

REPORT FOR CONSIDERATION AT PLANNING APPLICATIONS SUB COMMITTEE

Reference No: HGY/2005/2161

Ward: Highgate

Date received: 24/11/2005

Last amended date: N/A

Drawing number of plans: 0512/01 Rev 1, 02/1, 03

Address: 17 Cromwell Place N6

Proposal: Retrospective planning permission for the reconstruction of the front wall of the property. Involving further changes to the wall as it currently stands including the formation of a pedestrian gateway near the middle of the wall and the retention of the vehicle entranceway, off street car park and drop kerb.

Existing Use: Residential

Proposed Use: Residential

Applicant: Mr & Mrs P Burgess

Ownership: Mr & Mrs P Burgess

PLANNING DESIGNATIONS

Highgate Conservation Area
Restricted Conversion Area
Road - Borough

Officer contact: Luke McSoriley

RECOMMENDATION

GRANT PERMISSION

SITE AND SURROUNDINGS

The application relates to an end of terrace dwellinghouse situated at the end of Cromwell Place, N6. The dwellings along the terrace are linked at the rear. The property is located within the Highgate Conservation Area.

PLANNING HISTORY

- HGY/1995/0523 - Certificate of Lawfulness for use of premises as a single family dwelling house GRANTED 06/06/95
- HGY/1995/0602 - Conservation Area Consent for removal of part of front boundary wall in connection with formation of vehicular crossover REFUSED 25/07/95
- HGY/1995/0603 - Formation of vehicular crossover and provision of parking space in front garden REFUSED 25/07/95
- HGY/1996/0243 - Partial demolition of front boundary wall in association with the formation of vehicular drive in front garden. REFUSED 18/06/96
- HGY/1996/0535 - Conservation Area Consent for partial demolition of wall in connection with rebuilding and formation of vehicular drive in front garden. REFUSED 18/06/96
- HGY/2005/0685 - Lawful development certificate for the removal of part of front garden wall. REFUSED - PLANNING PERMISSION REQUIRED

DETAILS OF PROPOSAL

The original front wall of the property has recently been demolished and a replacement wall constructed. This application seeks retrospective planning permission for retention of the rebuilt wall and to make further alterations to the wall as it now stands. This would involve the formation of a pedestrian gateway towards the middle of the wall and the retention of the existing vehicle entranceway, drop kerb and parking in the front garden.

CONSULTATION

02/12/2005

59 – 63 Hornsey Lane, N6
1st and 2nd floor flats 59 – 63 Hornsey Lane, N6
The Chalet, Cromwell Place, N6
15 Cromwell Place, N6
Highgate CAAC
Highgate Society
Transportation
Conservation

RESPONSES

18 letters of support for the application have been received. [Not all letters of support were particularly local, but there have been letters of support from those immediately adjacent and opposite]. The main reasons for support were as follows:

- Work to wall has greatly enhanced the look of this wall which has been scruffy for decades.
- Works have greatly improved the look of the end of the street
- The quality of the restoration work is exceptional and should be an example of how this work should be carried out in this area. Indeed it is the finest example of a replacement front wall.
- I agree that the wholesale paving over of front gardens is unsightly and should be discouraged. However the Council's own policy provides for this to be done if there is an overall improvement in the street. In this case the street has been enormously improved.
- Works to wall are a significant improvement and have been done extremely well. Although I would not normally support vehicle crossovers, in this case the work has been done so well and is situated at the end of a cul-de-sac.
- We would like the work to remain the new wall has greatly improved our security and is also the whole appearance of this end of the street.
- If permission is not granted there will be several houses between Cromwell Place and Highgate Hill, on Cromwell Road that would need to be looked at – they have either removed walls for off street parking or built walls of a very different and arguably out of character style.
- Restoration of wall has been done with considerable care and attention and entirely in keeping with the character of the road generally.

Transportation - The proposed relocation of the footway entrance will not have an adverse effect on the Highways and Transport network, consequently the Transportation and Highways authority would not object to this application.

Highgate CAAC - No objection

Cromwell Area Residents Association - I am writing on behalf of CARA in support of this application. The works have been carried out in exemplary fashion and as Chairman I have received 5 letters of written support from residents (three of these from residents in Cromwell Place) as well as other verbal commendations and no objections

either written or verbal. I also wish to add my personal support for this application.

