

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	<b>04/09/2020</b>
		N/A		<b>Consultation Expiry Date:</b>	<b>30/08/2020</b>
<b>Officer</b>			<b>Application Number(s)</b>		
Josh Lawlor			(i) 2020/5960/P (ii) 2020/5997/L		
<b>Application Address</b>			<b>Drawing Numbers</b>		
45 Highgate West Hill London N6 6DB			See decision notice		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal(s)</b>					
<p>(i) Erection of a single storey, timber shingle clad outbuilding for the storage of garden and domestic maintenance tools located within the wooded landscape area of Highgate West Hill.</p> <p>(ii) Erection of a single storey, timber shingle clad outbuilding for the storage of garden and domestic maintenance tools located within the wooded landscape area of Highgate West Hill.</p>					
<b>Recommendation(s):</b>		1. Refuse Householder Planning Permission 2. Refuse Listed Building Consent			
<b>Application Types:</b>		1. Householder Planning Permission 2. Listed Building Consent			

<b>Conditions or Reasons for Refusal:</b>	<b>Refer to Decision Notice</b>					
<b>Informatives:</b>						
<b>Consultations</b>						
<b>Adjoining Occupiers:</b>			No. of responses	<b>01</b>	No. of objections	<b>01</b>
<b>Summary of consultation responses:</b>	<p>A site notice was displayed directly outside the site on Highgate West Hill from 20/01/2021 expiring 13/02/2020. The application was also advertised in the local press from the 21/01/2021 (expiring 13/02/2021).</p> <p>The planning / heritage objection below is made by a representative of the Trees part of the Highgate Neighbourhood Forum. Their objection on these matters is therefore considered to be submitted by a private individual rather than the views of the Forum.</p>					
<b>Highgate Neighbourhood Forum (Trees)</b>	<p>This application varies very little from the previous application. The key objection is to building on urban land which has never been built on, whose history will have started with forest, giving way to common land and succeeded by a self-seeded spinney growing and changing over the course of the last two hundred years. It is of distinct and unusual heritage. The reservoir next door is on the Camden Local List. This area, lending its unique features to the Highgate Village Landscape, should be given similar undesignated status.</p> <p>The opening to the building will impact on the view from The Grove, from Highgate West Hill and the unnamed little road between. It will impact on the setting of The Reservoir.</p> <p>While the applicant has submitted a construction plan which attempts to minimise the impact upon any trees, the fact remains that any building will impact on the understorey, the soil and the subsoil of the area. We note that there has been no Ecology Report and no comprehensive environmental Impact assessment. The Applicant should be asked to provide these.</p> <p style="text-align: center;">Officer response to point of trees and ecology report:</p> <ol style="list-style-type: none"> <li>1. It is not necessary to assess the impact to soil and subsoil. An ecology or biodiversity study is not considered necessary. The arboricultural report and survey are sufficient to enable an assessment of harm to trees.</li> </ol>					

HCAAC objects to these applications (and to the two earlier ones which remain undecided) for the following reasons.

### ISSUES

2. What is status of previous applications: 2020/3067/P & 2020/3397/L. Note our objection, entered under 2020/3067/P applied to both applications.
3. Curtilage / Non Designated Heritage Asset
4. Context: open/green/private
5. Setting/views/significance. Woodland; seasonal, not protected. Impact on heritage assets

### 2020/3067/P & 2020/3397/L

Please note our objection, which listed both applications, is only entered under the Planning Application. For the completeness of the record, we would be obliged if our objection could also be entered in the Listed Building application.

We note no Decisions have been made on these two applications.

We note that the Applicant's 'Addendum to the Heritage Statement', [the Addendum] submitted with the current application, is also intended to supplement the information provided for the earlier Applications: 2020/3067/P & 2020/3397/L. Therefore we request that the content of this Objection needs to be added to the records for those two Applications as well as for the two submitted in December 2020.

### Curtilage

The first point made in the Addendum to the Heritage Statement, 2.1, is that the Curtilage of 45 Highgate West Hill includes the wooded copse. Later it states the title deeds of 45 Highgate West Hill included the copse by 1919. The Grade II Listing was made in 1954.

The Heritage Addendum does not touch further on the matter of curtilage but does not eliminate the possibility that the copse is part of the Listing. Rather it rapidly runs through other categories which the copse (the Site for the Applications) does not fall into, drawing the conclusion by point 2.8 that it must be a Non Designated Heritage Asset. The rest of the document is predicated on this possibly erroneous conclusion. It is for the LPA (or a Planning Inspector) to decide whether the copse lies within the Listing curtilage. Our point is that the Addendum neither rules it in nor rules it out.

Historic England's Good Practice Advice No. 3 states:

*Curtilage is a legal term describing an area around a building and, for listed structures, the extent of curtilage is defined by consideration of ownership, both past and present, functional association and layout.* However we understand that this is a far from straightforward matter.

