

Statement of Case **Apothecary House**

Relating to site at
Apothecary House, 47 Highgate West Hill, Highgate, N6 6DB
November 2021



hghconsulting.com

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Appendices

1. hgh response to consultation responses (21st April 2021)
2. hgh correspondence regarding scheme amendments (10th June 2021)
3. hgh response to Camden Council (25th August 2021)
4. hgh correspondence with Camden Council (12th October 2021)

1.0 Introduction

- 1.1 This Statement of Case has been prepared by hgh on behalf of Ms Vicki Lee (“the appellant”) in support of a planning appeal against the refusal of planning permission at Apothecary House, 47 Highgate West Hill, London, N6 6DB (“the appeal site”) by Camden Council (“CC”).
- 1.2 The application related to:

“Full planning and listed building application for the erection of a single storey outbuilding”
- 1.3 The application was registered by CC on 11th March 2021. The planning application (ref: 2021/0540/P) was refused under delegated powers on 17 September 2021, with a single reason for refusal as cited on the decision notice:

“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”*
- 1.4 A listed building consent application was also submitted for the above proposals (ref: 2021/0828/L) and was also refused by CC. It is our opinion that listed building consent is not required for the proposals as the proposals do not involve works to a listed building or structure or curtilage listed building. An appeal has therefore not been submitted for this refused listed building consent application. A draft Statement of Common Ground between the appellant and Camden Council is submitted which seeks to agree that listed building consent is not applicable to the proposals put forward as part of the appeal.
- 1.5 This statement addresses all relevant planning matters and should be read in conjunction with the Appeal Statement prepared by The Heritage Practice that directly address the heritage and design matters referred to in the reason for refusal under both applications.
- 1.6 This statement should be read in conjunction with the application drawings and reports (including the Heritage Appraisal and Visual Assessment), which accompany this appeal submission. A list of documents to be considered as part of the appeal is included within the submission.
- 1.7 We would request that the appeal is considered under the written representation procedure.
- 1.8 This statement provides a description of the proposed development and an assessment of the proposals in relation to planning policy and other material considerations. It is set out under the following sections:
 - Section 2 outlines the site and its context within the surrounding area;
 - Section 3 provides an overview of the planning history of the site;
 - Section 4 provides a description of the proposals;
 - Section 5 provides background to the appeal proposals;
 - Section 6 summarises relevant policy and guidance;
 - Section 7 provides the appellants assessment of the appeal proposals and explains why the appeal proposals are considered to be acceptable; and
 - Section 8 draws our conclusions in respect of the proposals.

2.0 Site and Surroundings

The Appeal Site

- 2.1 The appeal site comprises a three-storey detached house and residential curtilage where the outbuilding is proposed, (Figures 1 and 2) located on the corner of Highgate West Hill where it meets Highgate High Street. The site is accessed from Highgate West Hill.



Figure 1: Site Location Plan

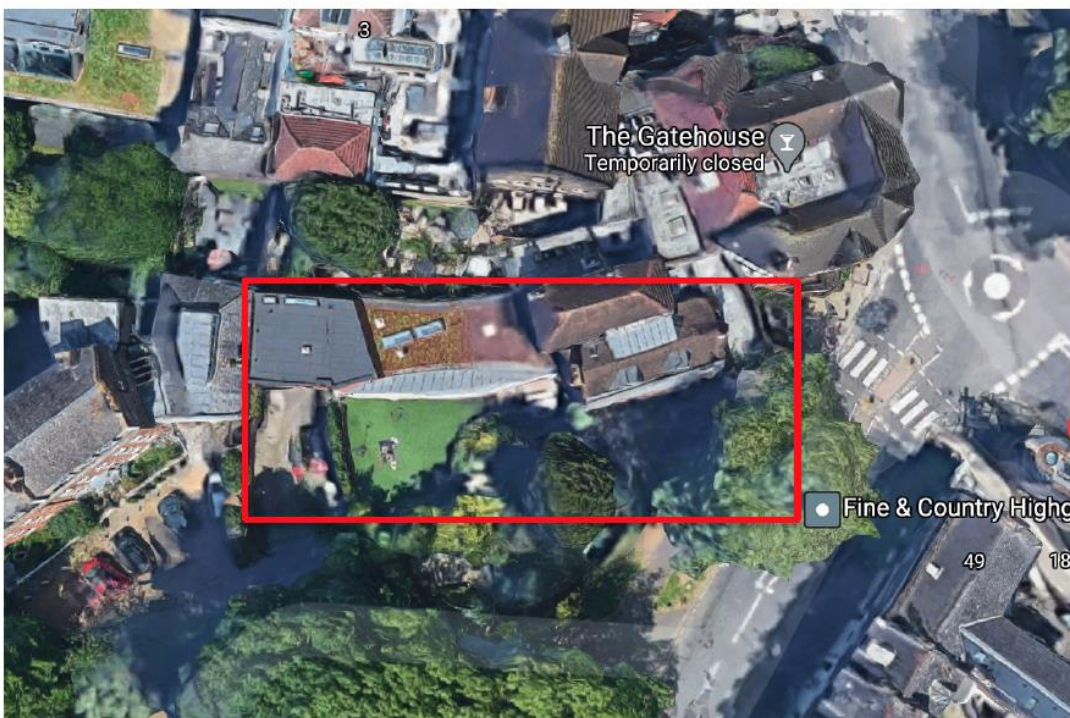


Figure 2: Aerial view of site

- 2.2 The house is a symmetrical five bay brick house of high architectural merit and is Grade II* listed. The house was built in 1730 and restored in the late 20th Century. The building has been altered over the years, with extensions added in the early 19th Century and mid-20th Century which were subsequently demolished and replaced (as permitted under planning permission 2007/4403/P and listed building consent 2007/4406/L (as amended under 2008/3101/P and 2008/3109/L).



