

Delegated Report		Analysis sheet		Expiry Date:	05/04/2021
		N/A		Consultation Expiry Date:	11/04/2021
Officer			Application Number(s)		
Josh Lawlor			(i) 2021/0540/P (ii) 2021/0828/L		
Application Address			Drawing Numbers		
Apothecary House 47 Highgate West Hill London N6 6DB			See decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
(i) Erection of a single storey outbuilding. (ii) Erection of a single storey outbuilding.					
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	00	No. of objections	00
Summary of consultation responses:	A site notice was displayed directly outside the site on Highgate West Hill from 18/03/2021 expiring 10/04/2021. The application was also advertised in the local press from the 18/03/2021 (expiring 11/04/2021).					
Highgate CAAC	<p>Highgate CAAC wishes to object to this application for an ancillary timber building in the garden of the grade II* listed Apothecary's House. We dispute the assertion made in the heritage statement that the building would only be 'very marginally visible' from the street and would have no deleterious effects on the setting on the adjacent 44 and 45 West Hill also listed. It is an unnecessary and damaging intrusion in the curtilage of one excellent listed building and in the setting of two others. This group of buildings is of outstanding quality and must be fully protected.</p> <p>We have now seen the covering letter dated 21 April 2021 from hgh and their attached responses to objections to these applications; and their letter dated 25 August 2021. We have also looked at application nos. 2007/4406/L & 2008/3101/P.</p> <p>HCAAC responded to the additional information provided by hgh as follows:</p> <p>1. We note the first floor plan dwg no GLH/LD/0011/C submitted with application no. 2008/3101/P shows a screening of medium to large trees in front of the approved new extension presumably intended to screen the new extension from public view from Highgate West Hill. The current application, 2021/0540/P shows a row of small shrubs in front of the extension and three small to medium sized trees closer to the boundary. There does not appear to have been any applications in the interim for removal of any trees.</p> <p>2. We note that at some point in time the garden wall to Highgate West Hill has been rebuilt consisting of a low brick wall with railings above. This design denotes that that portion of the wall, between the wall next to The Gatehouse as far as the garden gate (at the corner with the access road to nos. 45, 46 & 46a) was required to be designed as a front garden wall. The railings are covered with Clematis Armandii which has grown densely up to around 600mm above the top of the railings. Such vegetation should be regarded as ephemeral and cannot be used to re-designate a front garden to a back garden. If the applicant wishes to build a high wall along part or all of the street frontage then an application would need to be made.</p> <p>3. We also note that the ivy and other climbing plants on the higher wall</p>					

	<p>to the private access road extend to up to a metre above the brick wall. Ivy is pernicious when it comes to brickwork and so it is more than likely it should to be removed.</p> <p>4. We therefore conclude the submitted verified images should be ignored.</p> <p>5. We conclude that the Clematis growing over the railings should be ignored. The intention to have an open aspect through railings should be retained. The proposed outbuilding would be seen from the public realm and would be considered an outbuilding viewed from the Conservation Area which would cause harm.</p> <p>6. We also conclude that the ivy to the higher section of wall will be removed and as the proposed building would be higher than the wall, it would be seen from the public realm and from the private access road to the group of Grade II * listed buildings.</p> <p>7. The Council is obliged to fulfil the statutory duty imposed by section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. As set out in the Court of Appeal's decision in the Barnwell Manor case, that duty requires "considerable importance and weight" to be given by decision-makers to the desirability of preserving the setting of all listed buildings.</p> <p>8. In summary, the proposal to build an outbuilding would have an adverse impact on and therefore cause significant harm to the settings of nos. 45, 46 & 47 Highgate West Hill all of which are Grade II * listed buildings. In the proper exercise of its statutory duty, the Council is bound to refuse the application.</p>
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<p>Highgate Society</p>	<p>Apothecary's House 47 Highgate West Hill</p> <p>This historically important Georgian house was lived in at one time by several generations of the Wetherell family. It is positioned next to the Gatehouse public house on the most northern edge of the Earl of Southampton's original estate. The view from the pavement of Highgate West Hill includes as a group Nos 46 and 45 Highgate West Hill which are of equal importance to No 47. This view will be obstructed by the ancillary outbuilding proposed in this application</p> <p>The boundary wall of the garden of No 47 sits to the front and side of the house. This application proposes placing an ancillary building on the west/south, corner of the garden and forward of the house. It would rise 83cm above the garden wall. As it is positioned very close to the garden wall there is no possibility of any shielding foliage.</p> <p>In addition, this proposed ancillary building covers a large proportion of the total garden area and includes a sizable area of paving.</p> <p>This application not only damages the setting of 47 Highgate West Hill but, due to the close proximity of Nos. 46 and 45, it damages the whole group. The Highgate Society strongly objects to this application in its current form and the applicant should look at it again so that it does not adversely impact the CA and the view of the group of houses from Highgate West Hill.</p>
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Site Description

The site of the proposed outbuilding is located to the south-west of the principal dwelling and Grade II* Listed Building at no. 47 Highgate West Hill, placed against the garden boundary wall (figure 1).

