



## Appeal Decisions

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: 5<sup>th</sup> May 2022**

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### **Appeal A Ref: APP/X5210/W/21/3279616**

#### **45 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 Mr Timothy Rowe against the decision of London Borough of Camden.
  - The application Ref 2020/3067/P, dated 9 July 2020, was refused by notice dated 23 April 2021.
  - The development proposed is described as, 'construction of a new single storey, timber shingle clad outbuilding for the storage of a classic car, bikes, garden and domestic maintenance tools'.
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### **Appeal B Ref: APP/X5210/W/21/3279617**

#### **45 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 Mr Timothy Rowe against the decision of London Borough of Camden.
  - The application Ref 2020/5960/P, dated 14 December 2020, was refused by notice dated 23 April 2021.
  - The development proposed is described as, 'construction of a new single storey, timber shingle clad outbuilding for the storage of garden and domestic maintenance tools'.
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### **Decision**

1. Appeal A dismissed and Appeal B is dismissed.

### **Preliminary Matters**

2. As set out above there are two appeals, the proposals for which differ in their form but have similar siting, height, footprint and use of materials. Although I have considered each proposal on its individual merits, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
3. 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.

## **Main Issues**

4. The main issue for Appeals A and B is the effect of the proposed development on the character or appearance of the Highgate Conservation Area (HCA) and on the setting of a nearby Grade II\* listed building, Nos 45 and 46 Highgate Hill West (Ref: 1379042) (Nos 45 and 46).
5. An additional main issue for Appeal A is:
  - whether the proposed development would accord with the Council's strategy for sustainable transport.

## **Reasons**

### *Conservation area and setting of listed building*

6. (Nos 45 and 46) lie in 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 the HCA has a wealth of open spaces and green surroundings with an informal landscape setting and rural atmosphere.
7. Given the above, the significance of the HCA, insofar as it relates to this appeal, lies in its verdant, semi-rural character.
8. With respect to the listed building, Nos 45 and 46 are a pair of semi-detached dwellings that were built in the early eighteenth century. While the dwellings have been subject to a number of alterations and extensions, they benefit from a significant set back from the highway with the leafy and wooded area of land in front. The green wooded site therefore not only contributes directly to the special interest of the high-status dwellings, but also to the verdant character of the HCA.
9. Therefore, the undeveloped wooded site provides an important setting to the house which contributes directly to its special interest as an example of high status, early Georgian, semi-detached dwellings.
10. The site is a triangular shaped plot that is located to the front of the dwellings and consists of trees and vegetation with no substantial built development. Given its unusual shape, position at the front of Nos 45 and 46 and separated from the dwellings by the driveway, the site appears as a modest area of woodland within a semi-rural village in London rather than a private garden.
11. The proposals for an outbuilding or garage would introduce built form onto the site. The buildings would be clad in timber with a Cedar shingle roof and the site is not designated open space. However, both buildings would be roughly 3m tall to their ridge and therefore significantly taller than the fence that lies at the boundary of the site with the highway. I also note the proportion of the site area that would be occupied by both schemes and the central position on the site. However, given the length of their elevations, the proposals would appear to take up a significant proportion of the site when viewed at ground level.

Therefore, given their siting, height and form, both schemes would diminish the spacious quality of the site and unacceptably alter the semi-rural character of the HCA.

12. While the trees on the site are not proposed to be removed and would partially screen views of the proposals from the highway particularly during summer, given their height and form, both schemes would be at least glimpsed from the highway. As such, the urbanisation of the site would be experienced from the highway especially during winter when the deciduous trees would not be in leaf. Therefore, while I acknowledge the comments of the Council's tree officer and the findings of the Visual Appraisal, the proposals would adversely affect the character and appearance of the HCA, thereby harming its significance as well as the setting of the listed buildings.
13. I note the evidence regarding historic use and ownership of the land, and former use of the site as part of common land. However, given the harm identified above, these matters have not altered my findings on this main issue.
14. Consequently, the proposed development for Appeal A and Appeal B would fail to preserve the character and appearance of the HCA and would erode the setting of nearby listed building thereby causing harm to its special interest. Therefore, I find that both proposals would harm both the HCA and listed building.
15. 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.
16. The Appellant has indicated that a programme of planting along with management and maintenance could provide a public benefit to the area. A suitably worded condition could require the planting of trees. However, given that such a condition could not provide certainty in terms of permanence and screening of the trees and vegetation on the site, it could not be relied upon to safeguard the character of the HCA. As such, this would not override the great weight that should be given to the conservation of the designated heritage assets.
17. Furthermore, there are no other substantial public benefits in the evidence before me, including securing optimum viable use, that would outweigh the great weight that must be attributed to the harm to the significance of the heritage assets.
18. Given the above, 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.

19. More specifically, the proposals for Appeal A and Appeal B would conflict with Policies D1 and D2 of the Camden Local Plan 2017 (LP) which together seek development that preserves or enhances the historic environment and heritage assets. It would also conflict with Policy DH2 of the Highgate Neighbourhood Plan 2017 (NP) which seeks developments that, among other things, preserve or enhance the character or appearance of Highgate's conservation areas and respect the setting of its listed buildings.
20. The proposal for Appeal A would also conflict with NP Policy TR4 which resists development that would create an area of car parking that would be visually detrimental to a conservation area.

#### *Sustainable transport*

21. The proposal for Appeal A consists of a garage to provide off-street parking. LP Policy T2 seeks to limit the availability of parking and requires all new developments to be car-free. It continues to state that on-site parking will be limited to spaces designated for disabled people and/or essential operational or servicing needs. Since the proposed garage does not appear to be designated for disabled people and the evidence does not indicate that it would be an essential need, the scheme would conflict with this Policy.
22. While the Appellant considers that it would be currently possible to park in the area proposed for the garage, from my observations during the site visit, the vegetation on the site and width of the access would limit the possibility and likelihood of the area being used for parking. As such, while I note that No 45 benefits from ample space in front of the main dwelling for parking, the proposal would nevertheless result in an increase of on-street parking. The proposal would therefore also conflict with LP Policy T1 which promotes sustainable transport by prioritising walking, cycling and public transport.
23. Consequently, the proposed development would not accord with the Council's strategy for sustainable transport. Therefore, it would conflict with LP Policies T1 and T2 which aim to promote sustainable transport and limit the availability of parking.

#### **Other Matter**

24. While I acknowledge the evidence regarding the lawfulness of the fence at the front of the site, this is a matter for the Council in the first instance.

#### **Conclusion**

25. For the reasons given above Appeal A and Appeal B are dismissed.

*R Sabu*

INSPECTOR