Figure 3: Photograph of No. 47 Highgate West Hill from Highgate West Hill

- 2.3 The building is located in the Highgate Conservation Area, within the Highgate Village sub area as shown in Figure 4. The house itself is referred to in the Highgate Conservation Area Appraisal document, which notes the restoration of the house in the late 20th century but the garden is not.



Figure 4: Extract from Highgate Village sub area map showing location of site

- 2.4 The appeal site is not identified in any of the appendices to the conservation area appraisal (mapping) as being a feature of local landscape interest.
- 2.5 No. 47 forms part of a small group of houses set away from Highgate West Hill, which also include neighbouring houses at nos. 45 and 46 that are both Grade II* listed. The main house can be seen from the road however, the majority of the plot is hidden and enclosed due to the existing screening offered by several mature trees, vegetation and a robust brick wall surrounding the site protecting it from public view (see Figure 9 in Section 7 of this report and the visual assessment that demonstrates the existing extensive vegetation surrounding the site).
- 2.6 The site proposed for the outbuilding is located to the rear of the garden adjacent to the southern boundary of the property and was previously occupied by a play area with large climbing frame (Figure 5). As confirmed in the Heritage Appraisal and Heritage Appeal Statement the detail in the landscaping of the garden is not of historic interest and the proposed location of the outbuilding forms part of a 21st Century scheme of garden layout and design. For more photographs of the garden please refer to the Heritage Appraisal.



Figure 5: Photograph showing former climbing frame on appeal site

- 2.7 The surrounding area is residential in nature; there are however some town centre uses to the east including shops, a public house and a church.

3.0 Planning History

3.1 The table below displays the planning history of the site.

Application reference number	Description of Development	Date registered	Decision
2007/1708/L & 2007/1707/P	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.	15/6/2007	Withdrawn
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.	26/9/2007	Granted
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.	15/10/2007	Granted
2008/3101/P & 2008/3109/L	Alterations to the fenestration of the approved annex building and installation of two roof lights as an amendment to planning permission dated 19/11/07 (ref: 2007/4403/P) for 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.	27/06/2008	Granted
2008/4640/L	Internal works associated with the damp-proofing of the basement.	06/10/2008	Granted

4.0 Appeal Proposals

4.1 The proposed development is for:

“The erection of a single storey outbuilding”

4.2 The proposed development will include the erection of a single storey outbuilding within the large garden of no 47 to be used as a gym. The outbuilding will be located towards the rear of the garden adjacent to the southern boundary and the private shared drive serving nos. 45,46 and 47 Highgate West Hill as shown on the Proposed Site Plan (Figure 6). There will be a substantial distance between the outbuilding and no 47 and the nearest residential properties (as illustrated in further detail on page 8 of the Heritage Appeal Statement).



Figure 6: Proposed Site Plan

4.3 The proposed outbuilding will be sited where a larger play area has previously existed with a climbing frame (Figure 5), not dissimilar in scale to the proposed outbuilding, and in fact taller in part.

4.4 The outbuilding would cover circa 5% of the garden and 3.2% of the plot as a whole. A very generous garden of 624.9sqm (95%) would be retained. The outbuilding would therefore only occupy a small footprint in relation to the existing overall site.

- 4.5 The proposed plans and sections provide full details of the proposed outbuilding which has a simple design with a limited material palette that has been designed to be sensitive to the Grade II* listed building and the modern rear extension to that building.

Materials

The materials proposed include the following:

- Profiled cedar cladding will be used on all elevations;
- Powder coated aluminium frames will be used for the windows on the south elevation;
- Vertical timber brise soleil will be used as a decorative feature (added in response to the conservation officer's comment to reduce the amount of glazing)

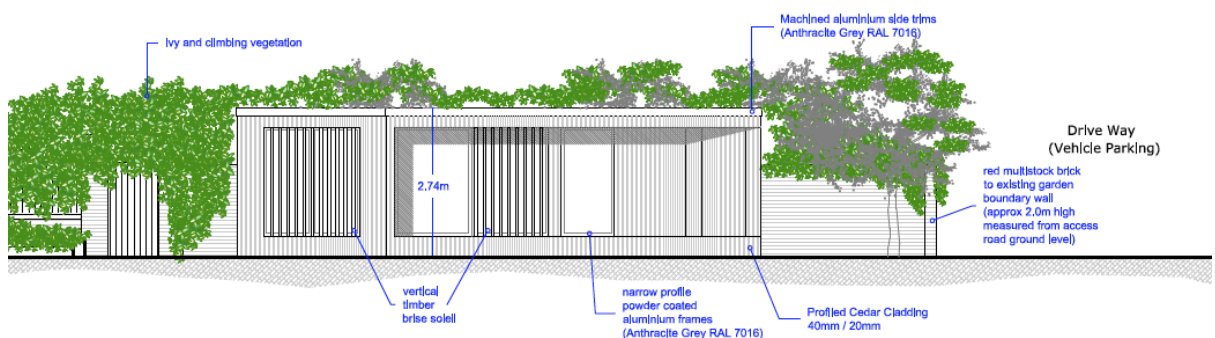


Figure 7: Proposed north elevation

- 4.6 The Cedar cladding proposed is not stained or varnished and it is proposed that this will fade over time and become a soft and recessive material.
- 4.7 The proposed outbuilding does not have foundations and will be sited on the ground. As such the outbuilding need not remain on the site in perpetuity.

