



Date: 02/03/2022

Your Ref: APP/X5210/W/21/3279617 & APP/X5210/W/21/3279616

Our Refs: 2020/5960/P & 2020/5997/L, 2020/3067/P & 2020/3397/L

Contact: Josh Lawlor

Direct Line: 020 7974 2337

Josh.lawlor@camden.gov.uk

The Planning Inspectorate

Room 3/23

Temple Quay House

2 The Square

Temple Quay

Bristol BS1 6PN

Dear Planning Inspectorate,

45 Highgate West Hill, London, N6 6DB

Appeal on behalf of Mr Timothy Rowe for the refusal of planning permission

Nos. 45 and 46 Highgate West Hill, a pair of semi-detached houses constructed in 1729, are listed Grade II*.

The Council refused planning permission and listed building consent under delegated powers on 23/04/2021, under ref. 2020/5960/P & 2020/5997/L

The description of development for both planning and listed building consent applications were as follows:

Erection of a single storey, timber shingle clad outbuilding for the storage of garden and domestic maintenance tools located within the wooded landscape area of Highgate West Hill.

2020/5960/P - Reason for refusal:

The proposed outbuilding, by reason of its location, size and design would be an incongruous structure which would diminish and encroach upon the green and untouched verdant character of the woodland area, undermining its special historic interest, and causing harm to the character and appearance of nos. 45 & 46 Highgate West Hill, which are Grade II Listed and the wider Highgate Conservation Area, contrary to policies 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 TR4 (Reducing the Negative Impact of Parking in Highgate) of the Highgate Neighborhood Plan 2017.*

2020/5997/L – Reason for refusal:

1. *The proposed outbuilding, by reason of its location, size and design, would be an incongruous structure would diminish and encroach upon the green and untouched verdant character of the woodland area, undermining its special historic interest, and causing harm to the setting and of the Grade II* Listed Pair of 45 & 46 Highgate West Hill contrary to policy D2 (Heritage) of the London Borough of Camden Local Plan 2017 and policy DH2 (Development Proposals in Highgate's Conservation Areas) of the Highgate Neighborhood Plan 2017.*

The Council refused planning permission and listed building consent under delegated powers on 23/04/2021, under Ref. 2020/3067/P & 2020/3397/L

The description of development for both planning and listed building consent applications were as follows:

Erection of a single storey, timber shingle clad garage to provide off-street car parking, structure located within the wooded landscape area of Highgate West Hill.

2020/3067/P – Reason for refusal:

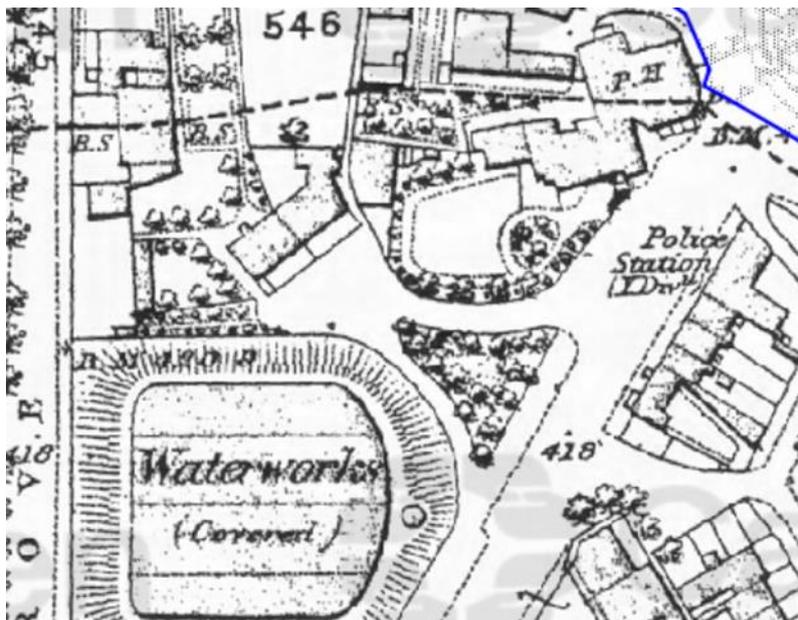
1. *The proposed garage, by reason of its location, size and design would be an incongruous structure that would diminish and encroach upon the green and untouched verdant character of the woodland area, undermining its special historic interest, and causing harm to the character and appearance of nos. 45 & 46 Highgate West Hill, which are Grade II* Listed and the wider Highgate Conservation Area, contrary to policies 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 TR4 (Reducing the Negative Impact of Parking in Highgate) of the Highgate Neighborhood Plan 2017.*
2. *The creation of an on-site garage, which provides up to two parking spaces would promote the use of private motor vehicles and fail to encourage the use of sustainable modes of transport, contrary to policies T1 (Prioritising walking, cycling and public transport), T2 (Parking and car free development) of the London Borough of Camden Local Plan 2017.*