### **Context: open/green/private**

The Addendum makes a number of statements in attempting to describe the context of the site which appear to be muddled and contradictory. HCAAC does not consider the statements taken from the Addendum amount to a coherent examination of context.

*2.23..... there is no designation that applies to the site in its own right despite relatively recent assessments of the character and appearance of the conservation area, the preparation of a local list and the designation of relevant open space within the borough.*

*3.3 The proposed site would remain as a vestige of historic open space in the record and the green/open quality of the site*

*3.5 The proposals do not result in the loss of trees or other visual qualities of the site that contribute to its green, wooded or general character and appearance.*

*3.12 In this case, it is considered that the site:*

- *acts as a means of enclosure to the 18th century group;*
- *contributes to a verdant setting in the foreground of nos. 45 and 46 together with street planting, the reservoir and garden planting – the site is one element in an open and green context;*
- *contributes to the semi-rural character of the listed building's context;*

### *Highgate Conservation Area*

*3.18 The proposed scheme would not affect the appearance of the site and its relationship with the surrounding conservation area and would not in any way affect its townscape value. The proposed building would not be visible from the public realm as noted above. The site would:*

- *continue to contribute to Highgate's semi-rural feel;*
- *continue to visually coalesce and relate to the green character and planting of the reservoir, street planting and nearby garden planting – the site is not isolated in its townscape contribution but is part of a wider planted landscape in this part of the conservation area;*
- *continue to provide a break in the built environment together with the reservoir which contributes to the green and spacious character of this part of Highgate West Hill;*
- *continue to provide a leafy backdrop to Pond Square and other nearby development;*
- *continue to separate the early 18th century houses at nos. 45 and 46 from the street and later phases of development within the conservation area; and,*
- *would continue to form part of a series of green spaces within the conservation area context.*

Please refer to our objection to **2020/3067/P & 2020/3397/L**

### **Setting/views/significance**

HCAAC does not consider the Addendum assesses the 'setting' (and therefore the issue of 'significance') correctly as set out in Historic England's Good Practice Advice Note No. 3.

Under 'Access and Setting' the Note states: *"the contribution of setting to significance does not depend on public access or ability to access it, significance is not dependent on the number of people visiting it; this would downplay such qualitative issues as the importance of quiet and tranquillity as an attribute of setting."*

Under 'Views and Setting' the Note states (para 11): *"Views which contribute more to understanding the significance of a heritage asset include:*

- *those where town- or village-scape reveals views with unplanned or unintended beauty"*

We consider the views are kinetic; glimpses into the site which are very restricted reveal a haven of tranquillity in the centre of Highgate Village. The characterisation that the site has an open quality associated with Pond Square is far-fetched.

We therefore consider that the hidden qualities of the setting contribute greatly to the significance of the Listed Buildings.

It is, of course, the copse (together with the sense of enclosure from the Listed Reservoir and its railings) which provides '*quiet and tranquillity*'. The Note requires consideration of the impact of seasonal changes on views, changes in land cover, tree cover at each Step.

**Step 1** para 22, the Impact Assessment should consider:

*"For developments that are not likely to be prominent or intrusive, the assessment of effects on setting may often be limited to the immediate surroundings, while taking account of the possibility that the setting may change as a result of removal of impermanent landscape or townscape features, such as hoardings or planting."*

**Step 2** (para 30) provides a Checklist which requires consideration of:

*Assets' physical surroundings*

- *Definition, scale, 'grain' of surrounding streetscape, landscape and spaces*
- *Green space, trees and vegetation*
- *Openness, enclosure and boundaries*

*Experience of Assets*

- *Surrounding landscape or townscape character*
- *Tranquillity.....*
- *Sense of enclosure, seclusion, intimacy, privacy*
- *(para 31): Impact of seasonal.....changes on view.....needs to be considered*

**Step 3** (para 32) Checklist includes:

Form and appearance of development:

- Competition, distraction from asset
- Introduction of movement or activity
- Seasonal change

Wider effects of development:

- Change to built surroundings and spaces
- Change to general character
- Changes to land use, land cover, tree cover

**Step 4:** Explore ways to maximise enhancement and avoid or minimise harm

*For some developments affecting setting, the design of the development may not be capable of sufficient adjustment to avoid or significantly reduce harm e.g. where impacts are caused by fundamental issues such as proximity, location, scale....*

Screening (Para 40) states:

*Screening may have as intrusive an effect on the setting as the development it seeks to mitigate, so where it is necessary, it too merits careful design. This should take account of local landscape character and seasonal and diurnal effects, such as changes to foliage and lighting. The permanence or longevity of screening in relation to the effect on the setting also requires consideration. Ephemeral features, such as hoardings, may be removed or changed during the duration of the development, as may woodland or hedgerows, unless they enjoy statutory protection. Management measures secured by legal agreements may be helpful in securing the long-term effect of screening.*

HCAAC notes that the fence on the curtilage with the pavement erected last Summer is higher than the fence it replaced.