Trees

- 4.8 The proposed outbuilding will lie adjacent to the private driveway towards the rear of the site as opposed to the main public road. It will be screened by the existing brick wall, mature trees and vegetation that have been present for the past 18 years that the appellant has resided in the property. The single-storey building will therefore not be visible from public viewpoints both due to the existing screening provided and the position in the garden. To the extent that the building will extend above the height of the existing wall it will be substantially screened by existing vegetation. Any glimpses afforded of the building will reveal unobtrusive, cedar clad elevations, entirely in keeping with the surroundings.
- 4.9 The proposals do not result in the loss of any vegetation or trees on site. As the site is within a conservation area, all trees are protected in any event.

5.0 Background to Appeal Proposals

- 5.1 Following the submission of the planning and listed building consent applications, the applicant's agent (hgh Consulting) submitted further correspondence and revised drawings to CC. During consideration of the applications by CC, hgh Consulting responded to comments from consultees and undertook a site visit with a Conservation Officer from CC. This section of the statement provides details of the correspondence submitted to the Council post submission of the planning application.
- 5.2 On 21st April 2021 hgh Consulting provided a response to the representations made by the Highgate CAAC and the Highgate Society in response to their concerns regarding the visibility of the outbuilding from the street, screening and the perception that the building covers a large proportion of the garden (Appendix 1). It should be noted that while the application was under consideration (March 2021 – September 2021) the appellant invited (on a number of occasions) representatives from both the Highgate CAAC and the Highgate Society to visit the site, so that they could view the site and the proposals could be explained. Representatives from the Highgate CAAC eventually visited the site after the application had been determined. The Highgate Society have been invited again to visit the site.
- 5.3 A site visit was undertaken in May by a Conservation Officer from CC to discuss the proposals. Following the site visit and taking into consideration comments made by the Highgate Society regarding the height and scale of the proposals, the level of proposed fenestration and its perceived impact on the listed building and Highgate Conservation Area, the proposals were reviewed and amended as follows:
- Height reduced by 100mm through the reduction in the floor build up internally;
 - Removal of two floor to ceiling glazed elements;
 - Brise soleil added to remaining glazing; and
 - Unvarnished timber cladding as currently proposed (which will fade naturally) to all elevations.
- 5.4 The amendments are addressed in detail in a letter to CC dated 10 June 2021 (Appendix 2) and shown on the submitted drawings (Rev 01).
- 5.5 Following correspondence from the case officer in June 2021, hgh Consulting wrote to the case officer on 25th August 2021 to respond to concerns raised in respect of the outbuilding in relation to its proposed scale, location and views from the public realm (Appendix 3). This letter was accompanied by a Views Assessment from three points on Highgate Hill West looking into the appeal site that clearly demonstrates that the building will not be visible from the public realm and would therefore not *'interfere with how the main listed building is viewed from the street'*.



Figure 8: Extract from Views Assessment of the site when viewed from Highgate West Hill

- 5.6 It is noted that the Highgate Conservation Area Advisory Committee (CAAC) submitted a further response to CC shortly before the application was determined (and prior to their site visit to the property), that the appellant did not have the opportunity to respond to. This was in response to the Views Assessment submitted in late August 2021.
- 5.7 The CAAC make the assumption that the existing vegetation surrounding the site would likely be removed and that would make the proposal visible from the public realm causing harm to the conservation area.
- 5.8 It should firstly be noted that the vegetation around the appeal site boundary has been in existence for a number of years (at least 18 years since the appellant purchased the property) and there is no intention of removing it. During this time there has been no damage to the wall from the Ivy. The existing vegetation is managed by the appellant who maintains it for privacy and security purposes.
- 5.9 Secondly, as explained in detail in the Heritage Appeal Statement in paras 1.13 and 3.4, case law determines that in decision making, it is the existing character and appearance of the conservation area *as it is*, that must be considered and not its character and its appearance as it might be. The planting around the boundaries and throughout the garden is existing and forms part of what CC consider to be the 'verdant' character of the existing site. It forms part of character and appearance and cannot be ignored or not given weight. The fact is that existing vegetation does and will continue to provide screening between the proposed outbuilding and a private access road and the boundary to Highgate Hill West.
- 5.10 The above demonstrates the significant efforts made by the appellant to engage with officers and consultees, respond to any concerns raised and demonstrate that the proposals would not have a harmful impact on the setting of the listed building or conservation area.

Officers Delegated Report

- 5.11 There are a number of comments contained within the officers delegated report that are of note:
- A recognition that the plot associated with No. 47 is generous (page 5 site description);
 - The reference to Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is irrelevant in this case as the application does not propose works to a listed building or a curtilage listed structure (para 3.4);
 - A recognition that no. 47 forms part of a group of buildings set back from Highgate Hill West behind substantial front gardens / wooded areas (para. 3.9);
 - Further recognition in para. 3.10 that the existing garden is large;
 - Acknowledgement that the majority of the plot is private and enclosed (para. 3.14);
 - An acceptance that given the level of planting in the area, the proposal would have marginal visibility from the public realm (para. 3.15);
 - The outbuilding would have no foundations and would have no impact to mature trees (para 4.1); and
 - The use of the outbuilding as a gym would not give rise to adverse impacts on residential amenity (para 5.2).
- 5.12 Further comments on the heritage aspects of the officer's report are made by The Heritage Practice in section 3 of their Heritage Appeal Statement.
- 5.13 The delegated report makes no reference to formal written comments from the Council's Conservation and Tree Officers. This is confirmed in an email from the case officer dated 14 October 2021 (Appendix 4). Should the Council's Conservation or Tree Officers formerly comment on the appeal, the appellant reserves the right to formerly respond to these comments as part of the appeal process.

6.0 Planning Policy

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of any planning application shall be in accordance with the development plan unless material considerations indicate otherwise
- 6.2 The adopted development plan for LB Camden comprises of:
- Camden Local Plan (2017);
 - Camden Adopted Policies Map; and
 - Highgate Neighbourhood Plan.
- 6.3 Other material planning policy and guidance which are relevant to this appeal are set out below:
- National Planning Policy Framework (revised July 2021);
 - National Planning Practice Guidance;
 - The London Plan (2021);
 - Camden Council Amenity CPG (2021);
 - Camden Council Design CPG (March 2021);
 - Camden Council Housing CPG (2021); and
 - Camden Council Trees CPG (2019).