Conservation Officer -

Cromwell Place is a cul-de-sac off of Cromwell Avenue, which has a terrace of Victorian three storey dwellings linked at the rear running down the east side. The street has a strong cohesive appearance; the properties share uniform detailing, and all have retaining walls of 1.7m high due to the high level of the land, and green front gardens.

No.17 Cromwell Avenue is unique in the row of properties; due to the lie of the land, No.17 is stepped down and therefore does not have a raised garden.

Proposal

This application is for the retention of a vehicle cross over, the demolition of part of a part of a wall for vehicle access and the creation for a new access for pedestrians to a semi-detached property within the Highgate Conservation Area

Assessment

At present, the new wall has been constructed to replicate the original wall in design and materials. However, there is no pedestrian access, and a vehicle crossover has been created at the far end of the property. The entire area to the front of the property has been hard surfaced in a dark material to resemble cobbles.

The parking access at present is detrimental to the character and appearance of the conservation area. As described previously, there is a strong cohesive appearance to the street; each property has a detailed brick wall that runs the length of the property, with pedestrian access placed centrally between each of the semi-detached properties. The parking access breaks this uniform boundary treatment, which is part of the defined character of the conservation area, and although the property is at the end of the cul-de-sac, it does not diminish the detrimental impact on the street scene. The proposed insertion of a central pedestrian access would also be detrimental as it disrupts the existing pattern, therefore creating a front boundary wall that is totally incongruous.

The car parking space in the front garden is also inappropriate within the conservation area; the presence of the car would be visually intrusive on the streetscape, and would result in the loss of the characteristic front garden and disruption to the uniform boundary treatment of the conservation area. It should also be noted that the applicant has stated it creates additional parking; however the crossover prevents one parking space within the street. Therefore the benefit

of this one, private parking space is greatly outweighed by the detrimental impact that this has on the streetscape and the character of the conservation area. Therefore the retention of the car parking space can be seen as contrary to UDP policy SPG1B in which it is stated “parking in front gardens is generally unacceptable and will not normally receive planning permission” (SPG1B 2.1) and that “parking in front gardens is visually intrusive, especially in conservation areas” (SPG1B 2.2). For the demolition of existing structures and removal of all or any part of front boundary walls, railings and gates “conservation area consent will normally be refused for proposals which fail to preserve or enhance the character or appearance of the conservation area as a disruption of these features” (SPG1B E.1).

It should also be recognised that the rebuilding, reconfiguring of original entrances and the hard surfacing of front gardens should not be granted permission within conservation areas as this sets a precedence that not only affects Cromwell Place. For example, there are already several properties within Cromwell Avenue, that have excavated the front garden as to provide off street parking, and several garden walls have been demolished, or have been replaced with alternative landscaping schemes. This piecemeal attitude has a strong resonance within the area; it creates discordant elements within a harmonious streetscape that is detrimental to the character and appearance of the conservation area, therefore it should be resisted.

The quality of the replicated wall has to be commended; it has been built using both matching materials with matching detailing. The applicant has obviously tried to improve the appearance of the property and the conservation area with the replacement of an old wooden fence with a boundary wall that matches the original retaining walls. This work has been the subject of the praise within many of the consultation responses. However, this work does not negate the detrimental impact of the existing, and the proposed scheme for the property.

The applicant has also previously applied for vehicle access with additional car parking space – applications HGY/050848 and HGY/051070. The Council’s refusal was upheld by the Inspector who stated “To my mind the creation of a substantial gap in the front wall of the houses would damage the appearance of the cul-de-sac. I consider that the wall, the houses and the predominantly green strip formed by the front gardens are three horizontal components in a harmonious street scene. In my judgement the formation of a gap wide enough to form a vehicular access would weaken the visual identity of the wall and of this side of Cromwell Place as a whole”.

Therefore, the Inspectors decision should be upheld, and the application should be refused as it would be detrimental to the character and appearance of the conservation area.