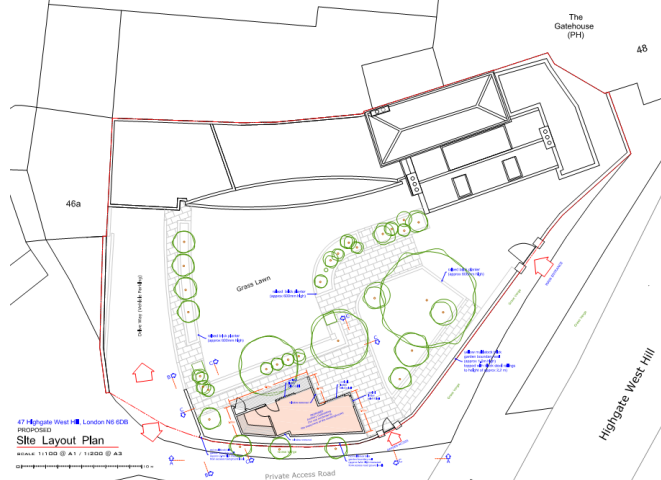


Figure 1: Proposed site plan with site of outbuilding shown.

The plot associated with no. 47 is generous and fronts the large and characterful house with a c.2008 single- storey contemporary extension along its northern boundary. A two- storey garage terminates this run of development which is accessed via a private drive to the west. The wide front garden is a mix of soft-landscaping (lawn) and hard surfacing (patios/paving etc) and mature planting. Apothecary House makes a positive contribution to the character and appearance of the Highgate Conservation Area and it is clearly and important townscape component which is set back from the road.

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 site falls in the Highgate Neighbourhood Plan area.

Planning History

2007/4403/P Demolition of existing garden outbuilding and timber garage and erection of a part single / part two storey side extension to single family dwelling house (C3) including ancillary accommodation above the new garage. **Granted 19/11/2007**

2007/4406/L Demolition of existing garden outbuilding and timber garage and erection of a single storey side extension to single family dwelling house (C3) including ancillary accommodation above a new garage, together with internal alterations including removal of modern finishes, re-forming openings from house to the new extension and alterations to the west garden wall. **Granted 19/11/2007**

Relevant policies

The National Planning Policy Framework 2021

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

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)
- [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 provision of a garden building (gym) to the south-west of the principal listed building on the site of a hard-landscaped former play area, close to the gated vehicle access into the site (figure 1). It would be 2.7m in height, span 6.6m to the south elevation with a small recess or set back to the eastern corner, the maximum width is 10m to the north elevation with a slight curve in the plan form.
- 1.2 The proposed outbuilding would be clad in cedar with plain elevations to the west and south elevations with window and door openings to the east and north with vertical timber brise soleil. The openings would be detailed a dark powder coated aluminium.

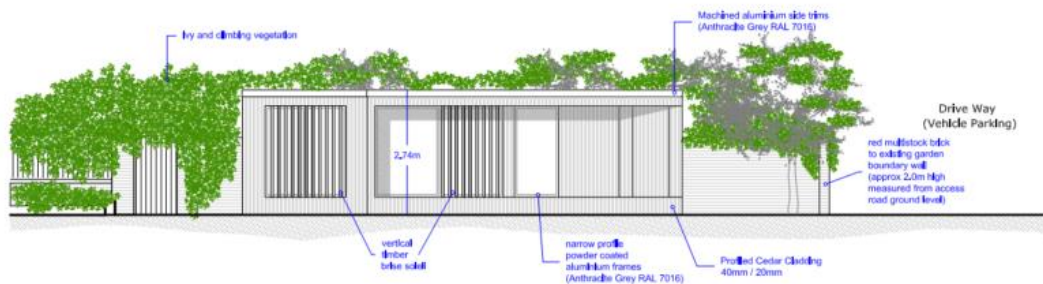


Figure. 2 Proposed south elevation

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;
- Impact on mature trees;
- 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'.
- 3.3. Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 "the Listed Buildings Act" are relevant.
- 3.4. 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.
- 3.5. Special regard has been attached to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses, under s.66 of

the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

- 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. 47 Highgate West Hill is a grade II* listed building, added to the statutory list in 1954. The list description for no. 47 reads as follows:

Detached house. c1730 with early C19 extension, restored late C20. Red brick with yellow stock brick extension. Tiled roof with dormers. 2 storeys and attics. Double fronted with 5 windows; single window projecting extension to right. C20 wooden doorcase with pilasters and pediment; panelled door. Flush frame sashes with exposed boxing; ground floor segmental-arched, 1st floor flat arched.

