



45 Welbeck Street
London W1G 8DZ
020 3409 7755
info@hghconsulting.com
hghconsulting.com

Sean Ernsting
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

15th March 2022

Dear Mr Ernsting

45 Highgate West Hill, London, N6 6DB

RE: Planning Appeals by Mr Timothy Rowe (PINS Refs. APP/X5210/W/21/3279616 and APP/X5210/W/21/3279617) – Response to LPA Statement of Case and Third Party Representations

On behalf of the appellant, we are writing to respond to LB Camden's statement of case and third-party representations in respect of the above appeals.

The appellant's position in relation to the reasons for the submission of the appeals against the refusal of both planning applications (refs. 2020/3067/P and 2020/5960/P) by Camden Council is set out in the hgh Statement of Case and accompanying documents. The Statement of Case was based on advice from a leading planning barrister, Douglas Edwards QC.

The appellant's case remains that the proposals would not result in harm being caused to the site or those qualities of the site that contribute to the local townscape and Conservation Area and would be acceptable under planning policy and guidance in terms of preserving the character and appearance of the Conservation Area.

Response to Camden's Statement of Case and Third Party Comments

The Council advises that their full assessment of both appeals is set out in the Officer Report which deals with the original reasons for refusals. The points raised by the Council have already been addressed in the appellant's Statement of Case.

The Council's response focuses on the Visual Appraisal and the Heritage Appeal Statement. In our view the response adds nothing new, and we continue to contend that the proposals will not result in any harm to the local townscape and Conservation Area and their case is presented in full in the Appeal submission.

In respect of the existing trees, the appellant demonstrated within the Arboricultural Impact Assessment (AIA) and Arboricultural Method Statement (AMS) Tree Report, which was accepted by LB Camden's Tree Officer, that the proposals will have no impact on the existing tree canopy cover. No protected trees are required to be removed as part of either proposal. Furthermore, the existing vegetation, shrub and hedge growth, both deciduous and evergreen, will screen the structure throughout the year. The appellant is committed to ensuring good upkeep of the site and should the appeal be allowed, opportunities to enhance the immediate wooded area through suitable planting can be secured by condition, as agreed between the appellant and LB Camden after the appeal was submitted (see letter dated 5 October 2021).

The Council correctly acknowledge that the land does not form common land and although it is wooded land, it forms part of the residential curtilage of the appeal site, 45 Highgate West Hill, and is privately owned. The Visual Impact Assessment and Heritage Statement that accompanied the appeal supports the contention that the proposed scheme will preserve the green and semi-rural elements of the site that contribute to the character, appearance and significance of the Conservation Area and that the scheme would not cause harm to the setting or significance of the Listed Building.

In respect of the comments raised by the CAAC and LB Camden regarding the fence, these comments are not relevant or even valid and the image below (taken in 1987) demonstrates that a fence has surrounded the property for a considerable amount of time. The neighbours at no.46 have confirmed to the appellant that the fence has been there all of the time that they have lived at the house since 1993 and they would be willing to sign a statutory declaration to that effect. It is clear that a fence has been lawfully at the property for many years, and the proposals will not be visible from the road as demonstrated in the appellant's Visual Impact Assessment.



Figure 1: Image of the fence (taken in 1987) when viewed from the south

The appellant acknowledges the representations of the owner of 46 Highgate West Hill. Similar comments were raised at the application stage by consultees and the appellant has addressed these within their Statement of Case. The appellant would like to reiterate that in relation to appeal APP/X5210/W/21/3279616, a substantial level of parking exists on site at present, and, as such, the proposals would not result in any increase in parking demand or provision. At present, it is possible to use the area where it is proposed to locate either the garage or the outbuilding for parking, so the proposal would have no effect on the availability of parking at the property. The appellant's letter from SK Transport Planning (refer to Core Document 1.15) and paragraph 6.18 onwards of the appellant's Statement of Case address in detail how the proposals are in accordance with Policies T2 of the Camden Local Plan and TR4 of the Highgate Neighbourhood Plan.

Response to the local planning authority's suggested conditions

The appellant has no comments to make on the suggested planning conditions, apart from the fact that should either appeal be allowed, and the Inspector consider it necessary, the appellant would be willing to accept a condition which would secure the opportunity to significantly enhance the wooded area on site through a programme of suitable planting, and on-going management and maintenance. Both the appellant and LB Camden have agreed that a management and maintenance plan for planting could be secured by condition rather than a s.106 agreement (see letter dated 5 October 2021).

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Summary

We trust the above will be taken into consideration in the determination of this planning appeal.

The appellant respectfully requests that the appeal is allowed, and planning permission granted.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'R Hepher', written in a cursive style.

Roger Hepher (BA(Hons) MTP FRICS MRTPI FRSA AAoU)

Executive Director
hgh Consulting