



10A SOUTH GROVE  
HIGHGATE  
LONDON  
N6 6BS

attn. Josh Lawlor, Camden Planning Dept.

2020/3067/P, 2020/3397/L

**Erection of single storey, timber shingle clag garage, providing up to 2x off-street car parking spaces, structure located within the wooded landscape area of Highgate West Hill**

We apologise for the lateness of this email, owing to current pressure of work. The Highgate Society would like to highlight a fundamental issue omitted from the Heritage Appraisal accompanying this application.

Throughout the Appraisal, two sides of the triangle of trees are repeatedly referred to as “driveways”, a word which is intended to suggest they are in the private ownership of the one or more of the three houses set back from Highgate West Hill behind the trees. In fact the owners of these three properties merely have historic rights of way over these “driveways” and the land in front of their three houses. The land has a similar status to other small parcels of “manorial waste” in Highgate Village (such as the land in front of 1-10 The Grove between the roadway and the front gardens) which have not been adopted by Camden Council. Therefore this land is effectively common land, not for the benefit of any one person, or persons, but a resource for everyone. Apart from using this public land as a right of way to his house, the owner of the triangular section of trees has no greater rights over the adjoining land than any other member of the public.

While it appears from the outside that the three houses in Highgate West Hill served by this “driveway” is private, entitling the householders to exclusive parking rights in front of their houses, the actual legal status of these “driveways” means that there is no exclusive right to use them, and that the wider public have as much right to park, or carry out any other use, on these parcels of land. The owners can legitimately claim historic rights of way to their homes across this unadopted land, but we question whether the owner of the triangle of land may create a new private drive which can only be accessed across public land and which hinders other users because it has to be kept permanently clear for that owner to drive his cars in and out.

There is an equivalent triangle of land, less wooded, owned by No. 5 The Grove, between Highgate West Hill and The Grove, and surrounded by public roads. The former owner (George Michael) never sought to use it for his own benefit, but instead allowed the public to enjoy a large Christmas tree erected every year at his expense. He could have used it as a private car park opposite his house, but for the sake of the community he kept it as a lawned and partially wooded area.

The Heritage Appraisal suggests that the garage and its associated driveway, opening onto the common land, should be acceptable because it would not be visible from the street. As explained above, this is not the case. The driveway from which it is accessed has the effective status of common land, and any construction on the triangle of land would therefore be visible from the public realm.

In addition, Para 3.19 of the appraisal states that: *‘The only manifestation of the proposed scheme would be on the driveway where an opening in the cover is proposed. This will be detailed and managed so as to have a minimal visual impact and the opening would not be visible from either end of the driveway or other important views of or from the listed buildings.’* This must raise concerns that there will be no sightlines for vehicles exiting the double garage, and a member of the public, legitimately walking past the proposed drive to/from the garage is at risk of being hit by a car exiting the garage. Your Highways department should be asked to comment.

Finally, though perhaps as important, if not more so, the tree protection areas will presumably go right across the gap where it is proposed to put the garage and access. The ground slab of the garage must almost certainly involve some excavation which could physically affect the roots, as well as preventing rainwater from reaching them. If a porous surface is proposed, however, that could pose a threat to the trees from spillages of oil or fuel. The trees in this copse are a prominent and important element in the local streetscape, highly visible from the public realm, and their loss would, in our view, cause substantial harm, to the Conservation Area. Therefore, any consent must ensure that there will be no damage to, or loss of, trees which will materially diminish the contribution of the site to the streetscape or the Conservation Area.

Yours sincerely  
Michael Hammerson  
for and on behalf of the Planning Group, the Highgate Society

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