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Joshua Lawlor  
London Borough of Camden  
Planning Department  
5 Pancras Square  
London  
N1C 4AG

15<sup>th</sup> September

Dear Josh,

**45 Highgate West Hill Planning Reference: 2020/3067/P and 2020/3397/L**

On behalf of our client, Timothy Rowe, please find below our response to the comments received in regard to the above householder and Listed Buildings Consent applications for a new garage/ store at the above property.

This letter is accompanied by a separate letter from our client's solicitor, David Evans of Keystone Law, which specifically addresses the legal matters raised by the objectors, including the Highgate Society.

For ease of reference, the comments received are addressed in turn, under separate headings, below.

**Public Right of Way/ Common Land**

With regard to the assertion that the driveway and the site itself are both 'common land', this is addressed in detail in Mr Evans' letter. Mr Evans' response includes extracts from the Survey of London: Volume 17, the Parish of St Pancras Part 1: Highgate Village (1936), a highly regarded source of historic research and information which provides a detailed account of the historic development of nos. 45, 46 and 47 Highgate West Hill (formerly known as 52-54 South Grove). Enclosure of the waste in this area took place from the 17th century for various cottages and gardens. Apothecary House and nos. 45 and 46 Highgate West Hill were built following the inheritance and sale of enclosed land that had formerly been common land. The Survey of London notes that enclosure in this area was a process that *'went on for centuries as population increased, and with that increased population the demand for dwelling places.'*

A footpath did exist across the site (one is referred to in the Heritage Appraisal). This provided access to a house on Hampstead Lane (only for its occupants and visitors as opposed to wider public access) and dictated the layout of no. 46 Highgate West Hill. This footpath was closed in 1919. At the same time, as reported in The Survey of London, *'the land in front was also enclosed.'* The site is now in private ownership and the land referred to as *'the land in front'* is considered to be the proposed site.

There is no evidence to support the contention that the site and associated forecourt and accesses to nos. 45 and 46 are currently common land, in fact, the available evidence points to the contrary. While it once formed part of a common, it now forms part of residential curtilage and is private with, as one objector correctly notes, *'few people other than owners or guests entering it.'*

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### **Impact on an Important Landscape Feature**

With regard to the site being an important landscape feature that contributes to the setting of listed buildings and to the conservation area, this is not disputed, and is, in fact, made clear in the Heritage Appraisal accompanying the application. The proposed outbuilding will not alter the landscape feature. No trees will be lost as a result of the proposals, and the outbuilding itself will not be visible from the public realm, even during the winter months given the extent of existing tree cover which includes a number of evergreen trees.

The site contributes to the setting of listed buildings and the conservation area for a number of reasons, none of which would be affected by the proposals. The site would continue to be a prominent landscape feature and perform its existing role and contribution to the local townscape.

### **Impact on Trees**

Concern has been raised regarding the impact of the proposed development on the trees on site. This is addressed fully within the planning submission and the Arboricultural Report that accompanies the planning application. This document makes clear that the proposed structure can be accommodated without the need to remove any trees on site. In addition, the report provides a clear methodology as to how the structure can be built without damage to any trees on site. Paragraph 6.4 of the report concludes:

*"With implementation of all protection measures as highlighted and the demonstration of structural engineering solutions to protect tree roots, the proposed garage structure can be constructed and exist harmoniously within the wooded area at the front of the property."*

The proposals will not result in any harm to existing trees on site.

Of final note is the concern raised that the proposals could lead to highway safety issues. This is not considered to be a valid or realistic objection. The outbuilding is located on private land, on a shared driveway. It will have no impact whatsoever on highway safety.

In conclusion, we consider that the points raised by third parties in response to the application are either mistaken, in regard to the assertion that the land is 'common land', or have already been addressed in the reports that accompany this planning application.

We would be very grateful if you will take the above into account in your consideration of this application.

Yours sincerely

**Sarah Ballantyne-Way**  
**Director**