The Addendum submitted on behalf of the Applicant states: " 3.13 *The site contributes to the setting and therefore the significance of the listed buildings at nos. 45-47 Highgate West Hill for these reasons. It is not the principal focus of the buildings' significance and the special interest of the buildings does not depend on the site to be of value. In this way, the site makes a limited, as opposed to substantial, contribution to the significance of the listed buildings.*" See 3.1 above for Addendum clause 3.12 which sets out the 'reasons' referred to in 3.13.

In summary, Highgate Conservation Area Advisory Committee strongly recommends that these Applications must be refused as should the two earlier Applications which are as yet undecided. The submitted Heritage documentation does not reflect current policy or follow the recommendations of Historic England's Good Practice Advice Note No. 3. Further in terms of impact on the setting and significance on the Listed Buildings or on the Conservation Area we see no difference between the earlier and current

applications.

**Relevant policies**

**NPPF: 16.Conserving and enhancing the historic environment**

188. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, **including any contribution made by their setting.**

**NPPF Glossary**

**Setting of a heritage asset:** The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

**Significance (for heritage policy):** The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.

**NPPG Guidance**

**Why is 'significance' important in decision-making?**

Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of **its setting**, is very important to understanding the potential impact and acceptability of development proposals

**How can the possibility of harm to a heritage asset be assessed?**

Proposed development affecting a heritage asset may have no impact on its significance or may enhance its significance and therefore cause no harm to the heritage asset. Where potential harm to designated heritage assets is identified, it needs to be categorised as either less than substantial harm or substantial harm

Officer Response

1. *Heritage analysis noted, see Design and Heritage section for assessment*

The Highgate Society wishes to register its strong objection to the above applications for the following reasons:

Summary:

1. **Similar Applications/Workshop.** This application for an “outbuilding” is for permission to construct a building of almost exactly the same massing and height as the pending applications for a garage (2020/3067/P and 2020/3397/L) registered on 3/8/20, which have not been withdrawn by the applicant or determined by Camden.
2. **Inconsistencies** relating to the entranceway and the door design in the *Design & Access Statement* and the *Proposed Drawings*, plus the size of the proposed “outbuilding”, suggest to us that this “outbuilding” could at some future point be used as a garage.
3. **Aesthetic Value.** The *Heritage Appraisal* states that the proposed building “would cause no harm to the aesthetic value of the site.” We consider that the plans show otherwise; for much of the year the building will be visible to the public and it will dominate this small, but critical, piece of undeveloped woodland, highly visible from the public realm.
4. **The Public Realm.** The application does not address the issue that the surrounding land (apart from the pavement frontage on Highgate West Hill) is, we believe, unregistered land.
5. **Camden’s Pre-Application Advice for the previous application.**

Highgate Society

1. **Similar Applications/Workshop:** The letter accompanying the application states that the proposed building is to be used for ‘storage of cycles and other equipment incidental to the maintenance of the property, and as a workshop’. Whilst it is quite reasonable to request permission for a building large enough for equipment and cycle storage, this would be a completely inappropriate location for a workshop, within the curtilage of listed buildings, in a Conservation Area and so close to a public footpath in a predominantly residential area. Neither does the application indicate the nature of the processes to be carried out within the “workshop”, or whether they will cause disturbance to neighbours or other undesirable impacts to the private or public realm. We suggest that the building proposed in this second application is excessively large for cycle and equipment storage and consider the massing completely inappropriate both for this prominent small wooded site and for the wider Conservation Area.
2. **Inconsistencies:** Page 5 of the *Planning Application Design and Access Statement (0417\_DOC\_006 Rev 00, June 2020)* has two CGIs (Elevation B and 3D Massing Proposal) which illustrate the front of the building. We interpret both as appearing to show garage doors and the latter has a paved driveway wide enough for a car. The *Heritage Appraisal–Proposed Outbuilding* (November 2020) states in paragraph 1.8: ‘The entranceway from the driveway has been narrowed to reflect the fact that parking would no longer be provided on the site.’ However, as far as we can calculate, from both the CGIs in the *Planning Application Design and Access Statement* and the *Proposed Drawing (A 1110 03)*, the proposed driveway does not appear to have been narrowed. Whilst some of the drawings show a

small door into the building, there appears to be little to prevent the building being constructed, or altered, so that the whole front is hinged on one side (or both), enabling it to be opened to allow a car (or cars) to use it as a garage

