

Delegated Report		Analysis sheet	Expiry Date:	04/09/2020
		N/A	Consultation Expiry Date:	30/08/2020
Officer			Application Number(s)	
Josh Lawlor			(i) 2020/3067/P (ii) 2020/3397/L	
Application Address			Drawing Numbers	
45 Highgate West Hill London N6 6DB			See decision notices	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
(i) 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.				
(ii) 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.				
Recommendation(s):		1. Refuse Householder Planning Permission 2. Refuse Listed Building Consent		
Application Types:		1. Householder Planning Permission 2. Listed Building Consent		

Conditions or Reasons for Refusal:	Refer to Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:			No. of responses	03	No. of objections	03
Summary of consultation responses:	<p>Two site notices were displayed directly outside the site on Highgate West Hill from 05/08/2020 expiring 29/08/2020. The application was also advertised in the local press from the 06/08/2020 (expiring 29/08/2020).</p> <p>Two objections were received from residents at 110 Highgate Road and 16 Tivoli Road.</p> <ul style="list-style-type: none"> A detail front John Rocque's 1746 map of the environs of London (see below maps) shows the line of the houses around the Gatehouse previously lined a path north of Highgate Green alias Common which which was closed off in 1919. The owners of Apothecary's House alias Wethererell House annexed part of what used to be Highgate Common alias Highgate Green seemingly in stages during the 19th Century and concluding with when this little strip of land occupied by the spinney was left over when the reservoir was constructed. Though the parish map by Thomson of 1904 suggests part of the site, but excluding the spinney had already been separated from the common presumably to serve as a front garden to the house (only the accompanying terrier will say whether the plots were leasehold - i.e. still legally part of the Common - or freehold), Prickett's map of 1842 shows that at that time the spinney was still part of the 'Nursery Ground' that occupied the northern part of Highgate Green. A sketch of 1813, reproduced on page 96 of the Highgate Village volume of the Survey of London, gives further information. It was attached to an application in the court rolls to move the line of the right of way from immediately in front of Wetherell House to around the land in front which corresponds to the garden as shown on the 1870 map. The area occupied by the spinney at that point was clearly not yet part of Wetherell House and was seemingly still part of Highgate Green. The spinney does indeed bear no relationship to Wetherell House because the spinney is visually a relic of Highgate Common, like the surviving piece opposite 1-6 The Grove and the triangle of land in front of the Flask, and should therefore not, on heritage grounds, be tampered with - Highgate Common itself (see my article in the 2018 issue of Hornsey Historical Bulletin) dated back to the Middle Ages. This should carry some weight since, after all, Highgate Village is a Conservation Area. <p><i>Officer response to objection:</i></p>					

1. Historical analysis noted, see design and heritage section of the report for assessment

A representative from the Natural History Museum objected on the following grounds:

- A mixture of trees including mature sycamore and ash up to 100 years. Probably all self- established. No evidence that this might be a remnant of the original woodland on the site. No individual trees that are particularly valuable but together they form a prominent feature with significant amenity value which would probably be destroyed or at the very least reduced considerably were a garage and storage shed to be built on the site. It is difficult to see how a garage and shed could be built without cutting down some of the biggest trees which would almost certainly affect the street view.

Officer response to point 1 above:

1. Please refer to the Trees section of this report

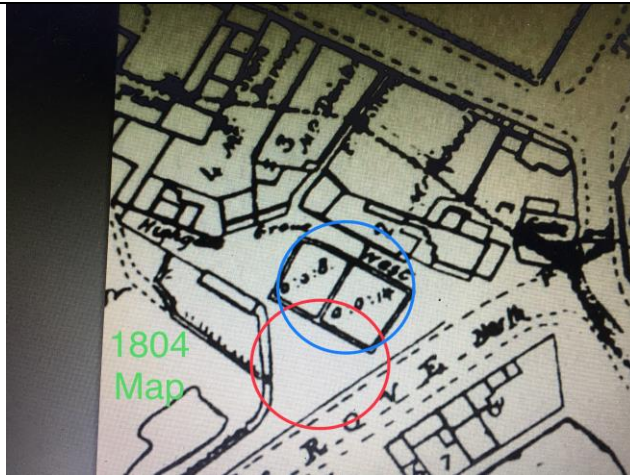
The planning / heritage objection below is made by a representative of the Trees part of the Highgate Neighbourhood Forum. Their objection on these matters is therefore considered to be submitted by a private individual rather than the views of the Forum.

This is a little gem of a spinney whose character should be maintained, uncompromised by hollowing out the centre. The applicant states that the development of this treed area is relatively recent, first being recorded on the 1870 Ordnance survey map which was surveyed in 1863. The trees would have had to have been of some standing to be recorded. It is reasonable to assume there has been a stand of trees here for at least 200 years. Before that, there is no evidence either way. Contrary to the applicant's contention that the current triangular area coincides with two squares on the 1803 map, I content that the two squares lie to the East and stand where a garden fringed with trees is shown on the 1870 map. That seems to follow the line of the current Apothecary House Garden at number 47. The outline of the triangular land would reasonably be assumed to be west of the two squares and in front of the houses (see marked up photos of the two maps). It is unsurprising that no trees are recorded on the 1803 map, any more than they are on the Rocque map of 1762 which marks 45 and 46. No trees are recorded on either map, unless they lie in woodland.

