

Delegated Report		Analysis sheet		Expiry Date:	27/05/2022
		N/A / attached		Consultation Expiry Date:	
Officer			Application Number(s)		
Kate Henry			1) 2022/1415/P 2) 2022/1913/L		
Application Address			Drawing Numbers		
81 Swain's Lane London N6 6PJ			Please refer to draft decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
1) Installation of automated rooflight on main roof 2) Installation of automated rooflight on main roof					
Recommendation(s):		1) Refuse planning permission 2) Refuse listed building consent			
Application Type:		1) Householder application 2) Listed building consent			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	00	No. of objections	00
Summary of consultation responses:	Site notices were displayed on 06/05/2022 (consultation expiry date 30/05/2022) and notices were placed in the local press on 12/05/2022 (consultation expiry date 05/06/2022) No comments have been received.					
Highgate CAAC	Comments both in support of and against the proposal, summarised as follows: Comments in support : <ul style="list-style-type: none">• Rooflight is clearly intended to help alleviate the problem of overheating in the summer in the large entertainment space on the top floor of this house.• The proposed window will not be visible from the exterior of the house. Comments against : <ul style="list-style-type: none">• No account is taken of the effect of the light on the interior design of the staircase.• This is a very important house created by a leading architect of the period for his own occupation. It is probable that his intention was to achieve a contrast between the relatively dark staircase and the very bright light room at the top of the house. This contrast will be destroyed by this new roof light.• Some consideration should be given to the implication of the effect of this innovation on the interior of the house given the importance of the design of the whole building.					
Historic England	No comment.					
Historic England GLAAS	Do not consider it necessary to comment.					

Site Description

The application site is The Winter House, at 81 Swain's Lane. The building is a three storey, Cor-Ten steel-framed, heavily glazed building with a flat roof, built in the modernist style. It is set back from the road beyond a historic brick wall adjacent to Swains Lane, on the edge of the Highgate Cemetery (West) site.

The building is grade II* listed. It was designed by the distinguished post-war architect John Winter and built in 1967-69.

The application site is within the Highgate Village Conservation Area; it is within an Archaeological Priority Area (Tier II); and it is on land designated as Local Plan Open Space and Metropolitan Open Land [Highgate Cemetery (West)]. The application site is also within the Highgate Neighbourhood Plan Area.

Highgate Cemetery (West), immediately to the north and west of the application site, is a Grade I listed Registered Park and Garden. The entrance / chapel building is grade II listed and the colonnade to the west of the entrance building is also grade II listed.

Relevant History

2022/1408/P: Variation of condition 2 (approved plans) of planning permission 2018/5730/P, dated 28/05/2020 (as amended by 2021/4652/P, dated 23/09/2022) (for various works including a replacement rear extension), namely to include the installation of a glass infill roof within the granted lightwell to create a covered courtyard – **Decision pending.**

2022/2003/L: Restoration with internal and external alterations including replacement rear extension, demolition of garden workshop; excavation to reveal the original cemetery cutting within garden (adjoining listed Mortuary Chapel), including creation of 2 new internal floors, glazed roof cover and staircase access; excavation of access tunnel at basement level to link cutting with existing house; associated landscaping and alterations to front and rear boundaries including new pedestrian gates (alterations to listed building consent references 2018/5731/L, dated 02/08/2019 and 2021/4687/L, dated 06/10/2022) – **Decision pending.**

2021/4652/P: Variation of condition 2 (approved plans) of planning permission 2018/5730/P, dated 28/05/2020 (for various works including a replacement rear extension), namely to alter the external appearance of the rear extension. **Granted Subject to a Section 106 Legal Agreement 23/09/2022.**

2021/4687/L: Restoration with internal and external alterations including replacement rear extension, demolition of garden workshop; excavation to reveal the original cemetery cutting within garden (adjoining listed Mortuary Chapel), including creation of 2 new internal floors, glazed roof cover and staircase access; excavation of access tunnel at basement level to link cutting with existing house; associated landscaping and alterations to front and rear boundaries including new pedestrian gates (as alterations to listed building consent 2018/5731/L dated 02/08/2019). **Granted 06/10/2022.**