Policies of relevance to the reason for refusal

Camden Local Plan Policies

- 6.4 Policies A2, D1, and D2 of the Local Plan and Policies DH2 and DH10 of the Highgate Neighbourhood Plan 2017 are relevant to the consideration of the appeal. The wording of these policies is set out below.
- 6.5 Local Plan **Policy A2** (Open space) states:
- “...The Council will protect, enhance and improve access to Camden’s parks, open spaces and other green infrastructure.*
- In order to protect the Council’s open spaces we will:*
- e) protect non-designated spaces with nature conservation, townscape and amenity value, including gardens, where possible.*
- f) 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.”*
- 6.6 Local Plan **Policy D1** (Design) states:
- “The Council will seek to secure high quality design in development. The Council will require that development:*
- a) respects local context and character;*
- b) preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage;*

- c) is sustainable in design and construction, incorporating best practice in resource management and climate change mitigation and adaption;*
- d) is of sustainable and durable construction and adaptable to different activities and land use;*
- e) comprises details and materials that are of high quality and complement the local character;*
- f) integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage;*
- g) is inclusive and accessible for all;*
- h) promotes health;*
- i) is secure and designed to minimise crime and antisocial behaviour;*
- j) responds to natural features and preserves gardens and other open space;*
- k) incorporates high quality landscape design (including public art, where appropriate) and maximises opportunities for greening for example through planting of trees and other soft landscaping;*
- l) incorporates outdoor amenity space;*
- m) preserves strategic and local views;*
- n) for housing, provides a high standard of accommodation; and*
- o) carefully integrates building services equipment.*

The Council will resist development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”

6.7 Local Plan **Policy D2** (Heritage) states:

“The Council will preserve and, where appropriate, enhance Camden’s rich and diverse heritage assets and their settings, including conservation areas, listed buildings, archaeological remains, scheduled ancient monuments and historic parks and gardens and locally listed heritage assets.

Designated heritage assets

Designated heritage assets include conservation areas and listed building.....The Council 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 of the proposal convincingly outweigh that harm.....

Conservation Areas

Conservation Areas are designated heritage assets and this section should be read in conjunction with the section above headed ‘designated heritage assets.’ In order to maintain the character of Camden’s conservation areas, the Council will take account of conservation area statements, appraisals and management strategies when assessing applications within conservation areas. The Council will:

- e) require that development within conservation area preserves or, where possible, enhances the character or appearance of the area’*
- f) resist the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area;*

g) resist development outside of a conservation area that causes harm to the character or appearance of that conservation area; and

h) 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.

Listed buildings

.....To preserve or enhance the borough's listed buildings, the Council will:

k) resist development that would cause harm to significance of a listed building through an effect on its setting."

Highgate Neighbourhood Plan (2017)

- 6.8 Highgate Neighbourhood Plan Policy DH2 (Development Proposals in Highgate's Conservation Areas) states:

"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, semirural or village character where this is a feature of the area."

- 6.9 HNP Policy DH10 (Garden land and back land development) states:

1. *"There will be a presumption against the loss of garden land in line with higher level policies.*
2. *Backland development will be subject to the following conditions:*
 - i. *Existing mature trees and landscaping shall be retained wherever possible. Development proposals should allow sufficient space above and below ground to prevent damage to root systems and to facilitate future growth;*
 - ii. *Proposals, including conversions that are likely to significantly increase the proportion of hard surfacing on front gardens, should be accompanied by satisfactory mitigation measures such as landscaping proposals which address drainage;*
 - iii. *Alterations and extensions should be carried out in materials that deliver high quality design and reinforce local distinctiveness. Other development should use materials which respect the character and appearance of the immediate area;*
 - iv. *New development will be required to take account of existing front and rear building lines."*

NPPF (revised July 2021)

- 6.10 The NPPF is clear that the purpose of the planning system is to contribute to the achievement of sustainable development (paragraph 7). Paragraph 8 confirms that planning system's overarching objectives are economic, social and environmental.
- 6.11 Paragraph 11 confirms the presumption in favour of sustainable development where in decision making development proposals that accord with an up-to-date development plan should be approved without delay
- 6.12 In terms of decision-making paragraph 38 advises that local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area.
- 6.13 Paragraph 130 requires planning decisions ensure that developments:

- a) *Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) *Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) *Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) *Establish or maintain a strong sense of place, using the arrangements of streets, spaces, building types and material to create attractive, welcoming and distinctive places to live, work and visit;*
- e) *Optimise the potential of the site accommodate and sustain an appropriate amount of mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) *Create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

6.14 In determining applications, Paragraph 190 recommends that local authorities should take account of:

- a) *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) *the desirability of new development making a positive contribution to local character and distinctiveness; and*
- d) *opportunities to draw on the contribution made by the historic environment to the character of a place.*

Supplementary Planning Guidance

Camden Planning Guidance Design CPG (2021) states that:

“The Council will only permit development within conservation areas, and development affecting the setting of conservation areas, that preserves and where possible enhances the character and appearance of the area in lien with Local Plan policy D2 and the NPPF.

