

The  
Heritage  
Practice

10 Bloomsbury Way, London WC1A 2SL  
+44 (0)20 3871 2951  
[www.theheritagepractice.com](http://www.theheritagepractice.com)  
[info@theheritagepractice.com](mailto:info@theheritagepractice.com)

Appeal Statement  
Apothecary House, no. 47 Highgate West Hill,  
Highgate, London, N6 6DB

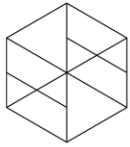
Application References: 2021/0828/L and  
2021/0540/P

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## Appeal Statement

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## 1 Introduction

1.1 My name is Kate Graham (MA (Hons) MA PG Dip Cons AA) and I am a Director of The Heritage Practice, a historic built environment consultancy. I have been a Director of The Heritage Practice since 2011. Prior to this, I was the Design and Conservation Manager for the London Borough of Islington and a Senior Historic Buildings Inspector for Historic England. I have degrees in Ancient History and the City of Rome and a specialist qualification in Building Conservation.

1.2 This appeal statement addresses heritage matters raised in respect of two refused applications for the construction of an outbuilding (2021/0828/L and 2021/0540/P) within the residential curtilage of Apothecary House, no. 47 Highgate West Hill. The description of development is for the 'erection of a single storey outbuilding.'

1.3 The application for planning permission (2021/0540/P) was registered on 11 March 2021 and refused on 17 September 2021.

1.4 An application for listed building consent was also made (2021/0828/L) and subsequently refused in September 2021. It is my opinion, given that the refused scheme did not involve works to a listed building or structure (or curtilage listed building), that listed building consent was not required in respect of either set of applications. Listed building consent is required when there are works to demolish, alter or extend a listed building that would affect its character as a building of special architectural or historic interest.<sup>1</sup> This can also apply to curtilage

listed structures. No existing buildings or structures are affected by the proposals and therefore, listed building consent was not required.

1.5 The following appeal statement therefore sets out the appellant's case in relation to historic environment matters in the reason for refusal attached to the refused application for planning permission (that listed building consent was not required is to be agreed with LB Camden through a Statement of Common Ground). With regard to heritage matters the planning application was refused for the following reason:

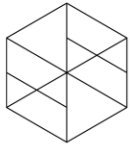
*The proposed outbuilding, by reason of its location, size and design would appear as an incongruous structure which would encroach upon the open and verdant character of the host property causing harm to the setting of the Grade II\* Listed building and to the character and appearance of the wider Highgate Conservation Area, contrary to policies A2 (Open Space), D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017 and policies DH2 (Development Proposals in Highgate's Conservation Areas) and DH10 (Garden land and backland development) of the Highgate Neighbourhood Plan 2017.*

1.6 Although irrelevant in this case, the listed building consent was refused for a very similar reason (excluding the conservation area and related wider planning policies):

*The proposed outbuilding, by reason of its location, size and design would appear as an incongruous structure which would encroach upon the open and verdant character of the host property causing harm to the setting of the Grade II\* Listed building contrary to policy D2 (Heritage) of the London Borough of Camden Local Plan 2017.*

1.7 Based on the reason for refusal in respect of the planning permission, the main issues to be addressed by this statement are therefore:

<sup>1</sup> Section 7, *Planning (Listed Buildings and Conservation Areas) Act 1990* and Historic England's advice note 16: *Listed Building Consent*, page 24, Scenario 6: Building a free-standing, single-storey garage within the curtilage of a listed building, 'LBC is needed only for the demolition of a listed building or for its alteration and extension affecting its character as a building of special architectural or historic interest. The addition of a new free-standing building within the curtilage of a listed building is none of these things, so it will not need LBC.'



- i. Whether the proposed outbuilding is incongruous by virtue of its location, size and design and whether the proposed outbuilding would encroach upon the open and verdant character of the host property;
- ii. Whether the refused proposals would cause harm to the setting of no. 47 Highgate West Hill; and,
- iii. Whether the proposals would cause harm to the character and appearance of the wider Highgate Conservation Area.

1.8 The historic environment policies referred to in the reason for refusal are Policies A2 (Open Space), D1 (Design) and D2 (Heritage) of the London Borough of *Camden Local Plan 2017* and Policy DH2 and DH10 of the *Highgate Neighbourhood Plan 2017*. These policies are considered in more detail below.

1.9 The policies as they relate to heritage are of course underpinned by relevant statutory protection in regards to conservation areas and listed buildings. The statutory duty with respect to listed buildings and conservation areas is set out at S.66 and S.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

1.10 With regard to listed buildings, S.66 sets out that in considering whether to grant planning permission, *'the local planning authority shall have special regard to the desirability of preserving the building or its setting.'*

1.11 With regard to conservation areas, S.72 sets out that when considering development proposals in respect of land within a conservation area, *'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'*

1.12 Both S.66 and S.72 are reflected in local policy which sets out in regard to conservation areas that proposals should preserve or enhance in conservation areas as per the statutory duty. It is noted that the reason

for refusal states that the proposals harm character *and* appearance.