3. **Aesthetic Value.** *The Heritage Appraisal* accepts that ‘the proposed site has aesthetic and some historic value, although the latter is less tangible than the former.’ (para 3.2). It argues that the site has strong aesthetic value, but then states that ‘the proposed scheme would cause no harm to the aesthetic value of the site’ because ‘the proposals would not be seen from the public realm’ and they would not affect the aesthetic quality of the site’. We consider that the proposed building would be seen from the public realm, unless the applicant intends to entirely surround the building with dense, mature conifers, which would surely make the building inaccessible. In addition, in a Conservation Area, we submit that it is invalid to argue that a proposal should be permitted because it cannot be seen from the public realm; and it will in any case be seen from the private realm, which is shared by other householders, whom we trust have been notified of this application and been given the opportunity to comment. Further, since the land has clearly been open since time immemorial, and may well be a remnant of the old historic Highgate Green, we consider that it has significant heritage value, and that the proposed shed-like buildings will cause substantial harm to this part of the Conservation Area as a consequence.
4. **The Public Realm.** Various documents accompanying this application, including the photographs of the site, give the impression that the only view that the public has of this site is immediately facing it on Highgate West Hill. This is incorrect. The land immediately abuts the pavement and is open on either side; therefore the interior and sides of the land are clearly visible when walking along the pavement in either direction, and from both sides of the road. Furthermore, the application suggests that the surrounding land (apart from the pavement frontage on Highgate West Hill) is not in the “public realm”, but we have always understood it to be unregistered land; if this is the case, then it would be land over which the applicant may have no greater rights than other members of the public. We would therefore ask that your legal department ascertain the exact status of this land.
5. **Extract from Pre-application advice, date 02/05/2019, Camden reference: 2019/0227/PRE - Contact: Josh Lawlor**

#### *Garage*

*Policy A3 states that the Council will resist the loss of trees and vegetation of significant amenity, historic, cultural or ecological value including proposals which may threaten the continued wellbeing of such trees and vegetation. The Council will also require trees and vegetation which are to be retained to be satisfactorily protected during the demolition and construction phase of development in line with BS5837:2012 ‘Trees in relation to Design, Demolition and Construction’ and positively integrated as part of the site layout.*

*Given the proximity of the proposed garage to mature trees any future planning application would need to include the submission of an arboriculture report to demonstrate that no harm would be caused.*

*The proposed wooden garage would be located within the triangular piece of land with trees and shrubbery which fronts the main road. **It is considered that the garage would cause harm to the setting of the listed building. Although the woodland to the front of the property is not designated open space, its unaltered nature is considered to hold townscape and amenity value that contributes to the setting of the listed building and the wider Highgate Conservation area. The introduction of vehicle parking would intensify the use of this currently untouched woodland which could not be supported.** [our emphasis]*

#### *Transport*

*The proposal would include the construction of a garage with the capacity to accommodate two private motor vehicles, which would be contrary to the principles of Policy T2 (Parking and car-free development) which seeks to restrict vehicular parking within the borough. **The summary page of Policy T2 states that Camden will: limit on-site parking to: spaces designated for disabled people where necessary, and/or essential operational or servicing needs; resist the development of boundary treatments and gardens to provide vehicle crossovers and on-site parking.** [our emphasis]*

*As noted above the proposed garage would be considered unacceptable in heritage terms however should the garage be included in a formal planning application it should be shown that additional parking spaces are not being created. It would need to be demonstrated that two existing parking spaces are being removed elsewhere within the site.*

**Conclusion.** The Highgate Society is therefore concerned that this second application remains the same size as a garage, which, according to the Council's own *pre-application advice* (for the initial outbuilding application) it opposes, and which could subsequently be the subject of a later application for a garage use. Whatever its proposed usage, however, it will cause substantial harm to this part of the Conservation Area, and we therefore urge that it should be refused.

*Officer response to the contention that the triangular piece of land is Common Land, point on potential harm to mature trees, potential to use outbuilding for car-parking and impacts to residential amenity.*

- 2. Heritage analysis noted, see Design and Heritage section for assessment*
- 3. Camden Council has a legal requirement to maintain a register of Common Land which is maintained by Local Land Charges. In law, this is a definitive register which confirms if land is common or not.*

*The applicant has conducted a local land charges search which has confirmed that the site is not within Common Land.*

*4. Please refer to the Trees section of this report*

*5. Should the development have otherwise been considered acceptable a condition would be imposed to prevent the use of the outbuilding for car-parking*

*6. Please refer to amenity section of this report*

## Site Description

45 Highgate West Hill is a Grade II\* listed building, listed together with No 46, built c 1729. The main house is three storeys with basement and late 19<sup>th</sup> century mansard roof. No. 45 is of three bays in width with a half blind window with the entrance bay located within a later side extension. The Highgate Village Conservation Area Appraisal mentions 45 and 46 Highgate West Hill as 'a substantial pair of semi-detached houses consisting of a ten-bay frontage'. The 'Buildings of England' mentions these buildings as a 'forbidding pair'. Internally the main house retains its original floor plan and some historic joinery. A two storey brick side extension with steeply pitched roof and chimney stack to the house was added in the 1930s and a further single storey extension was added in the 1970s replacing a similar sized outbuilding building.

Directly to the south of the site is the Grade II listed Highgate Reservoir which is a designated open space within the Local Plan. To the west is The Grove where there are several listed buildings. The entrance and exit to both 45 and 46 is via Highgate West Hill and is marked by a gravel access way fronted by a triangular piece of land with mature trees and dense shrubbery (spinney). The woodland is not a designated open space within the Local Plan but holds townscape and amenity value. The woodland is part of the curtilage of the 45 and 46 Highgate West Hill and therefore are part of their setting.