Proposals should assess the impacts of the scheme from a design perspective and the contribution it makes to townscape character including:

- *having regard to the scale, form and massing of neighbouring buildings;*
- *using materials and detailing that are sympathetic to the host building and buildings nearby;*
- *respecting and preserving existing architectural features, such as projecting bays or chimney stacks;*
- *respecting and preserving the historic pattern where it exists, and the established townscape of the surrounding area, including the ratio of built to unbuilt space;*

- *the effects of the proposal on the amenity of adjacent residential properties with regard to daylight, sunlight, outlook, light pollution/spillage, privacy or the working conditions of occupants of adjacent non-residential buildings;*
- *the desirability of retaining existing areas of landscaping (or areas that can be enhanced) to meet the amenity needs of workers, e.g. for social interaction;*
- *the effects of the scheme on important local views;*
- *making use of sustainable materials wherever possible taking into account their lifespan, environmental performance (e.g. U values) and durability, e.g. changes to the visual appearance of materials from weathering.”*

7.0 Assessment of Application Proposals

7.1 The appellant considers that the issue on which this appeal turns is:

1. *Whether 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.*

7.2 In the following paragraphs, this statement will outline the planning considerations for these issues.

7.3 The first part of the reason for refusal relates to the location, size and design of the proposed outbuilding, which the Council considers would appear as an incongruous structure and would encroach upon the open and verdant character of the host Grade II* listed property and the character and appearance of the wider Highgate Conservation Area.

7.4 Policy D1 of the Camden Local Plan seeks to ensure high quality design for all new development which respects and responds to local context and character. Policy D2 of the Camden Local Plan sets out that the Council will preserve and enhance Camden's heritage assets and their setting. Policy DH2 of the Highgate Neighbourhood Plan seeks to preserve or enhance the character or appearance of Highgate's Conservation Areas, respect the setting of its Listed Buildings and other heritage assets.

7.5 With regard to open space Policy A2 seeks to conserve the heritage value of 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. Policy DH2 of the Highgate Neighbourhood Plan requires development to preserve the open, semi-rural or village character where this is a feature of the area.

7.6 The proposed development is located in the Highgate Conservation Area and within the residential curtilage and the setting of the Grade II* Listed Buildings at 47 Highgate West Hill. It is situated towards the rear of the existing garden associated with the property, in the more informal and enclosed part of the garden (refer to Heritage Appraisal and Heritage Appeal Statement for further assessment of the garden). The site itself is not, however, identified as designated open space nor a designated heritage asset in its own right. It is not identified in the Camden Local Plan or Highgate Neighbourhood Plan and the only reference to it in the Highgate Conservation Area Appraisal is a description of the house itself.

7.7 The proposals are to provide a single story ancillary outbuilding within the large garden of no. 47 containing a gym for use by the owners of 47, Highgate West Hill.

Location of proposed outbuilding

7.8 The building has been carefully sited in the most appropriate part of the garden adjacent to the southern boundary and the private driveway serving no's 45, 46 and 47 Highgate West Hill. The site was previously the location of a large climbing frame and play area not dissimilar in scale to the proposed outbuilding, and in fact taller in part (Figure 5).

7.9 The garden fronting Highgate West Hill is formerly arranged with paths and formal planting, relating clearly to the front of the main listed building. The proposed outbuilding is located to the rear of a different and separate part of the garden, obliquely positioned behind the main house façade, and it is therefore somewhat detached from the main house. The outbuilding would associate with the modern extension where the garden is more relaxed in its design, and clearly functions as the a 'rear' garden and its status is more secondary in relation to the site as whole. A modest outbuilding, as proposed, would not be out of place here.

7.10 As shown in the visual assessment, this part of the garden is not visible from public viewpoints on Highgate Hill West due to the existing brick wall and fairly extensive vegetation that has existed on the site for a number of years and that will be retained.

Size

- 7.11 The proposed building is a low key structure that has been sensitively designed. As set out in the application documentation the proposed building does not occupy a large footprint in relation to the existing site. The proposed outbuilding would cover just 5% of the existing garden / driveway area (3.2% of the plot as a whole) and is on the site of the play area and former climbing frame, a fact that represents a minimum increase in built footprint on the plot. The existing large size garden would still be retained within this minor addition and the mature planting, openness and green aspects of the garden would not be affected.
- 7.12 During the course of the application, the height of the proposed outbuilding was reduced. The overall height of the structure is 2.74m, lower than standard 'off the shelf' garden buildings. The building will extend beyond the height of the existing garden wall given the level differences between the garden and shared driveway. However, the significant level of mature planting in this area which currently helps to screen the property and provide enhanced levels of privacy and security results in the proposed building having only a very marginal visibility from the shared driveway with no's 45 and 46 (Figure 9). As shown in the visual assessment, the proposals would not be visible from any point in the public realm.



Figure 9: Extract from Views Assessment taken from the shared private access drive

Design

- 7.13 The outbuilding has been designed to be modest in appearance and a simple addition to the site and is subordinate to the existing architecture on the site. The design was amended during the course of the application, removing glazing on the south and east elevations. Only one clear glazed door and window is proposed on the north elevation (Figure 7). The Cedar cladding will cover all elevations. The timber cladding will not be stained or varnished but will fade naturally and weather over time and is common for small scale structures in a domestic context. The unvarnished timber cladding along with the existing mature planting will be in keeping with the semi-rural feel of the surroundings and ensure that the proposals visually relate to the green character of the area.
- 7.14 For the above reasons the design of the proposed outbuilding is not considered to be out of keeping with its surroundings and the appellant strongly disagrees with the Council's view that it would appear as an incongruous structure. The proposed outbuilding is to be sited in an area that was formerly occupied by a large climbing frame and play area, no trees or vegetation will be removed, the open and green aspects of the garden will not be impacted and there would therefore be no encroachment upon the character of the host property. As demonstrated in the visual assessment the outbuilding would not be visible from public views of the site from Highgate Hill West.
- 7.15 This appeal statement is accompanied by a Heritage Appeal Statement which specifically addresses the heritage issues raised by the reason for refusal and should be read in conjunction with the Heritage Appraisal prepared in support of the submitted planning application. These documents address the points raised in the reason for refusal, specifically the impact of the proposals on the setting of the listed building at 47 Highgate West Hill and the impact of the proposals on the character and appearance of the Highgate Conservation Area and conclude that the proposal will result in no harm to the setting of the listed building or conservation area.
- 7.16 The Heritage Appeal Statement assesses the impact of the proposals on the setting of the listed building and concludes:
- "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 and 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" (para. 2.39).*
- 7.17 In terms of the impact of the proposals on the character and appearance of the Highgate Conservation Area, The Heritage Appeal Statement concludes that:
- "The site's contribution to the 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" (para 2.34).*
- "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" (para 2.36).*
- 7.18 The Heritage Appeal Statement concludes in paragraph 4.2 that:
- "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".*