RELEVANT PLANNING POLICY

DES 2.2 'Preservation and Enhancement of Conservation Areas'

DES 2.3 'Applications in Conservation Areas'

DES 2.4 'Demolition Partial Demolition and Changes to Buildings in Conservation Areas'

DES 2.5 'Alterations and Extensions in Conservation Area'

DES 2.6 'Materials'

DES 1.9 'Privacy and Amenity of Neighbours'

DES 1.11 'Design of Alterations and Extensions'

ANALYSIS/ASSESSMENT OF THE APPLICATION

This application is for the retention of a rebuilt front wall and retention of a vehicle access to an end of terrace property in Cromwell Place, a cul-de sac in the Highgate Conservation Area; it also proposes the insertion, within the wall, of a gap for a pedestrian entrance.

Applications of this nature would not normally come to Planning Applications Sub Committee; however, it has a long and intricate planning history, including previous refusals and a dismissal on appeal; it has engendered considerable correspondence, some of it quite animated, from supporters and opponents and the applicant, and the arguments are finely balanced.

Currently there is Enforcement Action pending, but this is in abeyance, until this planning application is determined.

Since 1995 there have been a number of planning applications relating to the front garden wall at 17 Cromwell Place.

1995 Planning and Conservation Area Consent Applications

The proposed development detailed in the 1995 planning and conservation area consent applications (HGY/1995/0602 & HGY/1995/0603) proposed the removal of the northern portion of the original wall and the formation of an off street car parking space including a drop curb and crossover. These applications were refused on the 25th July 1995 for the following reasons:

1. The proposed demolition of this unlisted building in the Highgate Conservation Area would be detrimental to conservation area amenity by reason of the adverse effect on the street scene and the area as a whole.
2. The proposed development lies in an area of sensitive and special character worthy of retention within the Highgate Conservation Area. The proposal, if approved, would seriously detract from that important character to the detriment of the vicinity.

1996 Planning and Conservation Area Consent Applications

Further planning and conservation area consent applications relating to the wall were made in 1996 (HGY/1996/0243 & HGY/1996/0535) both these applications were refused on 18/06/96 for the following reasons:

1. The proposal is inappropriate for a site of importance within the Highgate Conservation Area and would be detrimental to the visual amenities of the area.
2. The proposed development lies in an area of sensitive and special character worthy of retention within the Highgate Conservation Area. The proposal, if approved, would seriously detract from the important character to the detriment of the vicinity.

Appeal Decision

The Councils decision to refuse the 1996 applications was appealed. The Planning Inspectors reasons for refusing the appeal are appended to this report.

2005 Lawful Development Certificate Application

An application for a lawful development certificate for the removal of part of the front garden wall was refused in 2005. This application was based on a statutory declaration stating that the right hand section of the wall was demolished towards the end of 1996 beginning of 1997 as well as additional evidence supplied including two letters referring to the wall and an invoice. However, the Council holds a photographic record of the wall being demolished by workmen that clearly shows the original wall prior to any works taking place and the demolition works in progress. These photographs are dated 02/04/2004, 29/11/2004 and 22/04/2005. As such the application for a certificate of lawfulness was refused.

Current Application

Since the 1995 and 1996 planning applications were refused the original wall has been demolished and a new front wall has been constructed. The replacement front wall that has been constructed has no pedestrian gateway and a 2.8 metre wide vehicle access way at the southern end of the property. The current application proposes the reinstatement of a pedestrian gateway near the middle of the wall and the retention of the existing vehicle access way. The original front wall of the property had a pedestrian gateway at the northern corner of the property with the wall then extending right to the southern boundary of the property with no gap for vehicle access.

Materials

The existing wall has been constructed along the front boundary of the site replicates the original wall in terms of dimensions and materials. It is considered that the materials used to construct the wall are appropriate and enhance the character and appearance of the property and surrounding area. The current application proposes changes to the wall as it now stands with all materials to match existing. The current application would therefore make use of traditional materials, which preserve and enhance the character and appearance of the Highgate Conservation Area. The proposed development is consistent with Policy DES 2.6 'Materials'. Many of the letters received by the Council in support of the application have commented positively on the use of materials in the new wall and the positive impact this has had on the appearance of the street.

Side-wall

The new side-wall constructed along the boundary of 17 Cromwell Place and the adjoining properties fronting Hornsey Lane makes a positive contribution to the streetscene and enhances the appearance of the Highgate Conservation Area. A number of letters of support express concern that this side-wall would have to be removed however the majority of the side wall constitutes permitted development. The side-wall replaced a wooden fence and has not been subject to any Council enforcement procedures seeking its demolition. Previous enforcement procedures and the current planning application all relate to the front wall only.