2018/5730/P: Restoration and alterations to listed Winter House; demolition of existing rear extension and replacement with a larger single storey rear extension with green roof; demolition of garden workshop; excavation to reveal the original cemetery cutting within garden (adjoining listed Mortuary Chapel), including creation of 2 new internal floors, glazed roof cover and staircase access; excavation of access tunnel at basement level to link cutting with existing house; associated landscaping and alterations to front and rear boundaries including new pedestrian gates. **Granted Subject to a Section 106 Legal Agreement 28/05/2020.**

20185731/L: Restoration with internal and external alterations of listed Winter House; demolition of existing rear extension and replacement with a larger single storey rear extension with green roof; demolition of garden workshop; excavation to reveal the original cemetery cutting within garden (adjoining listed Mortuary Chapel), including creation of 2 new internal floors, glazed roof cover and

staircase access; excavation of access tunnel at basement level to link cutting with existing house; associated landscaping and alterations to front and rear boundaries including new pedestrian gates.
Granted 02/08/2019.

Relevant policies

National Planning Policy Framework 2021

The London Plan 2021

Camden Local Plan 2017

A1 Managing the impact of development
A4 Noise and vibration
D1 Design
D2 Heritage

Highgate Neighbourhood Plan 2017

DH2 Development Proposals in Highgate's Conservation Areas
DH5 Roofs and Roofscape

Camden Planning Guidance

Amenity (2021)
Design (2021)
Energy efficiency and adaptation (2021)
Home improvements (2021)

Highgate Conservation Area Appraisal and Management Proposals (2007)

Assessment

1. The proposal

1.1. Planning permission and listed building consent are sought for the following:

- Installation of automated rooflight on main roof

1.2. The proposed automated sliding rooflight would be located above the existing staircase (towards the southern end of the roof).

1.3. The proposed rooflight would measure 0.9 metres by 3.39 metres and would project upwards from the flat roof by 0.2 metres.

1.4. The proposed rooflight would be set in from the front (eastern) edge of the flat roof by approximately 1.4 metres; from the side (southern) edge by approximately 2.9 metres, from the rear (western) edge by approximately 1.5 metres and from the side (northern edge) by approximately 7.3 metres. It would be within approximately 0.2 metres of the existing flue which projects upwards from the flat roof.

2. Planning considerations

2.1. The key considerations material to the determination of this application are as follows:

- Heritage and design
- Impact on neighbours

3. Heritage and design

- 3.1. The Winter House is a grade II* listed building. The entrance / chapel building at Highgate Cemetery (West) is grade II listed and the colonnade to the west of the entrance building is also grade II listed. The Council has a statutory duty to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses, under sections 16 and 66 of The Planning (Listed Buildings and Conservation Areas Act) 1990 (as amended).
- 3.2. The application site is located within the Highgate Village Conservation Area, wherein the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area, in accordance with Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).
- 3.3. Highgate Cemetery (West), immediately to the north and west of the application site, is a Grade I listed Registered Park and Garden. Regard must be had to its setting.
- 3.4. Policy D1 of the Camden Local Plan seeks to secure high quality design in development which respects local context and character and preserves or enhances the historic environment and heritage assets in accordance with Policy D2 (Heritage). Policy D2 seeks to preserve and, where appropriate, enhance Camden's rich and diverse heritage assets, including listed buildings, conservation areas, archaeological remains and historic parks and gardens.
- 3.5. Policy DH2 of the Highgate Neighbourhood Plan requires that development proposals, including alterations or extensions to existing buildings, should preserve or enhance the character or appearance of Highgate's conservation areas, and respect the setting of its listed buildings and other heritage assets. Policy DH5 guides that rooflights should respect the existing roof form in terms of design, scale, materials and detail.