**Highgate
Neighbourhood
Forum (Trees)**



Map dated 1870



Map dated 1803-4

The tree assessment, as it says itself, only studies mature trees. This spinney is a small eco-system where the undergrowth and young trees make a significant contribution. To hollow it out, with a structure, would be to alter its character. It is difficult to tell what impact this area of hardstanding, built over the roots of trees, will have on the health of those trees. Any loss, particularly of any mature tree, will have a significant effect on the views from the public space of the conservation area. In winter, when the deciduous trees have shed their leaves, the building will be visible from the public highway, altering the character of this part of the Conservation Area. Request report / ecological study.

Officer response to point on trees and ecology above:

- 1. The arboricultural survey identifies young and mature trees as well as bushes. Please refer to the Trees section of this report for further detail. An ecology or biodiversity study is not considered necessary.*

<p>Highgate Conservation Area Advisory Committee</p>	<p>It is clear from the historical maps submitted that the triangle of land has been a wooded Spinney continuously from 1862. The OS Maps of 1869, 1894 & 1913 also show it wooded. There will have been self-seeding and tending of the woodland over a period of at least 160 years if not longer, in other words, considerable continuity as a landscape feature in the centre of the village of Highgate.</p> <p>Our research has revealed that this Spinney is a remaining part of Highgate Common or Green, like 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 (see Peter Barber's article in the 2018 issue of Hornsey Historical Bulletin).</p> <p>It must therefore be as unthinkable on heritage grounds to build within this Spinney as to build on the other two remaining relics of Highgate Common. Each contributes significantly to the unique character and setting of Highgate Village.</p> <p>We also consider that the woodland to such an extent screens the 18th century buildings behind it that it is part of their setting also. We suggest that para 3.14 of the Heritage statement which suggests this group of buildings are within a setting of openness is misguided. The setting is rather one of secrecy and discovery with few people other than owners and their guests even entering it. To alter this delicate relationship would cause harm to the setting of the Listed Buildings.</p> <p>This woodland Spinney is as important a feature for the setting of Highgate Village as it is for the group of 18th century houses. The Heritage Statement notes views from various locations in the Village which are important. These and other views must not be put in jeopardy by any form of building.</p> <p>It is clear the woodland has never been built on so it is undeveloped land and indeed is Common Land. This is no ordinary front garden.</p> <p><i>Officer response to the contention that the triangular piece of land is Common Land</i></p> <p><i>1. 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.</i></p>
<p>Highgate Society</p>	<p>Society would like to highlight a fundamental issue omitted from the Heritage Appraisal accompanying this application.</p> <p>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</p>

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.

Officer response to the contention that the triangular piece of land is Common Land, point on potential harm to mature trees and pedestrian safety.

- 1. 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.*
- 2. Please refer to the Trees section of this report*
- 3. The garage would not create highway safety issues. The gravel path is not part of the adopted highway network and it is not used by pedestrians. It is primarily used as private access to 45 and 46 Highgate West Hill.*

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 19th 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 garage 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 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

2020/5960/P Construction 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.
Refused 24/04/2021

2020/5997/L Construction 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.
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
- A2 Open space
- 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 \(PDF\)](#)

Commented [EQ1]: Any relevant policies?

Assessment

1. Proposed Development

1.1 Planning permission is sought for the erection of a single storey, timber shingle clad garage to provide off-street car parking 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 vehicle entrance door would be powder coated metal roller shutter.

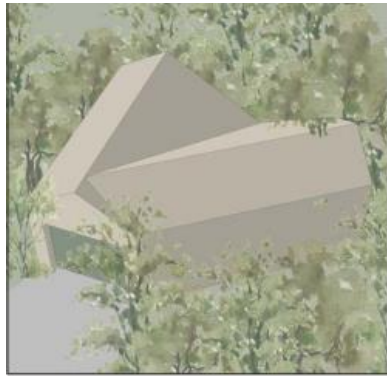


Figure 1: 3D view of proposed garage

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 applicant's 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 20th 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 woodland also contributes to the setting of Grade II* Listed pair of buildings at nos.45 and 46 Highgate West Hill, built c 1729. 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*'. The woodland makes a contribution to the setting of the listed building as the experience of approaching the buildings is shaped as one passes through the driveway and adjacent Spinney. It is possible to glimpse into the site from the street which reveals a haven of tranquillity in the centre of Highgate Village. The spinney contributes to the listed buildings grandeur and secrecy.