The building is located within Sub Area 1 (Highgate Village) of the Highgate Conservation Area which is identified as the Historic core of the Conservation area. The character of this part of the Highgate Village Conservation Area is semi-rural and formed by the relationship of topography, open spaces, urban form and architectural details. The building is identified as making a positive contribution the character and appearance of the conservation area.

## Planning History

**2020/3067/P** Erection of a single storey, timber shingle clad garage to provide off-street car parking, structure located within the wooded landscape area of Highgate West Hill. **Refused 24/04/2021**

**2020/3397/L** Erection of a single storey, timber shingle clad garage to provide off-street car parking, structure located within the wooded landscape area of Highgate West Hill. **Refused 24/04/2021**

**2020/4346/P** Proposed alterations to the existing kitchen wing, comprising the raising of the roof level to allow for an additional bathroom within the enlarged roof space and associated alterations and resubmission proposals approved under 2019/4092/P (The erection of two storey brick side extension with basement and lightwells, part brick part glazed link to main house, creation of doors from windows and associated alterations, part demolition of existing extension). **Granted 11/01/2021**

**2020/4858/L** Proposed alterations to the existing kitchen wing, comprising the raising of the roof level to allow for an additional bathroom within the enlarged roof space and associated alterations and resubmission proposals approved under 2019/4270/L (the erection of two storey brick side extension with basement and lightwells, part brick part glazed link to main house, creation of doors from windows and associated alterations, alterations to room layouts, part demolition of existing extension). **Granted 11/01/2021**

**2019/4092/P** The erection of two storey brick side extension with basement and lightwells, part brick part glazed link to main house, creation of doors from windows and associated alterations, part demolition of existing extension. **Granted 23/12/2019**

**2019/4270/L** Works to Grade II\* listed building including the erection of two storey brick side extension with basement and lightwells, part brick part glazed link to main house, creation of doors

from windows and associated alterations, alterations to room layouts, part demolition of existing extension. **Granted 23/12/2019**

**2014/2629/P and 2014/3223/L** Replacement of staircase bay window and garden facing studio room door-set joinery. **Granted 10/07/2014**

**2007/3784/L** Replacement of timber and glass lantern to flat roof. **Granted 08/10/2007**

## **Relevant policies**

### **The National Planning Policy Framework 2019**

### **The London Plan 2021**

### **Camden Local Plan (July 2017)**

- A1 Managing the impact of development
- A3 Biodiversity
- D1 Design
- D2 Heritage
- A2 Open Space
- A3 Biodiversity
- T1 Prioritising walking, cycling and public transport
- T2 Parking and car-free development

### **Highgate Neighbourhood Plan 2017**

- DH2 Development Proposals in Highgate's Conservation Areas
- OS2 Protection of Trees and Mature Vegetation
- OS3 Local Green Space
- DH6 Front Boundaries
- DH10 Garden land and Backland Development
- TR4 Reducing the Negative Impact of Parking in Highgate
- TR2 Movement of Heavy Goods Vehicles

### **Supplementary Guidance - Camden Planning Guidance**

- [Design](#) - January 2021
  - Chapters 1 (Introduction), 2 (Design Excellence), 3 (Heritage), 4 (Landscape and public realm) - These chapters are all Inclusive
- [Home improvements](#) - January 2021
  - Camden Context (Page 6 -8), Home Improvements Gardens (Page 68 – 78)
- [Transport](#) - January 2021
  - Chapter 5 (Parking and car-free development) and Chapter 7 (Vehicular access and crossovers) - These chapters are all Inclusive
- [Trees CPG](#) – March 2019

- Chapter 2 (How the Council will protect trees) - Chapter is all Inclusive

[Highgate conservation area appraisal and management strategy](#) (PDF)

## Assessment

### 1. Proposed Development

- 1.1 Planning permission is sought for the erection of a single storey, timber shingle clad outbuilding to serve no. 45 Highgate West Hill (see Figure 1). The building would be constructed in the centre of the wooded area of Highgate West Hill that is approx. 36m from no. 45 and 46. The proposed building is asymmetrical. It would be 2.4m from ground level to eaves, 3.1m tall to its roof ridge. It would have two roof pitches which would merge over the entrance (see Figure 1 below). The elevation facing the drive would have a width of 3.1m, with the other four elevations measuring 8.4m, 2.7m, 6.7m and 6m. A new gravelled access way would be created from the main drive into the site from Highgate West Hill and the area to the front of the garage. The total site coverage of the garage would be 39 sqm. The proposed building would be constructed from timber shingle cladding and the entrance door would timber.
- 1.2 It is noted that there is a discrepancy between the size of the door on the below 3D view and the plan and elevation drawing as the 3D view shows a larger door. The size of the door shown on drawings has been assessed rather than the 3D View.