Significance of The Winter House

- 3.6. Historic England's listing description notes: *"No. 81 Swain's Lane, built to the designs of John Winter 1967-69, is designated Grade II* for the following principal reasons: It is one of the best-known and most influential modern steel houses in England designed by the distinguished post-war architect John Winter, noted for the pioneering use of Cor-Ten steel for domestic construction. The design has considerable elegance and a close relationship with the landscape of and monuments of Highgate Cemetery."*
- 3.7. With regards to materials, the official list entry notes: *"The house is steel framed, in what Winter describes as the 'skin' variety, the frame internal to reduce problems of cold and damp, and separated from the external welded Cor-Ten cladding by a layer of insulation. This was the first domestic use in the UK of Cor-Ten, a weathering carbon steel, pioneered in the United States, with a proportion of manganese and vanadium which rusts to provide a protective layer of a consistent rich brown colour. External walls are entirely glazed, in double-glazed units with narrow full-height pivoting opening lights on the upper floors, and sliding units on the ground floor. Angled quarry tiles forming a plinth at the foot of the house enable rust stained water to run off. Floor slabs are concrete containing under-floor heating, and internal partitions are of concrete block. The flat roof is well insulated with wood wool and polystyrene topped with*

glass-fibre felt and chippings.”

- 3.8. With regards to the plan form, the list entry notes: *“...It has a rectangular grid plan with modules of 8ft by 12ft by 20ft. The second, top floor is an open-plan 'quiet' living-space and study with a central stair/fireplace island.”*
- 3.9. With regards to the elevations, the list entry notes: *“Elevational treatment is the same on all sides. Facades are completely glazed between steel elements, with the grid clearly expressed. Overhangs are eliminated to allow the Cor-Ten to rust effectively and consistently. INTERIOR: Ceilings and blockwork walls are rendered throughout. Floors are quarry tiled downstairs, carpeted on the upper floors. On the top floor, the white-painted inner steel frame, concealed elsewhere in the house, is revealed. The study side of the upper floor space has a long built-in desk along the stairwell. Bedrooms have built-in benches, bookcases and cupboards. On the ground floor fitted units divide the kitchen and living areas.”*
- 3.10. The list entry goes on to note: *“No. 81 Swain's Lane was seen as an important marker in the history of the steel house in Britain, and one where the steel frame is handled successfully for this climate (see Neil Jackson, The Modern Steel House 1996). This is a highly influential and unusual house in its structure, materials, plan and aesthetic. It is still a model for minimal housing, as influential today as it was when it was built.”*

The proposal / planning balance

- 3.11. The proposed automated sliding rooflight represents a significant addition to the roof due to its size, design and the fact it would project upwards (by approximately 20 cm) from the otherwise plain flat roof. Currently the only feature on the flat roof is the upwards projecting flue, which is very small and minimalist in its design compared to the proposed rooflight. It is considered that the rooflight would detract from the intended plainness and solidity of the flat roof and the intended aesthetic of the building. The listing description refers to the flat roof, the fact the internal frame is revealed at the top floor only and the fact the house is so unusual in its design and structure. The flat roof (as viewed internally and externally) is considered to form part of the significance of the building and therefore the installation of a projecting, automated rooflight on the flat roof is considered to cause harm to the significance of the building.
- 3.12. The Heritage Statement submitted with the application notes that the rooflight has been designed with a low profile and is set back from the roof edges, to ensure it is *“imperceptible from within the Conservation Area on Swain's Lane and within the setting of the Grade II listed east entrance to Highgate Cemetery”*; however, the proposed rooflight is likely to be visible through the building from outside, as the floor-to-ceiling glazing on the elevations allows for clear views of the ceilings within the building which is part of the intended original design (see pictures below).



Views of house from garden



Views of house from street



Views from street [Source: Google Maps]