- 7.19 The proposed outbuilding is considered to be fully in accordance with requirements of Policies A2, D1 and D2 of the Camden Local Plan, Policy DH2 of the Highgate Neighbourhood Plan and paragraphs 194, 195, 197 and 199 of the NPPF. The appeal scheme respects the setting of the grade II* building and preserves the semi-rural character and appearance of the Highgate Conservation Area.
- 7.20 The proposed outbuilding complies with the statutory duties specified in the Planning (Listed Building and Conservation Areas) Act 1990 by having special regard to preserving the setting of the Grade II* listed building of no. 47 Highgate West Hill and the Highgate Conservation Area.
- 7.21 The proposed outbuilding does not require the digging of foundations and is a structure that can be disassembled, removed from site and reassembled elsewhere. The appellant has advised that they anticipate requiring the structure for a period of up to 15 years. Whilst the appellant considers that the proposed outbuilding would result in no loss or harm to the Grade II* listed building and the Highgate Conservation Area, should the Inspector consider it appropriate the appellant would be willing to accept a planning condition that permitted the outbuilding for a temporary period of 10 or 15 years following which time the outbuilding would be required to be removed.

8.0 Conclusion

- 8.1 The proposed outbuilding has been designed for use by the occupants of no. 47 Highgate West Hill. It is a sensitively designed low key structure, to be constructed of Cedar, sited towards the rear of the large garden of the listed building along the southern boundary and the shared private driveway for no's 45, 46 and 47 Highgate.
- 8.2 The assessment of the appeal proposals, as set out in the above Statement of Case and accompanying Heritage Appraisal, Heritage Appeal Statement and Views Assessment, clearly demonstrates that the proposals would not be visible from the public realm (from Highgate West Hill), as a result of the extensive mature landscaping that exists on the appeal site that is to be retained.
- 8.3 As set out in the Heritage Appeal Statement and accompanying planning application material, the proposals would not result in harm being caused to the site or those qualities of the site that contribute to the Highgate Conservation Area. Through careful assessment, it is concluded that the character and appearance of the Highgate Conservation Area is preserved.
- 8.4 With regard to the Grade II* listed building of No. 47, the proposals would not harm those aspects of the site that contribute to the setting of this listed building, and would therefore not harm the setting, significance or special interest of the building.
- 8.5 As such the relevant tests of NPPF paragraphs 201 and 202 would not be triggered.
- 8.6 The proposals are therefore considered to be fully in compliance with Policies D1, D2, and A2 of the Camden Local Plan (2017) and DH2 and DH10 of the Highgate Neighbourhood Plan (2017).
- 8.7 We therefore respectfully request that the Inspector allows this appeal.



Appendix 1: hgh response to consultation responses (21st April 2021)



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Josh Lawlor
Planning Department
London Borough of Camden
5 Pancras Square
London
WC1H 9JE

21 April 2021

Dear Josh,

RE: APOTHECARY HOUSE, 47 HIGHGATE WEST HILL, HIGHGATE, N6 6DB

With regards to the application that has been submitted at the above site, we note that comments have been received from the Highgate CAAC and Highgate Society.

Within the attached document titled 'Apothecary House Consultation Responses', we have responded to these comments.

If you have any queries regarding this matter, please do not hesitate to contact me.

Yours sincerely,

Sarah Ballantyne-Way

Director

Apothecary House Consultation Responses

Objection	hgh Response
<p>Disputes the assertion that the building would be 'very marginally visible' from the street and would have an effect on the setting of 44 & 45 West Hill and surrounding Listed Buildings and CA.</p>	<p>The applicant fully understands and appreciates the historic importance of their home and its wider setting and their priority is always to protect and look after their historic building. As such, they have designed a discrete and minimal building and have employed both a planning consultant and heritage consultant to assist with this process.</p> <p>The proposal will not be visible from the public realm.</p> <p>The proposal will have a limited visual effect from the settings of nos. 45 and 46 Highgate West Hill and would be further mitigated as a result of the existing vegetation and mature trees surrounding the boundary of no. 47.</p> <p>In any event, the building would be clad in timber which would conform to the residential character of the area and form a discrete addition.</p> <p>The mature planting, openness and green aspects of no. 47's garden that contribute to the settings of nos. 45 & 46 will not be impacted by the proposed development as these aspects will be retained as part of the scheme.</p> <p>The building is located in part of the garden previously used as a play area. There is no loss of green space as a result of the proposal and there will, therefore, be no harm to the setting of the listed buildings and Conservation Area.</p> <p>The proposed building would not detract from the CA's semi-rural and residential feel, therefore not negatively impacting upon the CA.</p> <p>The houses at nos. 45-47 Highgate West Hill are architecturally robust and strong in character. All have been subject to alteration and/or extension in recent times, none of this work has been found to challenge or harm the significance of the buildings or that of their special interest and setting. The proposal is a modest structure that is ancillary to the domestic use of the main house. It would not harm its significance or its setting for reasons fully explained here and in the application documentation.</p>