Figure 1: 3D view of proposed outbuilding

### 2. Assessment

2.1. The principal consideration in the determination of this application relates to:

- The impact of the proposal to the special character and appearance of the Grade II\* building and the Highgate Village Conservation Area;
- Transport and car free policy;
- Arboricultural assessment;
- Impact on neighbouring residential amenity

### 3. Design and Heritage

- 3.1. Camden Local Plan Policy D1 seeks to secure high quality design in development which respects local context and character. Policy D2 states that the Council will preserve and enhance Camden's heritage assets and their settings, including conservation areas. Policy DH2 of the Highgate Neighbourhood Plan (HNP) states that development proposals, should preserve or enhance the character or appearance of Highgate's conservation areas, and respect the setting of its listed buildings and other heritage assets. Policy DH2 of the HNP states that 'development should preserve or enhance the open, semi-rural or village character where this is a feature of the area.'
- 3.2. Policy A2 and D2 aim to conserve or enhance the heritage value of designated and non-designated open spaces and other elements of open space which make a significant contribution to the character and appearance of conservation areas. Policy DH10 of the HNP states that 'there will be a presumption against the loss of garden land in line with higher level policies'. Policy TR4 of the HNP seeks to resist car parking that would harm a building's setting or be visually detrimental to the conservation area.
- 3.3. CPG Design (2019), paragraph 2.11 sets out how good design should respond appropriately to the existing context:
- ensuring the scale of the proposal overall integrates well with the surrounding area
  - positively integrating with and enhancing the character, history, archaeology and nature of existing buildings on the site and other buildings immediately adjacent and in the surrounding area. This is particularly important in conservation areas;
  - respecting and sensitively responding to the natural and physical features, both on and off the site.
- 3.4. Sections 16 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 "the Listed Buildings Act" are relevant.
- 3.5. Section 16(2) provides that in considering whether to grant listed building consent for any works to a Listed Building special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 3.6. Section 72(1) requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area when considering applications relating to land or buildings within that area.
- 3.7. The effect of these sections of the Listed Buildings Act is that there is a statutory presumption in favour of the preservation of the character and appearance of Conservation Areas and the preservation of Listed Buildings and their settings. Considerable importance and weight should be attached to their preservation. A proposal which would cause harm should only be permitted where there are strong countervailing planning considerations which are sufficiently powerful to outweigh the presumption.

#### Assessment of Significance

- 3.8. The character of this part of the Highgate Village Conservation Area is semi-rural and

formed by the relationship of topography, open spaces and built form. The woodland is considered to make a positive contribution to the local townscape and has its own unique character. The woodland makes a significant contribution to the open and semi-rural character and appearance of this part of the Conservation Area. This contribution is principally derived from its pleasing leafy and green appearance. The woodland brings an area of relief to the surrounding built form, providing a calm leafy background character to the surrounding heritage buildings. The woodland is characterized by a complete lack of any form of built development.

- 3.9. The applicants Heritage Report states that the appearance of the site is distinct from other nearby areas of open space, in that it is comparatively densely planted with modern tree and hedge planting and self-seeding plants and trees that have grown in the 20<sup>th</sup> century. The Ash and Sycamore provide the main canopy over and mature tree stock, providing a focal point within the Conservation Area.
- 3.10. There is evidence to suggest that the triangular piece of land has been a wooded Spinney (defined as a small wood with undergrowth) since 1850 (see Figure 2), but could date back to 1803 or further (see further details in the objections above). The Spinney is a remaining part of Highgate Common or Green, similar to the surviving piece opposite 1-6 The Grove and the triangle of land in front of the Flask, which dates back to the Middle Ages. It is not disputed by the applicant that this woodland has considerable continuity as a landscape feature in the centre of the village of Highgate. The Heritage Report acknowledges that the site was previously open and part of Common Land. The Report states that the land has some value for its historic associations with the manor of Cantelowes and as it was once part of the manor's holdings, it is no longer 'open' as other parts of the former common. The Report states that its historic character and appearance cannot be known with any certainty, and the report does not ascribe great importance to its historic interest. Officers disagree with this and consider the woodland to hold significant historic interest.



Figure 2 Map circa 1850

- 3.11. The setting of a listed building is defined in the NPPF Glossary as the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