1.13 It has been found in case law that in decision making, it is the existing character and appearance of the conservation area, *as it is*, that must be considered, not its character and appearance as it might be.<sup>2</sup> As will be shown below, this is important as third party objections and the council say that existing planting should be 'ignored' or 'cannot be given significant weight' in considering the effect of the appeal scheme on the local townscape. The planting in question (around boundaries and throughout the garden) is existing and forms part of what the council acknowledges is the 'verdant' character of the existing site. It forms part of character and appearance and cannot be ignored or not given weight.

1.14 I have been involved with the property at no. 47 Highgate West Hill since January 2021 and am very familiar with the existing building and its residential curtilage. With particular regard to the appeal site, I undertook a very careful assessment of the refused scheme, the site and its wider context. I prepared a Heritage Appraisal in support of the refused scheme that was submitted as part of the application process and assisted in the preparation of responses to third party and council objections during the course of the application. The Heritage Appraisal has been submitted as part of the appeal and should be read in conjunction with the following statement. Various points will be cross referenced to the Heritage Appraisal (*Heritage Appraisal – Proposed Outbuilding February 2021*).

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<sup>2</sup> *Listed Buildings and Other Heritage Assets* (5<sup>th</sup> Edition, 2017 Mynors, C., and Hewitson, N., 16-014, p 547: *'Finally, note that it is the existing character and appearance of the conservation area, as it is, that must be considered, not its character and appearance as the decision maker might like it to be'* (Historic Buildings and Monuments Commission v Secretary of State [1997]. J.P.L. 424).

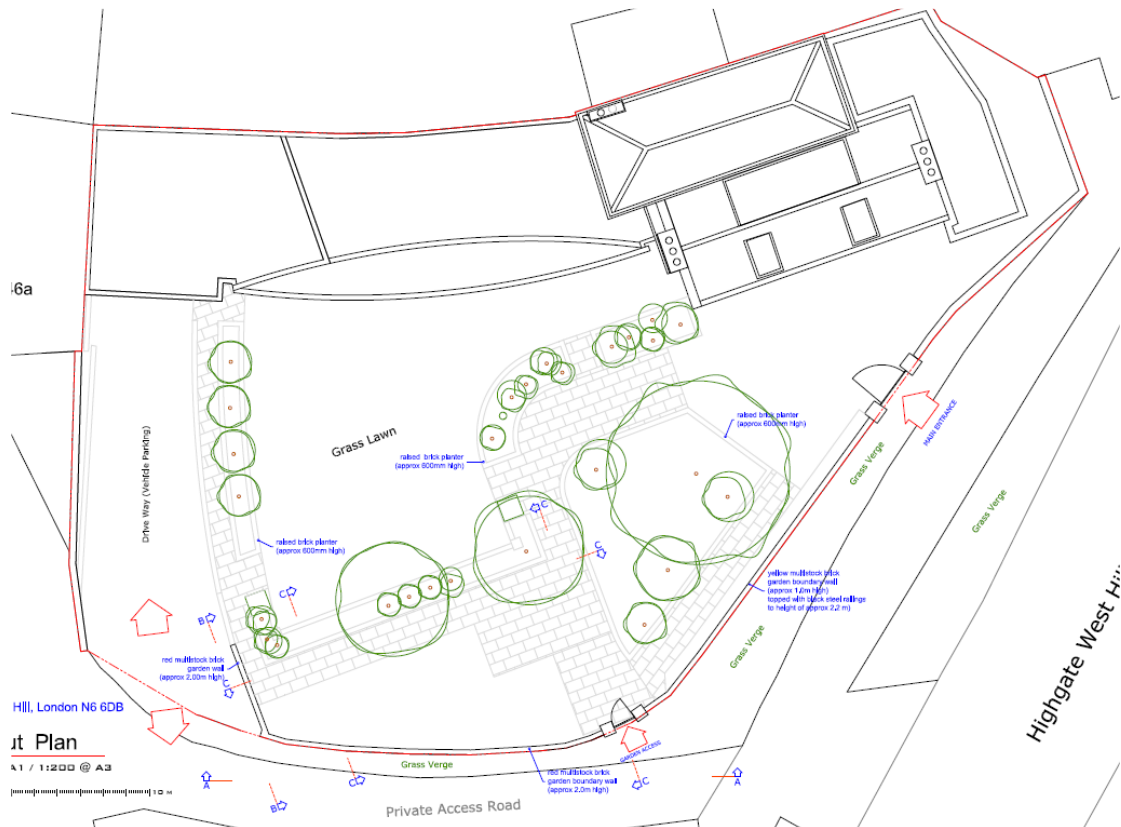
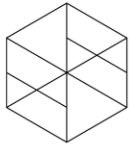


Figure 1: Existing site plan.

### Key observations

1.15 The appeal building is situated within the residential curtilage of no. 47 Highgate West Hill. It is important to point out that because of how the site has developed historically and the position of the house within the plot, there is not the standard arrangement of a plot with a front and rear garden and a house in the middle, separating the two. Because the existing garden was added after the house was built, the house is situated at its northern boundary but angled slightly towards the street. The existing garden is therefore to the front of the house and beyond the listed building's frontage to the west and south-west (figure 1).

1.16 The garden is divided into areas of character with a more formal area (a forecourt of sorts) adjacent to the listed building, addressing its principal elevation, and an informal area that

has more of the character of a rear garden with a lawn and until recently, a climbing frame. This area relates to the more ancillary buildings on the site, the side extension and garage. The areas are different in character and landscaping and separated by a buffer of planting and hard landscaping (figure 2).

