



Appeal Decision

Site visit made on 30 March 2022

by R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB

an Inspector appointed by the Secretary of State

Decision date: 3rd May 2022

Appeal Ref: APP/X5210/W/21/3287006

Apothecary House, 47 Highgate West Hill, London N6 6DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Vicki Lee against the decision of London Borough of Camden.
 - The application Ref 2021/0540/P, dated 5 February 2021, was refused by notice dated 17 September 2021.
 - The development proposed is erection of a single storey outbuilding.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (Act) requires special regard to be paid to the desirability of preserving the building or its setting. In addition, Section 72(1) of the Act requires that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. I have therefore had regard to these statutory duties in my assessment of the appeal.

Main Issue

3. The main issue is the effect of the proposed development on the character or appearance of Highgate Conservation Area (HCA) and the setting of a nearby Grade II* listed building, 'Apothecary House' (Ref: 1379044).

Reasons

4. Apothecary House occupies a prominent position in the HCA within Sub Area 1 (Highgate Village). The building is sited in the northern part of Highgate West Hill which, as stated in The Highgate Conservation Area Appraisal and Management Proposals (Appraisal), forms the historic core of the HCA. This area has a rich architectural form that expresses all the essential elements of an archetypal village. Its buildings include grand houses, simple cottages, public buildings and historic shop fronts. The grand houses, in particular, speak to the historic importance of Highgate as a desirable residential area. The Appraisal goes on to note that it has a wealth of open spaces with many of the large gardens contributing to the informal landscape setting and rural atmosphere.
5. Given the above, the significance of the HCA, insofar as it relates to this appeal, lies in its verdant, semi-rural character.
6. Turning to the listed building, it was built in the early eighteenth century and is a symmetrical five bay brick house with a central pediment feature at first floor.

While the house has been subject to a number of extensions and alterations, it benefits from a generous garden to the south of the building such that the site has a spacious feel that complements the character of the dwelling. The open, leafy garden not only contributes directly to its special interest as a high-status dwelling but also to the verdant character of the HCA.

7. Given the above, the spacious garden provides an important setting to the house which contributes directly to its special interest as an example of a high status, early Georgian, detached villa.
8. The proposed outbuilding would be located at the southern end of the garden, adjacent to the boundary with a private driveway. Given the lack of land to the north of the building, this part of the garden acts as the private amenity space for the dwelling. The area immediately in front of the two-storey part of the house, to the east of the plot, constitutes a primary entrance area.
9. The outbuilding would have a flat roof and a width that would extend across a large part of the southern boundary of the site. Furthermore, the building would project a significant distance above the boundary wall. Therefore, while I note the footprint of the proposed outbuilding compared with the garden and wider plot, given its height, width and massing, the outbuilding would unacceptably diminish the spacious quality of the site and setting of the listed building.
10. I note the Appellant described the outbuilding as being located to the rear of the garden. However, given the layout of the plot with the buildings along the northern boundary, the proposal would nevertheless lie in close proximity to Highgate West Hill from where the main house is accessed and viewed. I also acknowledge that the outbuilding would not be sited in front of the historic two storey part of the house and would face the single storey modern side extension. In addition, the building would be orientated along the boundary with the private access road rather than Highgate West Hill.
11. However, given its siting, footprint and height, the proposed building would nonetheless reduce the openness of the garden and project above the boundary wall which lies near to the highway. As such, although the design of the building has been altered to include brise soleil and a reduction in the height of the structure, the adverse effect on the spaciousness of the site would be visible from the public realm thereby adversely affecting the semi-rural character and thus the significance of the HCA.
12. Furthermore, the proposed timber cladding would be likely to weather and fade over time, resulting in an unkept appearance, contrary to the modern character of the single storey extension, and the historic main dwelling neither of which feature timber cladding. As such, the proposed material would have an incongruous effect on the character and appearance of the site as well as the setting of Apothecary House which would add to the harm I have already identified.
13. The boundary wall is heavily grown with vegetation at a substantial height that may screen views of the building from the highway. This vegetation contributes to the locality's verdant character. However, the permanence and screening of the vegetation could not be guaranteed. A condition requiring the long-term retention of landscaping would not provide certainty that the outbuilding would remain hidden from the street. Therefore, while the planting on the boundary wall

is not proposed to be removed, it cannot be relied upon to safeguard the character of the HCA.

14. The Appellant has indicated that the proposal would have no foundations and would accept a condition permitting the development for a temporary period of 10 or 15 years. However, this would not mitigate the harm I have identified for the period over which it would be in use. I also acknowledge the play equipment that previously existed on the site. However, since the proposal would be of more solid construction, this matter has not altered my findings on this main issue.
15. Consequently, the proposed development would fail to preserve the character and appearance of the HCA and would erode the setting of the nearby listed building thereby causing harm to its special interest. Therefore, I find that the proposal would harm both the listed building and the HCA.
16. Paragraph 199 of the National Planning Policy Framework 2021 (the Framework) advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have a clear and convincing justification. Given the limited scale of the proposal, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal. The appellant has not highlighted any public benefits that weigh against the harm that would be caused.
17. Given the above and in the absence of any defined public benefit, I conclude that, on balance, the proposal would fail to preserve the setting of the Grade II* listed building and the character and appearance of the HCA. This would fail to satisfy the requirements of the Act, paragraph 197 of the Framework and conflict with the development plan.
18. More specifically, the proposal would conflict with Policies D1 and D2 of the London Borough of Camden Local Plan 2017 (LP) which together seek development that preserves or enhances the historic environment and heritage assets. It would also conflict with Policies DH2 and DH10 of the Highgate Neighbourhood Plan 2017 (NP) which seek developments that, among other things, preserve or enhance the character or appearance of Highgate's conservation areas, respect the setting of its listed buildings and take account of existing front and rear building lines.
19. The proposal would also conflict with LP Policy A2 which seeks to conserve and enhance elements of open space which make a significant contribution to the character and appearance of conservation areas or to the setting of heritage assets.

Conclusion

20. For the reasons given above, the appeal is dismissed.

R Sabu INSPECTOR