Extension with flat arches. Central 1st floor window surmounted by blind lunette breaking into broken bracketed pediment. Bracketed cornice below parapet. INTERIOR: not inspected but noted to retain some panelling, a contemporary staircase and fireplace. (Survey of London: Vol. XVII, The Village of Highgate (Parish of St Pancras part I): London: -1936: 95-102).

- 3.9. With nos. 45, 46 and 46a, no. 47 forms part of a groups of buildings set back from Highgate West Hill behind substantial front garden/wooded areas. The principal dwelling and listed building at no. 47 is the most visible within this small group; the house can be seen from Highgate West Hill set back from the road and at an angle.
- 3.10. It is a villa type of development responding to late 17th century and early 18th century influences. The building has been extended during the 19th century and again in 2008. The existing garden is large and provides a soft and hard landscape setting to the listed building.
- 3.11. 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.
- 3.12. Assessment
- 3.13. The front garden contributes to the significance of the listed building in that it forms part of its residential curtilage and contributes to the open and verdant character of the site and to the wider conservation area. There is a spaciousness with larger detached and semi-detached dwellings arranged around large gardens which contributes to the conservation area's semi-rural character, as described in the Highgate Conservation Area Appraisal and

Management Plan.

- 3.14. No. 47 forms part of a small group set away from Highgate West Hill. It is possible to see the main house from the road, but the majority of the plot is private and enclosed. The railings are covered with *Clematis Armandii* which has grown densely up to around 600mm above the top of the railings (figure 3 and 4).



Figure 3. Front boundary wall



Figure 4. Front boundary wall with vegetation

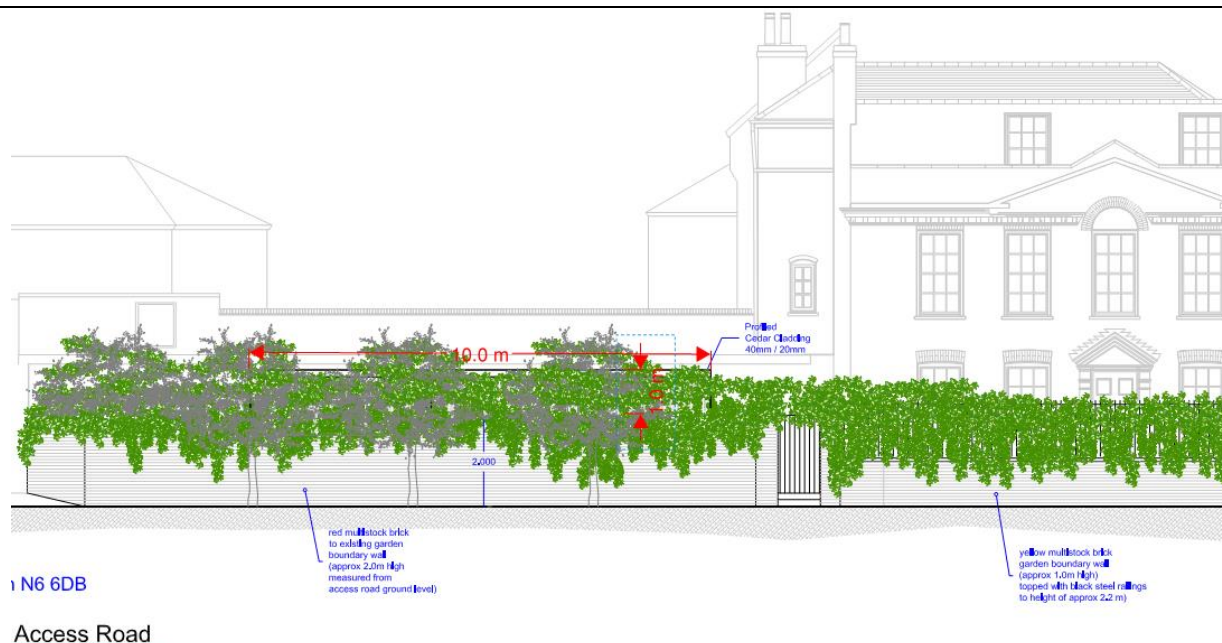


Figure 5. Proposed elevation AA showing outbuilding rising 1m over boundary wall for a length of 10m (indicated by red lines)