1.17 The informal garden area is set well back from Highgate West Hill and the principal listed building and in terms of its relationship to the public realm, fulfils the role of a 'back garden.' In terms of its relationship to the street and the public realm, the proposed location of the appeal building is located at the back of the site as a whole. The 'back garden' is considerably more private and enclosed and the council agrees on this point (Delegated Report 3.14). The more formal forecourt area closer to the street and that is visible through the gate and

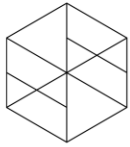


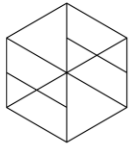
Figure 2: The existing paved forecourt area with lawned rear part of the garden behind the central tree and bands of planting. The proposed outbuilding would be located behind the tree. Planting also obscures the modern side extension in this view.

railings (where possible) takes on the role of a 'front garden.' The orientation of Apothecary House towards the street helps to reinforce the division of the garden into formal and ancillary areas. The principal elevation of the building is framed by the formal landscaping on the east side of the garden and views are directed towards the listed house.

1.18 While it forms the residential curtilage and immediate setting to a listed building, the appeal site does not form part of any designated open space, protected open space and is not a heritage asset in its own right. In addition, it is not identified within LB Camden's *Highgate Conservation Area Appraisal* or local plan documents (including the Highgate

Neighbourhood Plan) as being a feature of local landscape interest or any similar designation.

1.19 The appeal building would be situated well away from the principal listed building in an area previously occupied by a large climbing frame adjacent to the site's southern boundary. The location of the outbuilding would be within the more informal/back garden area set well away from Highgate West Hill, backing onto a private access road. The council describes this area as 'private and enclosed.' The appeal building would not address or face the principal listed building but would respond in location, position and orientation to the contemporary side extension to the building that was added to the site in c. 2008.



1.20 As such, there is considerable physical and visual separation between the appeal building and the principal listed house given the distance between them, the separation into 'front' and 'rear' garden zones and substantial intervening planting.

1.21 The *Highgate Conservation Area Appraisal* summarises the special interest and character of the conservation area as a whole and then goes on to describes its appearance (2.20 below). The appeal site forms part of Sub Area 1 of the conservation area, *Highgate Village*. Under Sub-Area 1: Highgate Village the appraisal notes that:

*Sub-Area One forms the historic 'core' of the conservation area, developed along the major roads which crossed the high ground to the north of London. This area has the most intense development within the conservation area, rich in form and detail. It has all the elements expected of a village with a shopping frontage in the High Street, grand houses, simple cottages, public buildings and a central square. The grand houses reflect the fact that Highgate has been a desirable residential area since the late 17<sup>th</sup> century. There are a series of strong edges that define the village core around which the rest of Highgate has developed.*

1.23 The character of the Sub-Area should also be taken into account in an assessment of this case. In the description of the appearance of the Sub-Area, Apothecary House is described. Its garden is not noted.

1.24 To be clear, the proposals would not have a direct effect on a listed building or structure or any listed fabric. However, the appeal site does form part of the immediate setting of a grade II\* listed building. Historic England makes it clear that '*setting itself is not a heritage asset, nor a heritage designation*'<sup>3</sup>.

Setting considerations are considered in more detail in Section 2 and 3 below.

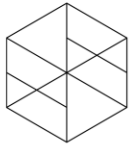
1.25 The principal listed building and its garden contribute to the character and appearance of the conservation area.

1.26 The following statement will:

- summarise the appeal scheme as it relates to the historic environment;
- consider the reason(s) for refusal and its component parts together with elements of the delegated reports where relevant; and,
- conclude on the acceptability of the appeal scheme from an historic environment perspective.

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<sup>3</sup> The Setting of Heritage Assets: Historic Environment  
*Good Practice Advice in Planning Note 3 (Second Edition)*, paragraph 9, page 4,



## 2 Summary of case

2.1 The following paragraphs provide a summary of the appeal case in relation to the reason for refusal. This is based on the supporting case set out in the Heritage Appraisal submitted with the refused application.

### The proposals

2.2 This appeal covers the refused planning application (2021/0540/P). The appeal scheme is for the erection of an outbuilding located on the site of a former climbing frame to the south-west of the principal listed building.

2.3 The plot associated with no. 47 is generous and incorporates a large, distinctive house which is orientated on an angle towards, rather than directly addressing, Highgate West Hill. As noted in paragraph 2.3 of the Heritage Appraisal *'While it is possible to see the main house from the road, the majority of the plot is very private and enclosed. A tall and robust brick wall and mature planting protect the site from public view and add to the strong sense of enclosure.'* As noted above, the council agrees that there is a private and enclosed character at paragraph 3.14 of the Delegated Report.

2.4 The proposed building is described in the *Heritage Appraisal* at paragraphs 3.1-3.5. Since the *Heritage Appraisal* was written, the proposed building was revised during the course of the application so to be lower in height and the level of glazing originally proposed reduced (this is described in the *Amended Plans Cover Letter* of 10 June 2021).

2.5 The proposed plans and sections highlight the diminutive scale of the proposed building within its immediate context. It is lower in height than the existing c. 2008 extension to the listed building and would cover c. 5% of the existing garden and 3.2% of the plot as a whole. This reflects a very minimal increase in the plot's

built footprint. A very generous garden would be retained (of c. 624.9 sqm).