2020/3397/L – Reason for refusal:

1. *The proposed garage, by reason of its location, size and design, would be an incongruous structure that would diminish and encroach upon the green and untouched verdant character of the woodland area, undermining its special historic interest, and causing harm to the setting and of the Grade II* Listed Pair of 45 & 46 Highgate West Hill contrary to policy D2 (Heritage) of the London Borough of Camden*

1. COMMENTS ON APPELLANT'S GROUNDS OF APPEAL

- 1.1. The council's full assessment is set out in the Officer report. The council's position on the transport impacts and policy T2 is set out in the Officer Report. Below is a response to the Visual Appraisal and Heritage Appeal Statement.
- 1.2. Map regression
- 1.3. Interrogation of all available O.S. map for the site provide no indication that the current wooded area has ever been occupied by any form of building or structure. That this triangle of land has remained undeveloped is part of the setting of Nos. 45 and 46 Highgate West Hill is a strong contributor to the character and appearance of the streetscape and thus the character and appearance of Highgate Village Conservation Area.



Extract from 1st edition O.S. map.

- 1.4. Visual appraisal photographs – 2020/3067/P
- 1.5. The annotated photographs show the location of the proposed outbuildings relative to the existing trees but not the impact on the tree canopy cover. An area will need to be cleared to erect the outbuilding which may well create a residual hole in the canopy as well as a perceivable gap in the hedgerow that lines the driveway, both potentially visible from the highway.

- 1.6. It is noted that the high timber fence that has been installed around the perimeter on Highgate West Hill does not have planning permission. It is over 1m high and considered harmful to the character of the woodland and setting of the Listed pair of buildings. The Highgate CAAC has informed the Case Officer that they will be opening an enforcement investigation on this matter. The removal of the timber fence has the potential to make the garage/outbuilding visible from the street.
- 1.7. The character and appearance of the island is currently one of 'woodland' rather than 'garden'. Management and encroachment of this spinney has the potential to weaken the woodland character of this group of trees which contribute strongly to the character and appearance of the streetscape, as a landmark group after the open character of the reservoir, and thus to the character of the conservation area in this location.
- 1.8. The trees are deciduous and for most of the year, the structures will be visible from the road. Mature trees are recorded on the site in the OS survey (1863) indicating that they had existed on the site for some considerable period of time.
- 1.9. Prior to the O.S. surveys mapping was somewhat selective about what was shown. Although not registered as 'common land' the fact that the site is a remnant of Highgate Common is immensely significant.
- 1.10. The setting of Nos 45 and 46 is one of seclusion from the highway. This has the potential to be compromised if tree clearance is pursued.
- 1.11. Both applications by dint of having the potential to cause harm to the setting of the listed buildings and the character and appearance of the streetscape have the potential to cause harm to the listed buildings themselves (since setting is part of the significance of a listed building) and the significance of the conservation area (as CA significance results from the collective contribution made by all elements – buildings, landscapes, open spaces, vegetation etc.)
- 1.12. NPPF policies are mirrored by similarly worded policies within the Camden Local Plan.

- i. Whether the proposed garage or outbuilding is incongruous by virtue of its location, size and design;
- ii. Whether the proposed garage or outbuilding would diminish or encroach upon the green and untouched verdant character of the woodland area, undermining its special interest;
- iii. Whether the refused proposals would cause harm to the character and appearance of nos. 45 and 46 Highgate West Hill; and,
- iv. Whether the proposals would cause harm to the character and appearance of the Highgate Conservation Area.