3.13. Assessment

- 3.14. The garage is a substantial structure in the context of the site which would have a footprint of 39 sqm. The total developable area, including the new drive would be 45 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. The garage would hollow out the Spinneys original character.
- 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 a garage into its core would harm its character and special historic interest. The garage would diminish and encroach upon the untouched character of this important townscape feature. A structure of this scale would affect the character of the woodland, the asymmetrical design and use of timber shingle cladding is not capable of sufficiently mitigating or reducing harm, as the impact is caused by fundamental issues of proximity, location and scale. 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 garage may have limited visibility from the public realm, particularly during summer and spring. It is also acknowledged that soft-landscaping in form of a hedge is proposed surrounding the garage, notably to the east where the view from the public highway could be altered 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 18th Century Grade II* Listed pair and contributes to their setting. The woodland creates a 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 the introduction of a modern garage and access drive. The experience of entering the site would change with the introduction of a garage structure within the woodland. 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 garage 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 proposal would not accord with criterion B and is considered contrary to criterion D. The proposal would create additional on-site parking spaces through developing the spinney which is a form of boundary treatment or garden feature to the front of the residential properties. The existing informal forecourt provides eight (or more) parking spaces shared between three properties which is significant amount of shared car parking spaces. The addition of a garage, which could provide up to two car parking spaces (See figure 4), would do nothing to promote and encourage trips by sustainable modes of transport, which is contrary to the objectives of Policies T1 and T2.



Figure 4: Plan showing space for two cars

- 4.3. Policy T2 also states that developments seeking to replace garden areas for the purpose of providing on-site parking will be resisted (which is also addressed in policy D2). Policy TR4 of the NP seeks to resist car parking that would harm a building's setting or be visually detrimental to the conservation area. The policy states that development should not create, or add to, an area of car parking that would have an adverse impact on local character or a building's setting or is visually detrimental to the conservation areas. Any new off-street parking should have regard for its impact on the character of the local area. The proposal is contrary to these policy expectations, the assessment is covered in the above Design and Heritage Sections above.
- 4.4. Policy T1 (Prioritising walking, cycling and public transport) of the Local Plan aims to promote sustainable transport by prioritising walking, cycling, and public transport. Introducing additional off-street parking spaces, in the form of a garage, would be contrary to Policy T1, and would do nothing to encourage the use of sustainable transport, as there would be the availability and incentive to park more vehicles in the off-street parking spaces.

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 garage 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 5 below). However a hedge would be removed to allow for the construction of the garage and access path.

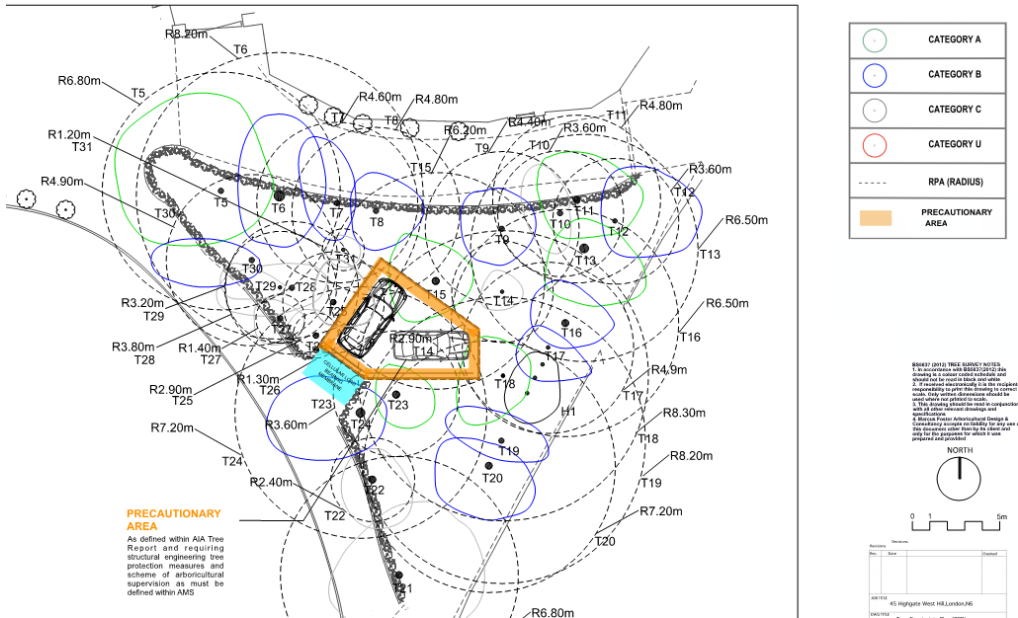


Figure 5: Tree Constraints Plan

5.3. The proposed foundations of the new garage 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 proposal would not give rise to adverse impacts on neighbouring residential amenity. The garage is single storey in height and would be 36m away from the nearest residential properties.

7. Recommendations

- 7.1. Refuse Planning Permission

7.2. Refuse Listed Building Consent