2.6 In its consultation comments, The Highgate Society states that *'this proposed ancillary building covers a large proportion of the total garden area and includes a sizeable area of paving.'* As already demonstrated, the building would not cover a large proportion of the garden at c. 5% of the total garden area. In addition, the sizeable area of paving referred to is *existing* rather than proposed. Relandscaping of any kind does not form part of the appeal scheme.

2.7 The appeal building would be clad in untreated cedar. Timber is a common material for small-scale, ancillary structures in a domestic context and in this case, it would be untreated so as to become a soft and recessive material.

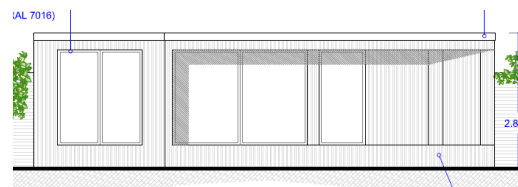


Figure 3: North elevation as previously proposed.

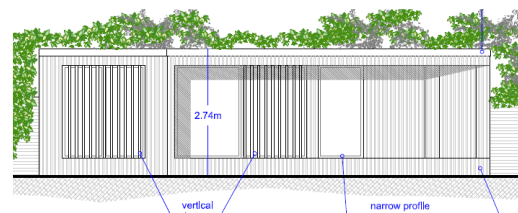


Figure 4: North elevation as revised and submitted during the course of the application (Drawing no. 2080.P.05/A).

2.8 During the course of the application, the design of the building was revised so as to reduce the amount of glazing and to help the building be more recessive and modest in character (figures 3 and 4). The resulting outbuilding has a simple form and detailing that does not challenge or compete with the established and significant architecture of the site.

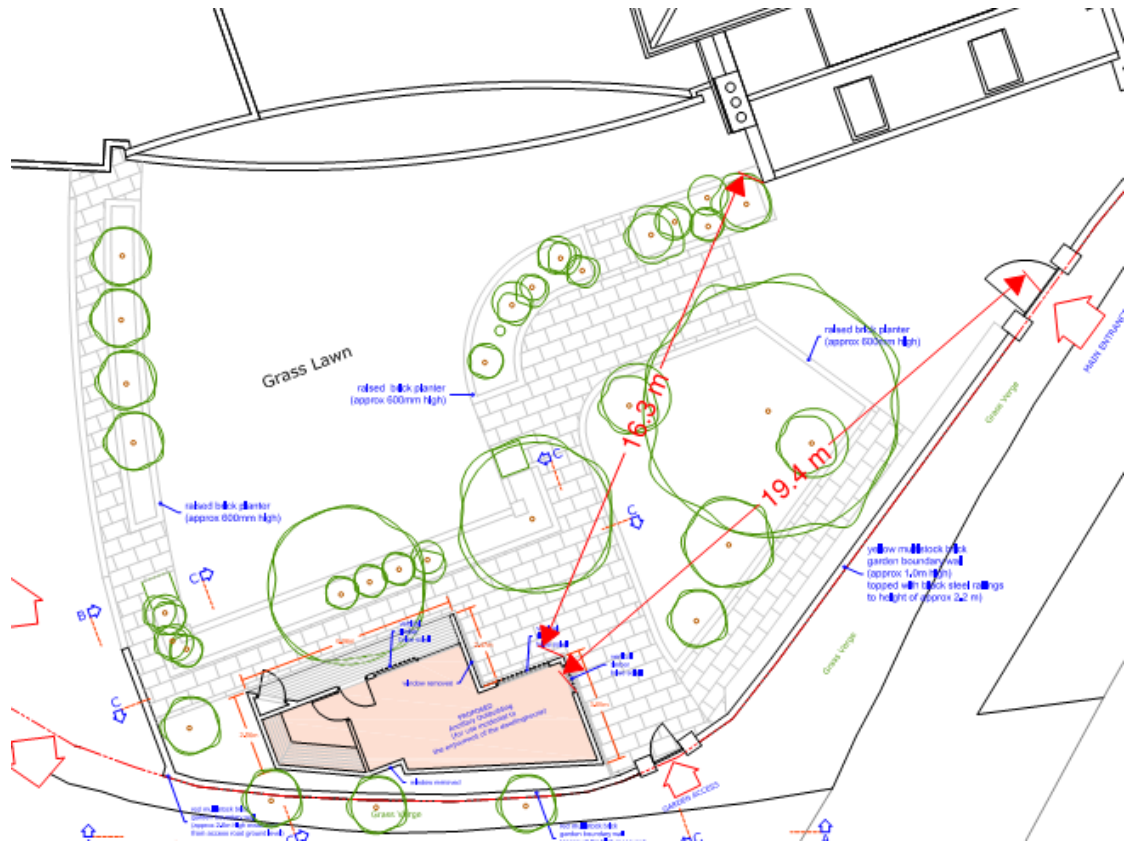
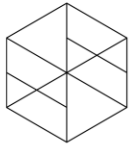


Figure 5: Position of the outbuilding relative to the principal listed building and the main entrance from Highgate West Hill.

2.9 As part of revisions, two floor to ceiling windows were removed and cedar brise soleil added to almost all remaining glazing (where practicable). The height was also reduced by 100mm.