- 1.13. The existing triangular woodland site is an area of hitherto undeveloped land. The presence of any structure would be incongruous as the site is a remnant of Highgate Common. Common land by historic precedent is undeveloped and for communal use. Although this area of land is not registered as 'common land' that does not negate from the fact that it was once part of a greater whole.
- 1.14. Building on a previously undeveloped parcel of land would both diminish and encroach on the woodland nature of the site.
- 1.15. The development has the potential to harm the significance of the listed buildings adjacent by undermining the setting of said buildings. Setting is defined in the National Planning Policy Framework (NPPF) as "*The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of the asset, may affect the ability to appreciate that significance or may be neutral.*"
- 1.16. By eroding the contribution this island of woodland makes to the character and appearance of the streetscape the proposal will cause harm to the significance of the conservation area (conservation area significance results from the collective contribution made by all elements – buildings, landscapes, open spaces, vegetation etc.) The proposal cannot be said to either preserve or enhance the character and/or appearance of the conservation area.
- 1.17. The application site has remained undeveloped woodland since at least 1863 (the date of the OS survey) but since mature trees were recorded on the site at that point in time then most likely from 100

years previous. The building of outbuildings will neither preserve nor enhance the undeveloped woodland character of the immediate application site.

2. Conclusion

- 2.1. Based on the above the Council respectfully request the Inspector to dismiss both appeals.
- 2.2. Should the Inspector be minded to allow either of the appeals the Council suggest the following conditions as set out below:

Conditions for Appeal Ref. 3279617 (garage):

1. The development hereby permitted shall be carried out in accordance with the following approved plans [0417 A 0010 00, 0417 A 1010 00, 0417 A 0111, 0417 A 0112 00, 0417 A 1112 00, 0417 A 0113 00, 0417 A 1113 00, A 1110 03, 0417 A 1204 00, Arboricultural Impact Assessment ref. AIA/MF/069/20]

Reason: For the avoidance of doubt and in the interest of proper planning.

2. The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

3. Prior to the commencement of any works on site, details demonstrating how trees to be retained shall be protected during construction work and to include details of monitoring and supervision by the retained project arboriculturalist shall be submitted to and approved by the local planning authority in writing. Such details shall follow guidelines and standards set out in BS5837:2012 "Trees in Relation to Construction". All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with the approved protection details.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policies A2 and A3 of the London Borough of Camden Local Plan 2017.

4. No development shall take place until full details of hard and soft landscaping and means of enclosure of all un-built, open areas have

been submitted to and approved by the local planning authority in writing. [Such details shall include details of any proposed earthworks including grading, mounding and other changes in ground levels.] The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area in accordance with the requirements of policies A2, A3, D1 and D2 of the London Borough of Camden Local Plan 2017.

5. Prior to commencement of any works on site, details of the design of building foundations and the layout, with dimensions and levels, of service trenches and other excavations on site in so far as these items may affect trees on or adjoining the site, shall be submitted to and approved in writing by the local planning authority. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenities of the area in accordance with the requirements of policies A2, D2 and A3 of the London Borough of Camden Local Plan 2017.

Conditions for Appeal Ref. 3279616 (outbuilding):

1. The development hereby permitted shall be carried out in accordance with the following approved plans [A 1110 02, A 1204-01, A 1113, A 1112-01, A 1111-01, A 1113-00, A 0112-00, A 0111-01, A 1010.]

Reason: For the avoidance of doubt and in the interest of proper planning.

2. The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

3. Prior to the commencement of any works on site, details demonstrating how trees to be retained shall be protected during construction work and to include details of monitoring and supervision by the retained project arboriculturalist shall be submitted to and approved by the local planning authority in writing. Such details shall follow guidelines and standards set out in BS5837:2012 "Trees in Relation to Construction". All trees on

the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with the approved protection details.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policies A2 and A3 of the London Borough of Camden Local Plan 2017.

4. No development shall take place until full details of hard and soft landscaping and means of enclosure of all un-built, open areas have been submitted to and approved by the local planning authority in writing. [Such details shall include details of any proposed earthworks including grading, mounding and other changes in ground levels.] The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area in accordance with the requirements of policies A2, A3, D1 and D2 of the London Borough of Camden Local Plan 2017.

5. Prior to commencement of any works on site, details of the design of building foundations and the layout, with dimensions and levels, of service trenches and other excavations on site in so far as these items may affect trees on or adjoining the site, shall be submitted to and approved in writing by the local planning authority. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenities of the area in accordance with the requirements of policies A2, D2 and A3 of the London Borough of Camden Local Plan 2017.

6. The outbuilding hereby approved shall not be used for the parking of motor vehicles at any time.

Reason: To prevent the promotion of the use of private motor vehicles and to encourage the use of sustainable modes of transport, in accordance with policies T1 (Prioritising walking, cycling and public transport), T2 (Parking and car-free development) of the London Borough of Camden Local Plan 2017.

If any further clarification of the appeal submissions is required please do not hesitate to contact Josh Lawlor on the above direct dial number or email address.

Yours sincerely,

Josh Lawlor
Planning Officer