Layout & Design

Policy DES 2.5 'Alterations and Extensions in Conservation Areas' states that extensions and alterations should retain traditional characteristic walls and gardens where these form part of a local pattern or add visual character for neighbouring or adjoining occupiers or where their retention protects historic character. Original brick walls with a single pedestrian gateway are a prominent feature and form a traditional characteristic along Cromwell Place. The walls follow the same pattern and act as a strong unifying element. As a group the brick walls contribute to the visual and historical character of the street.

In most situations, the retention of a substantial gap in the front wall allowing for vehicle access would be regarded as detracting from the streetscene and would be detrimental to the character of the cul-de-sac as well as the Highgate Conservation Area.

However there are two important features about the present application which lead to a different recommendation:-

1. The vehicle access at No. 17 is at the end of the cul-de-sac in the angle of the front walls and end-of-street boundary; it is not a wide gap in the continuity of front garden walls in the middle section of the street. Because the gap for vehicle access is at a natural break in the geometry of the street, and because it is of modest width (2.8 metres

out of a total frontage width of around 8 metres, which is hardly excessive), it is not so intrusive as if it were a wide gap of say around 4 metres in the central part of the cul-de-sac.

2. The works to the front wall have to be looked at in context of the rebuilding of the walls on the right-hand boundary of the site, which have been done in similar style and materials, in a manner which complements the traditional front boundary walls in the street; they are not discordant or out of keeping.
3. It could be argued that a car parked off-street, partly screened by walls 1.5m high, is less intrusive in the street scene at the end of a cul-de-sac than if it were parked on street. Further, the area of front garden occupied by the car space is less than 50%.

The relocation of the pedestrian gateway to the middle of the wall would also disrupt the continuity of the walls and it is considered that it should either be reinstated on the northern boundary where it was originally situated, or omitted altogether; the current 2.8m wide access serving both pedestrian and vehicular use.

SUMMARY AND CONCLUSION

This is a finely –balanced case with arguments on either side. On the one hand, the works carried out to rebuild the front wall and side wall have elicited support from a number of residents, and there is no objection from the CAAC nor from the Transportation Officer.

The materials and standard of workmanship are of a very good quality. The side wall does not need planning permission, being permitted development, and the Council has no issue with this.

On the other hand, the Conservation Officer has argued strongly (1) that the relocation of the pedestrian gateway to the middle of the wall and the retention of a substantial gap in the front wall allowing for vehicle access to the property would disrupt the continuity and pattern of the front garden walls present along Cromwell Place. As such the proposed development would be detrimental to the historic character of the cul-de-sac, and (2) that there has been a long history of planning applications relating to the wall on the site with refusals for planning permission in 1995 and 1996 as well as a dismissed planning appeal following the 1996 decision.

There are concerns that the granting of consent for this application would set a precedent for other removals/partial rebuilds of walls and provision of front garden parking space in the Conservation Area.

.It is recommended, on balance, that the application be approved, and that the Enforcement Action be not proceeded with, because there are special circumstances here that (1) the location of the gap at the end of a cul-de-sac

at the angle with the end boundary of that cul-de-sac means that its impact is far less than if it were in the central part of a street or road; it is not likely to set a general precedent for crossovers and vehicle accesses throughout the Conservation Area; and (2) the front wall must be viewed as part of an overall improvement in appearance, including rebuilt side walls, in a manner and materials which contribute to the street scene in a positive fashion.

RECOMMENDATION

GRANT UNCONDITIONAL PERMISSION

Registered No. HGY/2005/2161

Applicant's drawing Nos. 0512/01 rev 1, 02/1, 03

Reasons For Approval

The Council would not normally be approving schemes for the retention or creation of vehicle accesses involving the creation of gaps in the front walls of properties in Conservation Areas, and the Council does not condone the carrying out of works in advance of the granting of the appropriate consents; however, in this instance there are special circumstances, in that (1) the location at the end of a cul-de-sac in the angle of front garden walls with the end boundary walls is relatively unusual, and the impact is not as adverse as it would be in the middle portion of a road or street; and (2) the scheme has been carried out in sympathetic materials and design which are not discordant with the street-scene nor with work carried out on the side boundary wall of the application site.