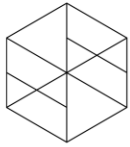
2.10 As a result of the amendments to the appeal scheme, the outbuilding would now have solid timber clad elevations to the south and west, a virtually solid elevation to the east (incorporating a brise soleil to the window) and an elevation with an increased perception of a greater solid to void ratio to the north.

2.11 The outbuilding would be located 16m from the listed building (at their closest points – figure 5) and c. 19.5m from the garden gate adjacent to Highgate West Hill. The position of the appeal building within the plot means that

views through to the appeal site (via the gate) can only be oblique and consequently the structure would have a negligible visual impact on the street.

2.12 As shown on figures 2 and 5, mature trees and planting clearly provide a visual and physical barrier between the house and the rear part of the garden.

2.13 The lack of visual effect from the street was established during the course of the application with the submission of camera matched visual imagery (*Non-verified Camera Matched Imagery: Methodology Statement, DF\_V*). This document demonstrates that the proposal would not been seen from three prominent vantage points on Highgate West Hill that were selected in order to fully illustrate visual effect.



2.14 In assessing the effect of any development proposals in conservation areas, visual considerations are important because of the requirement to assess effect on character *and* appearance. The outbuilding has been designed to be recessive and respectful of its context while ensuring that the character and appearance of the conservation area is preserved. That the appeal scheme is acceptable within its immediate and wider context was the conclusion of the Heritage Appraisal noted above and is also the conclusion of this statement.

#### Historic development and significance of the appeal site

2.15 The Heritage Appraisal describes the historic development of the site at 2.1-2.9. This describes how the existing garden was formed via the realignment of an historic footpath. Until this happened in 1813, Apothecary House did not have a front garden but directly addressed the public realm (with a railed area immediately in front of the building).

2.15 It is likely that at least up to this time if not for a period after, the house's original garden ran north to Hampstead Lane (as nos. 45 and 46 gardens once did prior to development along this frontage). The development of the plot explains the positioning of the house within its residential curtilage and the orientation of the listed building in the plot as a whole.

2.16 In addition to the facts of the site's historic development noted at paragraphs 2.1-2.9 of the Heritage Appraisal, there is some additional evidence of how the garden has developed. An aerial photograph of 1966 (figure 5) shows the then leafy character of the garden. In addition, a deep hedge is shown immediately adjacent to the wall and railings to Highgate West Hill.

2.17 This hedge was removed in 1987 when the wall to Highgate West Hill was rebuilt, the listed building was restored and the gardens

apparently entirely relandscaped (figure 7). Instead of replacing the hedge, other planting has been planted and encouraged in order to provide privacy, security and a sense of enclosure.

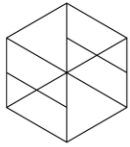


Figure 5: Aerial view of site, 1966.



Figure 6: Aerial view of site, 1987 showing relandscaping work underway.

2.18 Apothecary House is clearly a building of considerable architectural and historic special interest as acknowledged in its grade II\* listing. The size, form and position of its garden reflects the private interest of its early 19<sup>th</sup> century occupier and therefore, these



characteristics contribute to the significance of the listed building.

2.19 The detail in the landscaping of the garden is not of historic or architectural interest and the proposed location of the outbuilding forms part of a 21<sup>st</sup> century scheme of garden layout and design. As noted in the Heritage Appraisal at paragraph 2.11: *'In terms of the current garden layout, which is compartmentalised to a degree through landscaping and planting, the proposed site [location of the outbuilding] sits within an existing and distinct and separate area of the garden. It contributes to the significance of the listed building in that it forms part of the residential curtilage but there is no particular historic or architectural contribution made by the proposed site to significance overall.'*

#### Conservation area considerations

2.20 As already noted, the site forms part of the Highgate Conservation Area. The *Summary of special interest of the Highgate Conservation Area* provided in the Highgate Conservation Area Appraisal sets out that *'The Highgate Conservation Area, in particular, enjoys a wealth of open spaces and green surroundings. Lanes and farm names live on alongside open areas of allotments and parks, Hampstead Heath, Highgate Cemetery, Waterlow Park, South Grove Reservoir, Fitzroy Park allotments and the many large gardens contribute to the informal landscape setting and rural atmosphere which is an important part of the Conservation Area character.'*

2.21 The large private gardens of the conservation area contribute in two ways to character and appearance. As noted in the conservation area appraisal, large private gardens such as the one at Apothecary House contribute to an informal landscape setting and rural atmosphere. They do this by allowing a relatively low density pattern of development at the village core, redolent of a rural past, and through the contribution made by trees and other planting to a verdant, leafy character.

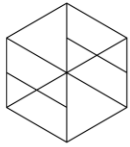
2.22 In most cases, private gardens are enclosed but, above well-defined boundaries and planting, there is a degree of openness, space and separation between houses and other development that reflects the low-density pattern of the built environment. This is certainly the case of the garden at Apothecary House. There is no suggestion that the specific layout or detail of what is the private garden to no. 47 contributes to the character and appearance of the conservation area.

2.23 Local policy is in line with the statutory provision in that development should preserve the character or appearance of a conservation area. It is acknowledged that Apothecary House and its garden contribute positively to local character and appearance and have townscape value for reasons described in 2.21 above. It fits the pattern of a large house within a large plot seen elsewhere in the conservation area.