- 3.12. The Highgate Village Conservation Area Appraisal mentions the Grade II\* Listed pair of buildings at nos. 45 and 46 Highgate West Hill as 'a substantial pair of semi-detached houses consisting of a ten-bay frontage'. The 'Buildings of England' mentions these buildings as a 'forbidding pair'. The woodland contributes to the setting of the pair, built c 1729. The woodland screens the 18<sup>th</sup> Century Grade II\* Listed pair and contributes to their setting. The woodland makes a positive contribution to the experience of approaching the buildings along the gravel. The spinney contributes to the listed buildings sense of grandeur and secrecy. It is possible to glimpse into the site from the street which reveals a haven of tranquillity in the centre of Highgate Village. Any changes to the character and appearance of the woodland may therefore affect the ability to appreciate that significance or the listed pair.
- 3.13. Assessment
- 3.14. The outbuilding is a substantial structure in the context of the site which would have a footprint of 37 sqm. The total developable area, including the new drive would be 43 sqm. The total development would cover approximately 15% of the Spinney which has a site area of approximately 301 sqm. The size together with its central location within the plot would result in a significant increase in developed area in relation to untouched woodland.
- 3.15. The historic and townscape value of the woodland derives from its lack of any form of development throughout its recorded history. Therefore the introduction of outbuilding into its core would harm its character and special historic interest. The outbuilding would diminish and encroach upon the tranquil and untouched character of this important townscape feature. The design aims to minimise impact through an asymmetrical form to reduce the appearance of mass, and use of natural materials. However, a structure of this scale would affect the character of the woodland, form and materials are not capable of sufficiently mitigating or reducing harm, as the impact is caused by fundamental issues of proximity, location and scale. The outbuilding would disrupt its historic interest which derives from its previous use as a common. The proposal would fail to preserve or enhance the open, semi-rural and village character of the designated heritage asset – i.e. the Conservation Area.
- 3.16. The outbuilding may have limited visibility from the public realm, particularly during summer and spring. It is acknowledged that soft-landscaping in form of a hedge is proposed surrounding the outbuilding, notably to the east where the structure could be visible from the public highway, particularly during the dormant season. However, irrespective of visibility, the introduction of an outbuilding would harm the integrity of the woodland and its heritage interest. Historic England's Good Practice Advice Note No. 3, 'Access and Setting' states: *"the contribution of setting to significance does not depend on public access or ability to access it, significance is not dependent on the number of people visiting it; this would downplay such qualitative issues as the importance of quiet and tranquillity as an attribute of setting."*



Figure 3: view from Highgate West Hill

- 3.17. The woodland screens the 18<sup>th</sup> Century Grade II\* Listed pair and contributes to their setting. The woodland creates form of secretive passage leading up to the forecourt of the properties, see Figure 3. This relationship between the woodland and the listed pair would be altered with introduction of a modern outbuilding and access drive. The spinney contributes to the listed buildings sense of grandeur and secrecy. The experience of entering the site would change with the introduction of an outbuilding structure within the woodland. The glimpse views into the site from the street would also change, with the sense of seclusion altered. The proposal would cause harm to the setting of the Grade II\* Listed Pair of 45 and 46 Highgate West Hill.
- 3.18. Para 196 of the NPPF (2019) states that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'. The proposal would result in 'less than substantial harm' to the character, and appearance and historic interest of the conservation area as well as to the setting and therefore special historic interest the Grade II\* Listed Pair of 45 and 46 Highgate West Hill. The proposal would provide no public benefits to outweigh the less than substantial harm to the conservation area and setting of the Grade II\* Listed buildings as it a domestic outbuilding for the use of a private owner.

#### 4. Transport

- 4.1. Policy T2 (Parking and car free development) of the Local Plan aims to limit the opportunities for parking within the borough as a means of reducing private car ownership and therefore reduce air pollution and congestion, and improve the attractiveness of an area for walking and cycling. Criterion B and D of Policy T2 states that the Council will limit the availability of parking and require all new developments in the borough to be car-free through:

*B limiting on-site parking to:*

*i. spaces designated for disabled people where necessary, and/or*

*ii. essential operational or servicing needs;*

*D. resist the development of boundary treatments and gardens to provide vehicle crossovers and on-site parking*

- 4.2. The application is not for a garage to provide off-street parking, however should the

development have otherwise been considered acceptable a condition would be attached to prevent the use of the outbuilding for car parking.

## 5. Trees and biodiversity

- 5.1. The trees which would be potentially impacted by the proposal are located within a conservation area, and therefore have protected status. The proposed development, would be within the root zone of a number of trees. The Arboricultural Survey and Impact Assessment identifies 26 trees and 1 hedge located within close proximity of the proposed development. This report has been assessed by the Council's Tree and Landscaping Officer. It is noted that arboricultural considerations are assessed in terms of potential damage to mature trees, particularly tree roots. The impact of the outbuilding on the character and appearance of the woodland is a heritage consideration rather than the physical damage it would cause to any existing trees on the site.
- 5.2. The report addresses the works and highlights where tree protection measures are required. The report states that these measures would be outlined within an Arboricultural Method Statement (AMS). In regards to tree protection, no trees are proposed to be removed in order to facilitate development and no pruning is proposed. As the structure would be situated within the central area where trees do not exist (see Figure 4). However a hedge would be removed to allow for the construction of the outbuilding and access path.