- 3.13. It is recognised that the glazing on the building is reflective, which limits views to inside the building to some extent; however, this would not be the case all the time, and it is likely that under certain weather conditions, the new opening in the roof would be extremely visible and conspicuous when viewed from street / garden level. The installation of the projecting rooflight would detract from the character and appearance of the host building as it would detract from the otherwise plain and solid nature of the flat roof, which contrasts so significantly with the heavily glazed elevations.
- 3.14. The proposed rooflight would fail to respect the existing roof form in terms of its design, scale, materials and detailing and is therefore contrary to the aims of Policy DH5 of the Neighbourhood Plan, which requires that rooflights should respect the existing roof form in terms of design, scale, materials and detailing.
- 3.15. The proposed rooflight would also result in the loss of historic fabric, which contributes to the significance of the building. Whilst the Heritage Statement submitted with the application states: *"It is considered that the flat form and horizontal appearance of the roofline rather than its fabric contribute positively to the architectural and historic interest of the listed building"* (para 2.2), the listing description makes specific reference to the frame being internal to reduce problems of cold and damp, the flat roof being well insulated with wood wool and polystyrene topped with glass-fibre felt and chippings and the fact the house is so unusual in terms of its structure and materials. As already noted, the proposed rooflight is large in size (approximately 3 square metres) and so the level of loss of historic fabric is significant.
- 3.16. The proposed rooflight would also significantly change the quality of the interior of the building, which is again central to its significance. The listing description refers to the second, top floor of the building as being *"an open-plan, 'quiet' living space and study with a central stair/fireplace island"*, whereas the Heritage Statement makes the argument that: *"the staircase and first floor landing within the core of the building remain poorly lit and are somewhat architecturally 'mean' in contrast to the sense of space and light of the primary living spaces."* (para 2.2). The fact that parts of the building are supposedly poorly lit is not considered to represent a suitable reason to allow the installation of a large rooflight in the flat roof of this carefully designed and planned building. In fact, the contrast between well-lit and less well-lit areas is considered to contribute to the significance of the building, particularly given that it is so heavily glazed on its elevations. This point is made eloquently by the Highgate Conservation Area Advisory Committee who advise that *'It is probable that the intention was to achieve a contrast between the relatively dark staircase and the very bright light room at the top of the house . This contrast will be destroyed by this new roof light'*. It is likely that the large rooflight would significantly alter the character of the study area, contrary to the aims of the original architect / homeowner (see also comments at paragraph 5.1).

- 3.17. The proposed rooflight is considered to cause harm to the significance of the listed building for the reasons outlined above. Due to its visibility and the impact it would have on the character of the host building, it is also considered that it would fail to preserve or enhance the character and appearance of the Highgate Conservation Area.
- 3.18. The proposed rooflight is also likely to contribute to light pollution at night in this sensitive largely unbuilt-up area, which would be harmful to the setting of the adjacent Highgate Cemetery (West), which is a Grade I listed Registered Park and Garden. It is recognised that the application building is already heavily glazed on its elevations (and is likely to contribute to light pollution on that basis), but additional light pollution from a projecting rooflight on a formerly solid / unbroken flat roof is considered to be unacceptable, as it would entirely change the character of the building when viewed from an elevated position (i.e. from within the cemetery grounds).
- 3.19. Paragraph 199 of the National Planning Policy Framework (NPPF) guides that: “*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance*”. For the reasons outlined above, the proposed development is considered to result in “less than substantial harm” to the significance of the listed building, to the character and appearance of the conservation area, and the setting of the adjacent registered park and garden.
- 3.20. Paragraph 202 of the NPPF guides that: “*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use*”. In this case, there are no public benefits associated with the proposed development (i.e. the development would only benefit the private home owner). As such, there is no justification for the proposed works and the applications are recommended for refusal on this basis.

4. Impact on neighbours

- 4.1. Policy A1 of the Local Plan seeks to protect the quality of life of occupiers and neighbours. The policy notes that the factors to consider include: visual privacy and outlook; sunlight, daylight and overshadowing; artificial lighting levels; impacts of the construction phase; and noise and vibration. Policy A4 also seeks to ensure that noise and vibration is controlled and managed.
- 4.2. Due to the nature of the proposed works, it is not considered that there would be a harmful impact on neighbouring properties.
- 4.3. The Conservation Officer has commented that allowing the proposal would be likely to lead to a future application for the addition of an additional flight of stairs and the creation of a roof terrace on the roof of the building; however, this is not relevant to the determination of this application. Any such future application would need to be judged on its own merits, and is also likely to be considered unacceptable due to the harmful impact on the grade II* listed building.

5. Other

- 5.1. The listing description refers to the fact that the design of the house aims to reduce problems of cold and damp and the fact that the steel frame is handled successfully for the UK climate. Officers have concerns that the proposed rooflight may cause the top floor of the building to be hotter in the summer months, given its large size. The house already features vertical floor to ceiling louvres. If ventilation is a concern, a series of smaller, less striking interventions could be investigated, such as flush vents.

Recommendations:

- 1) Refuse planning permission
- 2) Refuse listed building consent