<p>The building would be positioned 83 cm above the garden wall and very close to the garden wall, therefore there will be no possibility of any shielding foliage.</p>	<p>Trees and well-established foliage grow along and up the exterior of the boundary wall to a height in excess of 83cm. The trees will overhang the proposal.</p> <p>The garden itself is a large space with a vast amount of mature planting, particularly located on the garden wall boundary. The level of mature planting that exists will help to screen the proposal, therefore the proposal will have marginal visibility from the shared driveways of nos. 45, 46 & 47. It will not be visible from the public realm.</p> <p>In any event, the appearance of the building will not result in any harm to the setting of the surrounding heritage assets given the materials proposed and discrete nature of the design.</p>
<p>The building covers a large proportion of the total garden area, including sizeable area of paving.</p>	<p>The proposal does not include any paving.</p> <p>The heritage statement confirms that the proposed outbuilding would cover just under 5% of the existing open garden/driveway area (3.2% of the total plot), therefore the vast majority garden area would be retained. The site layout plan also illustrates the size of the proposed development in relation to the grass lawn that is being retained.</p> <p>The proposal is located in place of a play area and play equipment previously located in this part of the site.</p> <p>The building does not require foundations to be dug and will not result in any additional areas of hardstanding beyond the building itself. The owners of Apothecary House have significantly increased the overall level of green space within the garden area over the years and this will not result in any significant loss of green space.</p>



Appendix 2: hgh correspondence regarding scheme amendments (10th June 2021)



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Mr Josh Lawlor
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

10 June 2021

Dear Sir/Madam,

RE: FULL PLANNING APPLICATION AND LISTED BUILDING CONSENT AT APOTHECARY HOUSE, 47 HIGHGATE WEST HILL, LONDON, N6 6DB (Application Refs: 2021/0540/P and 2021/0828/L)

Hgh Consulting has been instructed by Mrs Vicki Lee ("the Applicant") to submit amended plans to applications 2021/0540/P and 2021/0828/L in response to comments from the Conservation Officer and the Highgate Society.

The original application was submitted to LB Camden on 8 February 2021 and validated on the 11 March 2021 with the following description:

"Erection of a single storey outbuilding."

Scheme Amendments

The Applicant has reviewed the comments submitted by the Highgate Society on the 11 April 2021 and comments made by the Conservation Officer at their site visit in May 2021. Within the comments received, concerns have been raised regarding the height and scale of the proposals, the level of proposed fenestration and its perceived impact on the Listed Buildings and Highgate Conservation Area.

We have reviewed the proposals in light of the comments made and have amended the proposals accordingly.

The changes can be summarised as follows:

- Height reduced by 100mm through the reduction in the floor build up internally;
- Removal of two floor to ceiling glazed elements;
- Brise soleil added to remaining glazing;
- Unvarnished timber cladding as currently proposed (which will fade naturally) to all elevations.

These items are addressed in turn below:

Overall Reduction in Height

In terms of the overall height of the proposals, this has been reduced by 100mm through the reduction of internal floor build up. The overall height of the structure is now 2.74m. This is some 0.26m lower than standard 'off the shelf' garden buildings and represents the minimum height for the building to function successfully as a gym space for the family.

The building will extend beyond the height of the existing garden wall given the levels differences between the garden and the adjacent shared driveway. However, the significant level of mature planting in this area, which currently help to screen the property and provide enhanced levels of privacy and security, means that the proposed building has only a very marginal visibility from the shared driveways with nos. 45 and 46. It is important to stress that the proposals would not be visible from any point in the public realm or from the wider conservation area.

The floor area of the proposal has not been amended as this represents the space required for the proposed gym use of the building. It is however considered that the proposals are entirely proportionate in regard to the scale of the existing buildings on site and the large garden area. It is located on the part of the garden that was previously used as a play area and does not encroach into the landscaped part of the garden.

Heritage, Design and Appearance

As demonstrated above, the reduction in height of the proposals ensures that the design and appearance remain proportional and has been designed to be a very modest and simple addition to the site. The design has been amended to substantially reduce the level of glazing, with two floor to ceiling windows having been removed on the south and east elevations, and brise soleil added to windows on the north and east of the building. One window and the door will remain as clear glazed.

It is not proposed to alter the materials proposed however the cedar cladding has been extended so that it now covers all elevations. The Cedar cladding proposed is not stained or varnished and it is proposed that this will fade over time.

It is considered that the significant reduction in glazing and the Cedar cladding (particularly once weathered) will ensure that the proposed outbuilding will appear very much like an ancillary garden building and will not appear out of keeping in this location. It is also worth noting that the proposed outbuilding would cover just under 5% of the existing open garden/ driveway area (3.2% of the plot as a whole), a fact that reflects a minimum increase in built footprint on the plot. The existing large size garden would still be retained with this minor addition proposed.

The unvarnished timber cladding proposed which will fade naturally and appear weathered and shed-like which is considered an appropriate secondary structure ancillary to the residential use of the main house, and entirely appropriate in this context. The Applicant is open to an alternative treatment for the rear elevation and welcomes recommendations from the Conservation Officer on this point should this be required.

In relation to lighting, as evidenced above, the proposals will not be visible from the public realm or from the wider conservation area and the outbuilding will only be lit internally with domestic spotlights. The reduction in glazing and brise soleil will reduce light spill further. In this respect, there will be no amenity impact or overspill from lighting resulting from the proposals.

As demonstrated in the submitted plans, the proposed building would have a very limited visual effect on views from nos. 45 and 46 and this is clearly mitigated by the low-key Cedar cladding proposed and amount of mature planting



around the boundary to no. 47. The driveway to the property is private and shared by nos. 45, 46 and 47. The removal of any vegetation within this location would need to be agreed by all properties and therefore can be controlled by the applicant in consultation with her neighbours. The mature planting, along with the unvarnished timber cladding proposed will be in keeping with the semi-rural feel of the surroundings and ensure that the proposals visually coalesce and relate to the green character of the site and surroundings.

