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Sent by Email

16 March 2022

Dear Sir / Madam

Town and County Planning Act 1990
Appeal by Ms Vicki Lee
Site Address: Apothecary House, 47 Highgate West Hill, London, N6 6DB

On behalf of the appellant Ms Vicki Lee, we are writing to comment on points raised by Camden Council in their Statement of Case, and the Highgate Conservation Area Advisory Committee (HCAAC) in their representation to the appeal. In our view the Statement of Case and representations add nothing new.

The Highgate Society objected to the proposals at the planning application stage. Following the submission of this appeal, a representative of the Highgate Society visited the appeal site and the Highgate Society have not submitted any further objection to this planning appeal. No objections have been made to the proposals by any of the appellant's neighbours, including those at No's 45, 46 and 46a Highgate West Hill.

The appellant's comments on the Statement of Case prepared by Camden Council are as follows:

- (a) To re-iterate the point made by The Heritage Practice in their Appeal Statement at paragraph 1.4, listed building consent is not required for the proposed development as no works to the existing listed building, structures or curtilage listed buildings are required.
- (b) The Council makes reference to the side extension of 47 Highgate West Hill insinuating that the construction of this extension has already taken away part of the garden associated with the main house. This is not the case. Planning permission and listed building consent were granted by Camden Council in 2008 for the side extension and the description of the proposed development includes the demolition of an outbuilding and garage (see Section 3.0 of the hgh Statement of Case). The extension was constructed on the footprint of the buildings that were demolished and therefore the side extension involved no loss of any part of the garden.
- (c) There is no "back garden" in the traditional sense at 47 Highgate West Hill. Instead the grounds consist of a soft landscaped garden sitting to the side of the house with the areas at the front and side divided into areas of character (a formal York stone paved front courtyard and side garden areas for example) as explained in the Heritage Appeal Statement at paragraph 1.16. As the Inspector will be able to see at the site visit, the real garden of 47 Highgate West Hill lies to the south of the property to the side of the main house when viewed from Highgate West Hill. To the south of the garden is a private driveway. The garden is private, does not abut and is not visible from the public highway and so functions as a back garden to the appellant's home. The proposed outbuilding will be sited within the rear part of this garden and behind the principal elevation and original part of the listed building at a distance of over 16m from the rear elevation of the

original listed building. It will face the modern extension on the side of the listed building, albeit at a distance and separated by an area of soft landscape. Figure 1 (attached) shows the location of the proposed outbuilding within the grounds and the wider context of the site. The outbuilding will **not** be sited in the front part of the garden facing the public realm of Highgate West Hill and is **not** against the front boundary as incorrectly stated by the Council. It is clear from the incorrect statements made in the Council's Statement of Case that the case officer has not visited the grounds of 47 Highgate West Hill before making a decision, a fact the appellant finds both surprising and disappointing.

- (d) The outbuilding will be sited along the boundary with the private driveway to the south that is only used by neighbours at No's 45, 46 and 46a, none of whom have objected to the planning application or appeal. The outbuilding will not be visible from the public realm, nor will result in any harm to the setting of the listed building. See figure 1 below.
- (e) To re-iterate the analysis provided in the Heritage Appeal Statement at paragraph 2.5, the proposed outbuilding will only take around circa 5% of the existing garden, leaving a very generous garden of circa 624.9sqm remaining, reflecting a very minimal increase in built footprint on the plot.
- (f) The outbuilding will not be sited on the existing lawn nor result in the loss of any grassed or planted area. There will be no loss of any vegetation or trees (all of which are in any event protected) and consequently the verdant character of the garden will be maintained. The appellant has advised that when they purchased the property 18 years ago, the entire garden comprised hardstanding and it is only through the hard work of the appellant that the garden was split into several zones and redesigned to create the large area of soft landscape and additional planting within the grounds.
- (g) The appellant has no comments to make on the Council's two suggested planning conditions.

Only one third party objection has been made to the appeal by the HCAAC. The majority of points made by the HCAAC are the same as those made by the Council and have been addressed above. The appellant comments on the additional points made by the HCAAC as follows:

- (a) The appellant notes that appeals have also been lodged for development at the neighbouring property of No. 45 Highgate West Hill. Appeals at both sites must be considered on their own merits and this appeal for the outbuilding should be determined in isolation from appeals at neighbouring properties. In any event, there is no intervisibility between the neighbouring appeal site and the site subject to this appeal does not adjoin the appeal site at No. 45 Highgate West Hill. The proposed outbuilding would only be visible to the appellant and would not be visible to occupants of neighbouring properties, none of whom have objected to the proposed outbuilding.
- (b) The impact of the proposed outbuilding on the setting and significance of No's 45 and 46 Highgate West Hill were assessed in the Heritage Statement (February 2021) submitted with the planning application which in para 3.10 concludes

"Those aspects of the garden at No. 47 that contribute to the setting of no's 45 and 46 – i.e. openness, mature planting, greenery and a certain spatial quality – will be entirely unharmed and retained by the proposed scheme. In this regard the outbuilding would not cause harm to the setting of nearby listed building".

Furthermore, this matter was not cited by the Council as a reason for refusal.



For the reasons set out in the Statement of Case and Heritage Appeal Statement, the applicant considers that the proposed outbuilding is acceptable and that the appeal should be allowed.

If the Inspector requires any further information please do not hesitate to contact me.

Yours sincerely

Jill Bell
Associate Director

Figure 1: Annotated Site Location Plan

