonathan Markwell	L B Camden
Charles Rose	L B Camden

INTERESTED PERSONS:

Susan Rose	Highgate Conservation Area Advisory Committee
Michael Hammerson	Local resident
Kirsten De Keyser	Highgate Society
Robert Hare	L B Haringey Councillor
Douglas Sedley	Local resident
Jeremy Chandler	Local resident
Gail Waldman	Local resident
Jean Scott	Local resident

DOCUMENTS SUBMITTED

- 1 Plan P/E 001A
- 2 Mr Hammerson's photos
- 3 S106 agreement dated 12 November 2013