It is considered that the revised proposals do not cause harm to the qualities of the listed building and nearby listed buildings. Furthermore, the above demonstrates that the proposals would not cause any harm to the characteristics of the site that contribute to the character and appearance of the Highgate Conservation Area.

We look forward to discussing the proposals with you further. Please do not hesitate to contact me should you require any further information.

Yours sincerely,

Sarah Ballantyne-Way

Director

Enc. Proposed Site Layout Plan (Dwg no. 2080.P.01 A);
 Proposed Elevation AA – to Private Access Road (Dwg no. 2080.P.02 A);
 Proposed Elevation BB – Driveway / West Boundary Wall (Dwg no. 2080.P.03 A);
 Proposed Elevation CC – through Garden (View East) (Dwg no. 2080.P.04 A);
 Proposed Elevations DD through Garden (View West) and EE Boundary Wall (View South) (Dwg no. 2080.P.05.A);
 Proposed Floor Plan (Dwg No. 2080.P.06 A).

hgh



Appendix 3: hgh response to Camden Council (25th August 2021)



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Regeneration and Planning
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25 August 2021

Dear Josh,

RE: FULL PLANNING APPLICATION AND LISTED BUILDING CONSENT AT APOTHECARY HOUSE, 47 HIGHGATE WEST HILL, LONDON, N6 6DB

On behalf of our client, Ms Vicki Lee, and in response to your email of 29th June, I write to respond to the concerns raised regarding the above proposals.

You raise concerns about the scale of the outbuilding in relation to the garden, that it is not typical for outbuildings of this scale to be erected in front gardens, and its impact on the listed building and how it is viewed from the public realm, and We have already responded to these matters, in part, in our letter of 21st April (attached for ease of reference), but respond to these specific points below:

Scale of proposed outbuilding:

As already set out in the 21 April response, the proposed outbuilding does not occupy a large footprint in relation to the existing site. The property on the site comprises a large, detached house with a large contemporary extension which sits within a large garden. The size of the proposed outbuilding is entirely in keeping with its surroundings and does not occupy a disproportionately large area. Furthermore, it is sited where a large play area had been erected, not dissimilar in scale to the proposed building, and in fact taller in part - the difference in impact being negligible.

Location of the proposed outbuilding

You note that *'it is not typical for an outbuilding of this scale to be erected within the front garden/ forecourt of a listed building.'* It is not considered that the proposed outbuilding is located within the front garden or forecourt of the property. As you are aware the only garden of Apothecary House fronts both Highgate Hill West to the east and the private driveway serving 45, 46 Highgate Hill West and Apothecary House to the south.

The garden fronting Highgate West Hill is formally arranged with paths and formal planting, relating clearly to the front of the main listed house. The proposed outbuilding is located to the rear of this part of the garden, obliquely positioned behind the main house façade, and it is therefore somewhat detached from the main house. The outbuilding does relate clearly to the modern extension and adjacent to the private driveway and the garden here is more relaxed in its design, and clearly functions as the a 'rear' garden and its status is more secondary in relation to the site as whole. A modest outbuilding, as proposed, would not be out of place here.



Views from the public realm

You note that the top of the structure would have some visibility from the public realm and that this would cause some less than substantial harm to the setting of the listed building 'as the structure would interfere with how the main listed house is viewed from the street'.

The Heritage Statement that accompanies the application and our response of 21 April sets out that the proposal would not result in any harm to the listed building. In addition to this, we have undertaken a views assessment of the proposal from 3 points on Highgate Hill West which clearly demonstrate that the building will not be visible from the public realm and would therefore not 'interfere with how the main listed building is viewed from the street'. The building will not be visible and therefore no harm will ensue.

The views assessment is attached to this document, alongside the Heritage Statement and 21 April response, and we consider that this information should reassure the Council that the proposed outbuilding would result in no harm to the setting of the listed building and be of an entirely appropriate scale for its purported use as a building incidental to the enjoyment of the dwelling.

It is considered that the proposal fully complies with Policies D1 (Design), D2 (Heritage) and A3 (Biodiversity) of the Camden Local Plan, Policy DH of the Highgate Neighbourhood plan and the Camden Home Improvements SPD. All other material considerations, including the NPPF, are supportive and it therefore follows that the application should be positively determined.

Please do not hesitate to contact me should you require any further information.

Yours sincerely,

Sarah Ballantyne-Way

Director



Appendix 4: hgh correspondence with Camden Council (12th October 2021)



Jill Bell <jbell@hghconsulting.com>

RE: Apothecary House 47 Highgate West Hill

1 message

Josh Lawlor <Josh.Lawlor@camden.gov.uk>
To: Jill Bell <jbell@hghconsulting.com>

12 October 2021 at 13:52

Hi Jill

We do not publish internal comments.

Thanks

Josh Lawlor
Senior Planning Officer

Telephone: 020 7974 2337



The majority of Council staff are continuing to work at home through remote, secure access to our systems. Where possible please communicate with us by telephone or email.

From: Jill Bell <jbell@hghconsulting.com>
Sent: 12 October 2021 14:50
To: Josh Lawlor <Josh.Lawlor@camden.gov.uk>
Subject: Re: Apothecary House 47 Highgate West Hill

[EXTERNAL EMAIL] Beware – This email originated outside Camden Council and may be malicious Please take extra care with any links, attachments, requests to take action or for you to verify your password etc. Please note there have been reports of emails purporting to be about Covid 19 being used as cover for scams so extra vigilance is required.

Hi Josh,

Many thanks for sending your delegated report through.

Please could you send me the written comments from the Council's conservation officer and the tree officer as I cannot see these online.

Kind regards

Jill



hghconsulting.com