2.24 *Policy D2: Heritage* of LB Camden's Local Plan sets out that the council will:

- *require that development within conservation areas preserves or, where possible, enhances the character or appearance of the area; and,*
- *preserve trees and garden spaces which contribute to the character and appearance of a conservation area or which provide a setting for Camden's architectural heritage.*

2.25 The *Heritage Appraisal* concluded that the appeal scheme would have no impact on the qualities of the site that contribute to character and appearance: *'The openness and spatial quality would be retained as would the relationship between the main house and its plot.* It is the case that there would be no harmful visual effect on the character and appearance of the conservation area. As set out at 3.13 of the appraisal, *'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.'* This is also the conclusion of



this statement and it is supported by the views submitted in support of the proposed scheme.

2.26 In relation to the second bullet point noted in 2.24 above, given the size of the outbuilding, 95% of the garden would remain unaffected and no trees would be affected by the appeal scheme. In relation to the conservation area and the setting of the listed building, it is considered that the garden's contributing values are preserved; the outbuilding would not cause harm to the conservation area.

2.27 *Policy A2: Open Space* of the Local Plan was specifically referred to the reason for refusal. Part (e) of the policy sets out that the council will *'protect non-designated spaces with nature conservation, townscape and amenity value, including gardens, where possible'* and Part (f) states that the council will *'conserve and enhance the heritage value of designated open spaces and other elements of open space which make a significant contribution to the character and appearance of conservation areas or to the setting of heritage assets.'*

2.28 The accompanying text to the policy at 6.37 states that *'Development within rear gardens and other undeveloped areas can have a significant impact upon the amenity and character of the area... We will resist development that occupies an excessive part of the garden and the loss of garden space which contributes to the character of the townscape.'*

2.29 The appeal building would form part of a residential garden. The garden is enclosed by clear boundaries with a brick wall and railings to the east, a solid brick wall to the south and a brick wall to the west. It covers a large area. The proposed development would not occupy an excessive part of the garden and would not result in the unacceptable loss of significant garden space which contributes to townscape.

2.30 As identified above, the proposed outbuilding would result in the retention of c. 95% of the garden area as undeveloped land. I do not consider the extent of development

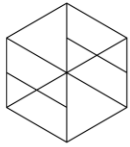
proposed to be 'excessive' in this context. In addition, the proposals would have no effect on the existing planting on, around and above the boundaries that contributes to the area's leafy character.

2.31 The Delegated Report acknowledges that the appeal building would have no foundations and therefore no impact on mature trees. In addition, the Delegated Report notes at paragraph 5.2 that *'the outbuilding is single storey in height and would be located a sufficient distance away from the nearest residential properties.'* The proposed use of the outbuilding is not considered by the council to affect amenity or the character and appearance of the conservation area.

2.32 Therefore, those aspects of the appeal site that contribute to local character would be preserved. The appeal site would continue to read as a large planted garden that contributes to the local verdant character and appearance as per the existing arrangement. A timber garden building of the type proposed that is ancillary to residential use would not be atypical in this domestic context.

2.33 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. No. 47's garden would continue to:

- contribute to Highgate's semi-rural feel;
- visually coalesce and relate to the green character and planting of nearby gardens, the reservoir and street planting
- provide a leafy backdrop to Highgate West Hill;
- be of a generous size, befitting the listed house and its extension, while maintaining a sense of openness and a distinct visual relationship between house and garden; and,
- be a well planted and mature garden with soft and hard landscaping.



2.34 To reiterate, it is the case that the site's contribution to local character and appearance would remain unaffected by the proposed scheme. In terms of character, the proposals would not harm the sense of a rural village with open spaces and substantial buildings with large gardens (or any aspect of the special interest and character set out in the *Highgate Conservation Area Appraisal*). Therefore, the proposals will not cause harm to the Highgate Conservation Area but will preserve its character and appearance.

2.35 The NPPF sets out at paragraph 199 that when considering the impact of a proposed development on the *significance* of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

2.36 Of course, it follows from this that development proposals can respect those aspects of a site's significance and the significance of wider designated heritage assets and avoid causing harm. It is considered in this case that the outbuilding would not cause harm to the significance of the Highgate Conservation Area and policy tests in relation to the finding of harm would not be triggered.

#### Listed building considerations

2.37 The reason for refusal states that the refused scheme would harm the setting of Apothecary House because by reason of its location, size and design, it would appear as an incongruous structure which would encroach upon the open and verdant character of the listed building.

2.38 As set out in the preceding paragraphs, I have set out that:

- The location of the proposed outbuilding is set well back from the listed building, separated by planting and landscaping. It would read very

much as ancillary to all existing development on the site;

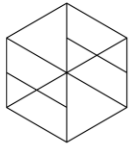
- The size of the outbuilding is modest at one storey (and lower than all other development on the site). Its footprint would cover c. 5% of the total garden area;
- The design of the building is simple with a very limited palette and plain elevations. A set back within the footprint increases its recessive quality.

2.39 For the reasons set out in 2.38 and given the existing site conditions, the proposed outbuilding would not be incongruous or out of keeping with the wider site. It would not encroach upon the '*open and verdant character of the listed building*'. The proposals do reflect a change within the setting of the listed building but change does not equate to harm. It would not obscure, hinder or limit an appreciation of the listed building and its significance. It is simply a building ancillary to residential use located within the residential curtilage of the house. Its location has been selected to have a negligible effect on the listed building.