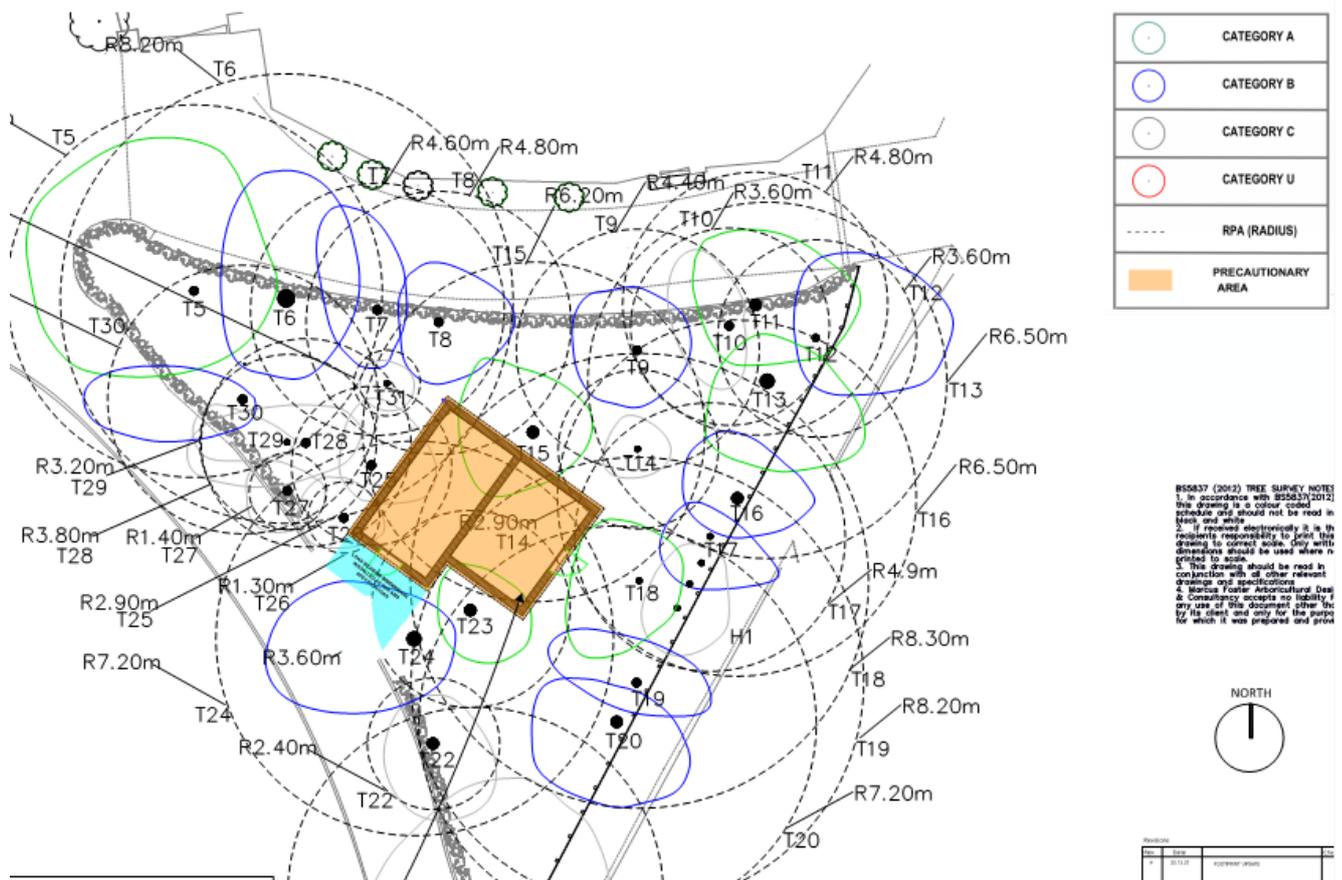


Figure 4: Tree Constraints Plan

- 5.3. The proposed foundations of the outbuilding would be small diameter helical piles which would involve a low degree of soil disturbance and would not harm tree roots. The proposed driveway would be a "no dig/no fines" construction, meaning no excavation will be required and the surface would be permeable. The report demonstrates that with appropriate tree

protection measures, there would not be damage to mature trees. The Councils Tree Officer has confirmed that the development would not harm mature trees subject to a condition requiring the submission and approval of further tree protection measures within an AMS. This would include details of foundations and service routes in so far as they may affect trees, trials works to determine foundation locations, tree protection fencing and details of monitoring and supervision by the retained project arboriculturalist. Should the development have otherwise been considered acceptable a condition would be attached requiring the submission and approval of these tree protection details.

## **6. Residential Amenity**

- 6.1. Policy A1 seeks to protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity.
- 6.2. The outbuilding is single storey in height and would be 36m away from the nearest residential properties. The use of the outbuilding as a workshop would not give rise to adverse impacts on residential amenity. The outbuilding is a considerable distance away from neighbouring residential windows and any comings and goings from the outbuilding would not create significant nuisance or noise disturbance.

## **7. Recommendations**

- 7.1. Refuse Planning Permission
- 7.2. Refuse Listed Building Consent