- 3.15. The proposed building is 1 meter taller than the existing boundary wall to the private access road, as shown on figure 5. It would span 10m across which is significant. It is accepted that given the level of planting in this area, the proposed building would have marginal visibility from the public realm. However, it is likely to still be visible and this causes harm. Officers agree with the Highgate CAAC and Highgate Society that the presence of Ivy cannot be given significant weight in the assessment. The outbuilding would interfere with how the main listed house is appreciated from the street. It is not typical for an outbuilding of this scale to be erected within the front garden / forecourt of a listed building. This form of development is typically provided to the rear which helps define this form of development as a clearly ancillary structure.

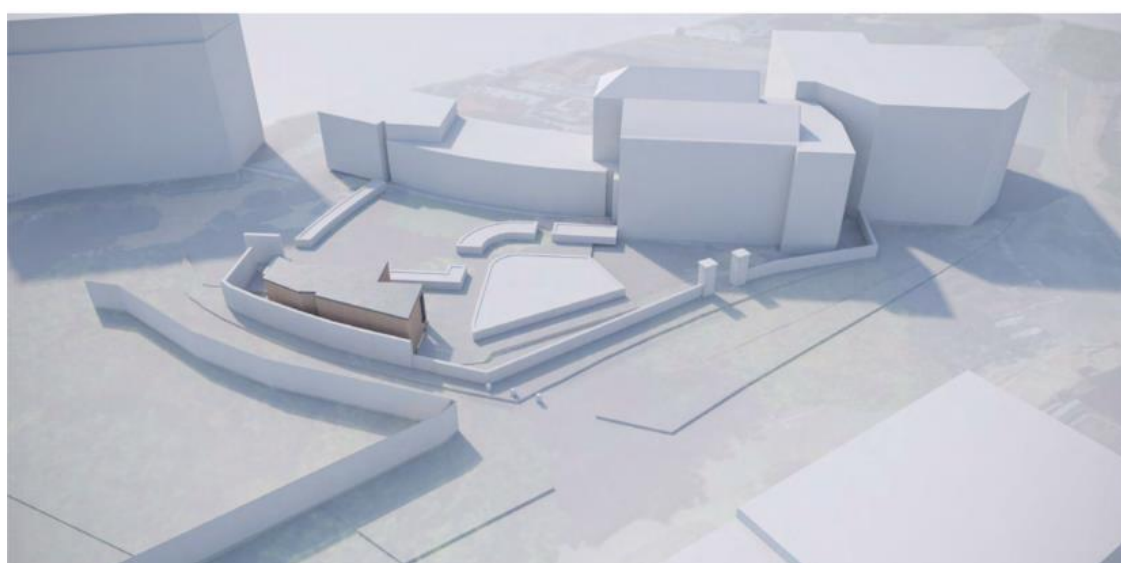


Figure 6. Proposed arial view showing outbuilding in relation to front garden and host listed building

- 3.16. Officers disagree with the conclusions of the Heritage Appraisal. It is considered that those aspects of the garden at no. 47 that contribute to the setting of nos. 45 and 46 – i.e. openness and a certain spatial quality – would be reduced in quality and amount and therefore impacted. As shown in Figure 6, the outbuilding is a large structure and would occupy a significant proportion of the front garden.
- 3.17. The outbuilding appears more as an independent building rather than a humble, shed like structure. The large expanses of modern glazing make the structure appear more dominant and out of character with its traditional setting. As noted above, no 47 has already been significantly extended in 2008 and the proposal would further increase the extent of modern additions to the site. This has an impact on the original listed building as the extent of the additions reduce the primacy of the original host listed building. In this regard, the outbuilding would cause harm to the setting of nearby listed buildings.
- 3.1. 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 47 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. Trees and biodiversity

- 4.1. The outbuilding would be located on a paved area which was previously the location of a climbing frame. The outbuilding would have no foundations and there would be no impact to mature trees.

5. Residential Amenity

- 5.1. 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.
- 5.2. The outbuilding is single storey in height and would located a sufficient distance away from the nearest residential properties. The use of the outbuilding as a gym would not give rise to adverse impacts on residential amenity. Any comings and goings from the outbuilding would not create significant nuisance or noise disturbance. Any approval would have been conditioned to ensure its use remained ancillary to the main dwelling house.

6. Recommendations

- 6.1. Refuse Planning Permission
- 6.2. Refuse Listed Building Consent