2.40 The Heritage Appraisal sets out listed building considerations at 3.6-3.11. At 3.8, it sets out that the building '*would continue to form part of the house's residential curtilage and its low height and scale would preserve the sense of openness across the garden. In short the proposals would not cause harm to the setting of no. 47 Highgate West Hill.*'

#### Summary

2.41 The appeal scheme would not cause harm to the site or the contribution that it makes to the setting of no. 47 Highgate West Hill. The appeal scheme would not cause harm to the character and appearance of the Highgate Conservation Area. As a result, the NPPF policy tests in relation to harm (paragraphs 201 and 202) would not be triggered. It is therefore considered that the proposals comply with the relevant statutory provision and policy.



### 3 Reason for refusal

3.1 The following section considers the matters raised by the reason for refusal. This includes:

- i. Whether the proposed outbuilding is incongruous by virtue of its location, size and design and would encroach upon the open and verdant character of the host property and the conservation area;
- ii. Whether the refused proposals would cause harm to the setting of no. 47 Highgate West Hill; and,
- iii. Whether the proposals would cause harm to the character and appearance of the wider Highgate Conservation Area.

3.2 The Summary of Case at Section 2 considers aspects of the significance of the site and its contribution to setting and character and appearance, concluding that the appeal scheme would not cause harm. The following section provides additional information taking into account the reason for refusal and the delegated report.

#### Location, size and design and encroachment

3.3 The Delegated Report notes at 3.14 that *'It is possible to see the main house from the road, but the majority of the plot is private and enclosed.'* At paragraph 3.15 the report sets out that *'The proposed building is 1 metre taller than the existing boundary wall to the private access road. 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.'* This would seem to suggest that the combination of the location, size and design of the building would actually have a minimal visual effect.

3.4 The council tempers its verdict on the visibility of the proposed scheme by saying that the *'presence of ivy cannot be given significant*

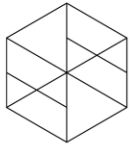
*weight in this assessment.'* This is in agreement with comments made by the CAAC in relation to removal of the ivy: *We also conclude that the ivy to the higher section of wall will be removed* [point 6 of the CAAC objection]. As noted in 1.13 above, it is the duty of the decision maker to consider the character and appearance of a conservation area *as it is* as opposed to how it might be. The fact is, existing vegetation does and will continue to provide screening between the proposed outbuilding and a private access road. It will also continue to form part of the boundary to Highgate West Hill.

3.5 Also located on this boundary, but not noted by the council, are trees planted at intervals on the south side of the wall. These also have a screening effect. The Highgate Conservation Area Advisory Committee (CAAC) states at Point 3 of its objection that *'it is more than likely that it [the ivy and other planting] should be removed'* and at Point 4, that *'the submitted verified images should be ignored.'*

3.6 These comments, on which LB Camden base part of its judgement, introduce a wholly different set of circumstances where the garden is how consultees and decision-makers wish it to be rather than how it actually is: a verdant and green space that contributes to the informal landscaping of the conservation area. It is not reasonable to assess the effects on the character and appearance of the conservation area as it might look either historically or in the future.

3.7 The view studies submitted as part of the application demonstrate that given the location of the outbuilding, its size and simple rectilinear form and materials the visual effect of the outbuilding would be marginal or negligible in terms of the character and appearance of the conservation area, a point with which the council agrees.

3.8 The delegated report states that although the visual effect is 'marginal', it would still cause harm. This harm is not explained other than to say at paragraph 3.15 that *'The*



*outbuilding would interfere with how the main listed house is appreciated from the street' and that '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.'*

3.9 The first point, that the outbuilding would interfere how the main house is appreciated from the street, is untrue. When on the street (Highgate West Hill) the location of the proposed building is set well back away from the house and the eastern boundary of the garden. In no way would views of the house be interrupted or obscured by the proposed outbuilding.

3.10 With regard to the second point, it has been made clear to the council that there is no back garden in the traditional sense but that part of the garden to the west of the site performs this function. The proposed outbuilding would be situated in an area of the garden that relates more to the contemporary extension and garage rather than the formal forecourt and garden immediately in front of the listed building.

3.11 In terms of the garden's relationship to the street and the public realm, the proposed building is located at the back of the garden, with a much reduced townscape contribution and associated affect. In this context, the location, size and design of the building result in a contemporary but modest and ancillary structure on the site that would not encroach upon the wider garden of the listed building or on the character and appearance of the conservation area.

#### **Effect on no. 47 Apothecary House**

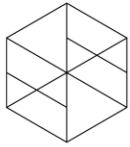
3.12 Paragraph 3.17 of the of the Delegated Report sets out that *'The outbuilding appears more as an independent building rather than a humble, shed-like structure. The large expanses of modern glazing make the structure*

*appear more dominant and out of character with its traditional setting.'*

3.13 Firstly, the appeal scheme does not propose large expanses of modern glazing as set out at 2.2-2.11 above. Design revisions have been undertaken to make the building more recessive. Secondly, the setting of the outbuilding is actually more mixed in character. While 'traditional' architecture forms part of its context, so too does very contemporary design. The existing modern extension to the main house succeeds in being recessive despite architecturally being a departure from the main house. The extension is subservient in the context of the character and appearance of the conservation area and in the setting of nearby listed buildings.

3.14 The contemporary architectural approach of the side extension to the listed house was not considered to cause harm to the host building or to nearby designated heritage assets at the time at which it was approved and indeed, it causes no harm. This is important as it shows that in practice and in historic decision making in relation to the wider site at Apothecary House, it has been accepted that modern design can be comfortably accommodated on the site and within its historic townscape context without causing harm to the conservation area or the setting of nearby listed buildings. A contemporary side extension has recently been approved at no. 45 Highgate West Hill, again with no objection to the architectural approach or the effect of designated heritage assets (2019/4092/P). The choice of architectural approach in this case is not harmful *per se* although this has been identified as a factor by the council.

3.15 The proposed design has in fact been very carefully considered. Any outbuilding introduced into this context needs to be sensitive to both architectural types that form an established part of the listed building and the character and appearance of the conservation area. Given that the outbuilding addresses a contemporary addition to the site and is set well



away from the 18<sup>th</sup> century house, a modest but contemporary form of architecture was selected in response to that particular existing site condition and the position of the outbuilding within the wider site. The materials, form and detail of the outbuilding are simple and recessive.

3.16 The council considers at 3.17 of the Delegated Report that *'the proposal would further increase the extent of modern additions on 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.'*

3.17 While the outbuilding would clearly be an addition to the site, I disagree that the primacy of the original listed building would be reduced. The main house is quite clearly the most prominent and significant part of the site and given the comparatively modest size of the outbuilding, it would not threaten the hierarchy across the site or the ability to read the house as the principal listed building. The existing modern side extension has a very recessive quality despite its contemporary appearance and in views of the listed building from the street, where the house can be best appreciated, the side extension is barely perceptible. It doesn't challenge or dominate architecturally and the proposed outbuilding would have the same recessive quality.

#### **Effect on the Highgate Conservation Area**

3.18 For reasons set out above and in Section 2 (2.20-2.36), I do not consider the appeal scheme to have a harmful effect on the character and appearance of the conservation area which would be preserved.

#### **Policy compliance**

3.19 The reason for refusal cites Policy D1: Design and Policy D2: Heritage. D1 seeks a high quality design in development that respects local context and character. Development will need to preserve gardens and other open

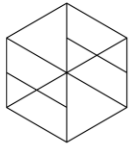
space. Policy D2 sets out that the council will preserve and where appropriate enhance heritage assets and will not permit development that results in harm that is less than substantial to the significance of a designated heritage asset unless the public benefits convincingly outweigh that harm.

3.20 The reason for refusal also quotes DH2 of the Highgate Neighbourhood Plan (Development Proposal's in Highgate's Conservation Areas). This sets out that: *'Development proposals, including alterations or extensions to existing buildings, 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. Development should preserve or enhance the open, semi-rural or village character where this is a feature of the area.'*

3.21 Policy DH10 is also referenced. This sets out there is a presumption against the loss of garden land in line with higher level policies. Backland development will be subject to conditions:

- I. Existing mature trees should be retained;
- II. Proposals that are likely to increase the proportion of hard surfacing should be accompanied by mitigation measures;
- III. Alterations and extensions should be carried out in materials that deliver high quality design and reinforce local distinctiveness; and,
- IV. New development will be required to take account of existing front and rear building lines.

3.22 For reasons explored above in Section 2 and Section 3, the proposals are considered to accord with Policy D1, D2 and DH2 and DH10 of the Highgate Neighbourhood Plan. The appeal scheme preserves the character and appearance of the conservation area, it respects the setting of the listed building and it preserves the open, semi-rural character of the



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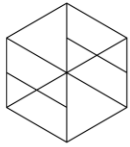
10 Bloomsbury Way, London WC1A 2SL  
+44 (0)20 3871 2951  
[www.theheritagepractice.com](http://www.theheritagepractice.com)  
[info@theheritagepractice.com](mailto:info@theheritagepractice.com)

Appeal Statement  
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Highgate, London, N6 6DB

Application References: 2021/0828/L and  
2021/0540/P

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conservation area. There is no effect on mature trees or any other planting, no re-landscaping is proposed and the design of the outbuilding is of a high quality that responds to the architecture of the listed building and the wider site. In addition, no harm would be caused to heritage assets in accordance with the NPPF.



The  
Heritage  
Practice

10 Bloomsbury Way, London WC1A 2SL  
+44 (0)20 3871 2951  
www.theheritagepractice.com  
info@theheritagepractice.com

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## 4 Summary and conclusions

4.1 The above statement and the Heritage Appraisal make clear the significance of the appeal site in its conservation area context. Those aspects that contribute to the conservation area and the setting of listed buildings are preserved as a result of the appeal schemes.

4.2 Relevant local and national historic environment policies seek to avoid causing harm to heritage assets. The preceding statement demonstrates that harm would not be caused to heritage assets by the appeal scheme and therefore, the relevant tests of the National Planning Policy Framework at paragraphs 201 and 202 would not consequently be triggered.

4.3 For these reasons and for those set out above, I conclude that the appeal scheme accords with the relevant policy and statutory provision and I respectfully request that the appeal should be allowed.