

15th November 2022



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Courtenay Avenue
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Objection

Planning Application Ref: HGY/2021/2703 44-46 Hampstead Lane

Erection of dementia care home (Use Class C2) with subterranean car park, following demolition of existing dwellings

It may be helpful to provide an overview:

Overview

Numbers 44 and 46 Hampstead Lane represent substantial detached properties. These properties are owned directly or indirectly by Mr A Varma of Longwood on Courtney Avenue. The properties have been let for many years and are entirely habitable.

Apart from Highgate School which is at the eastern end of Hampstead Lane, all the properties on Hampstead Lane (north side) are substantial residential properties, most of which were built in the same era as numbers 44 and 46.

There are no commercial buildings on Hampstead Lane apart from the Spaniards Inn and as far as Highgate School. The proposed development will convert a residential street, adjacent to which are entirely residential streets such as Courtenay Avenue and Compton Avenue, Sheldon Avenue and Stormont Road. The purpose of the development is to establish a business in an otherwise residential enclave.

Letter of Objection

I am writing to object to the above development.

I object on the following grounds:

- Principle of the Development and loss of existing residential accommodation
- Loss of existing buildings which make a positive contribution to Highgate Conservation Area
- Poor design which detracts visually from the local area
- Basement Development
- Transport Impact
- Rights of way over Courtenay Avenue
- Carbon impact arising from the destruction of existing housing stock to be replaced by a mega-density development.

(i) The Site

The application site comprises two mock-Tudor, detached residential buildings on the junction of Courtenay Avenue and Hampstead Lane. It's located within a very sensitive area within Highgate Conservation area and opposite the grounds of Kenwood House. The application site is located within the Bishops area of Highgate Conservation Area which comprises high quality, detached residential buildings. The Highgate Conservation Area statement (2013) states: 'It is very important to retain all the original character and details [of the buildings in the area] to maintain the quality and distinctiveness of this section of the conservation area'.

Whilst the buildings within the application site itself are not listed, there are a number of listed buildings within the surrounding area including:

- Kenwood Park and Garden, which is located circa 20m immediately opposite the site, (Grade II*)
- The East Lodge to Kenwood House and attached Gateways, which is located circa 120m to the east of the site (Grade II)
- Kenwood West Lodge with flanking Gates and Gate Piers, which is located circa 320m from the site (Grade II)
- Kenwood House itself is located circa 200m south of the site within in the gardens (Grade I) The area is not well served by public transport and has a PTAL rating of 1B. As such the site occupants of the area rely heavily on using cars for journeys and the area is not so densely populated.

(ii) Principle of the Development

Whilst the need for specialist accommodation within Haringey and London as a whole is acknowledged, it questionable as to whether the scheme would meet local demand and whether the proposal is compliant with Policy DM10 (Housing Supply) of the Development Management Planning Document (DMPD) (2017).

Whilst a Planning Needs Assessment and Seniors Housing and Care Home Assessment has been prepared and submitted by the applicant, both those assessments do not specifically identify how the proposals would meet the demand for specialist housing given that the accommodation provided will be wholly available on the market with no affordable housing contribution made. Rather, the applicant has advised in the Planning Statement that a percentage of the units will be offered to residents from Haringey before being passed on elsewhere if none are taken up (paragraph 7.13.10). It seems unfair that the applicant is relying on Haringey's housing policies to justify the principle of the scheme yet disregards housing policies relating to affordable housing.

This goes against the spirit of Policies DM10 (Housing Supply), DM13 (Affordable Housing) of the DMPD and SP2 (Housing) of the Strategic Policies (SP) document (2013).

Given the prestigious location of the development, within the Highgate Conservation Area and in close proximity to Kenwood House, it is highly likely that the majority of residents in Haringey who require the accommodation being provided for will not be able to afford it. Therefore the loss of two high quality residential family units which do make a positive contribution to the local area, for a new development which is of limited local benefit cannot be justified.

(iii) Loss of Existing Buildings

I have been inside No. 44 which is a very comfortable family house with lovely gardens. It should not be lost.

The Planning Statement states that loss of the existing buildings is considered acceptable on the basis that they cannot be renovated to accommodate a care home (paragraph 7.3.12-7.3.15). This assumes that the need for proposed use outweighs both the loss of residential use and the loss of the existing buildings which

is typical of the Bishops sub-area of the Highgate Conservation Area. In support of this, the applicant's Heritage Statement claims that the existing buildings only make a neutral impact to the Conservation Area.

The existing buildings are part of the Highgate Conservation Area, and specifically the Bishops subarea, known for houses spaced in large plots with generous gardens (Highgate Conservation Area Statement, December 2013). The Conservation Area Statement states that changes to architectural features, materials and domestic properties have had a detrimental effect on the Conservation Area. Of note, paragraph 12.3.3 of the Conservation Area Statement states that 'there shall be a presumption in favour of retaining designated and non-designated assets that make a positive contribution to the conservation area.... Planning permission for demolition and new development would not be granted unless the loss of the building is justified'. Paragraph 12.3.4 lists the criteria which should be considered in assessing proposals for demolition of existing buildings. Bullet point 4 states 'the generous plots in which many houses are sited within suburban parts particularly around the Bishops sub-area is considered to be one of the attractive characteristics of the conservation area. All aspects of this spacious layout will be protected in these areas. Where replacement houses are considered, these should not be bulky and visually intrusive in their scale and appearance'.

Core Objective 5: Development and Heritage of the Highgate Neighbourhood Plan (2017) seeks 'to preserve and enhance Highgate's unique character'. Sub-objective SO5.1 seeks to guide the design and form of both new development and alterations to existing buildings and boundaries to preserve and enhance Highgate's conservation areas...'. Policy DH1: Demolition in Highgate's Conservation Areas continues to state that 'proposals to demolish buildings and structures that are non-designated heritage assets will be subject to a balance judgement with regard to the scale of loss and the significance of the asset. Any proposed replacement should make a positive contribution to the conservation area'.

Effort should thus be made to retain the existing buildings which are of high quality, typical of the Highgate Conservation area and collectively contribute to the character of the Conservation Area. If it is not possible to use the existing buildings for a care home, an alternative use which retains the existing buildings should be considered.

The existing use should be maintained. These buildings have been consistently left for many years by the applicant and/or members of the Varma family/related companies.

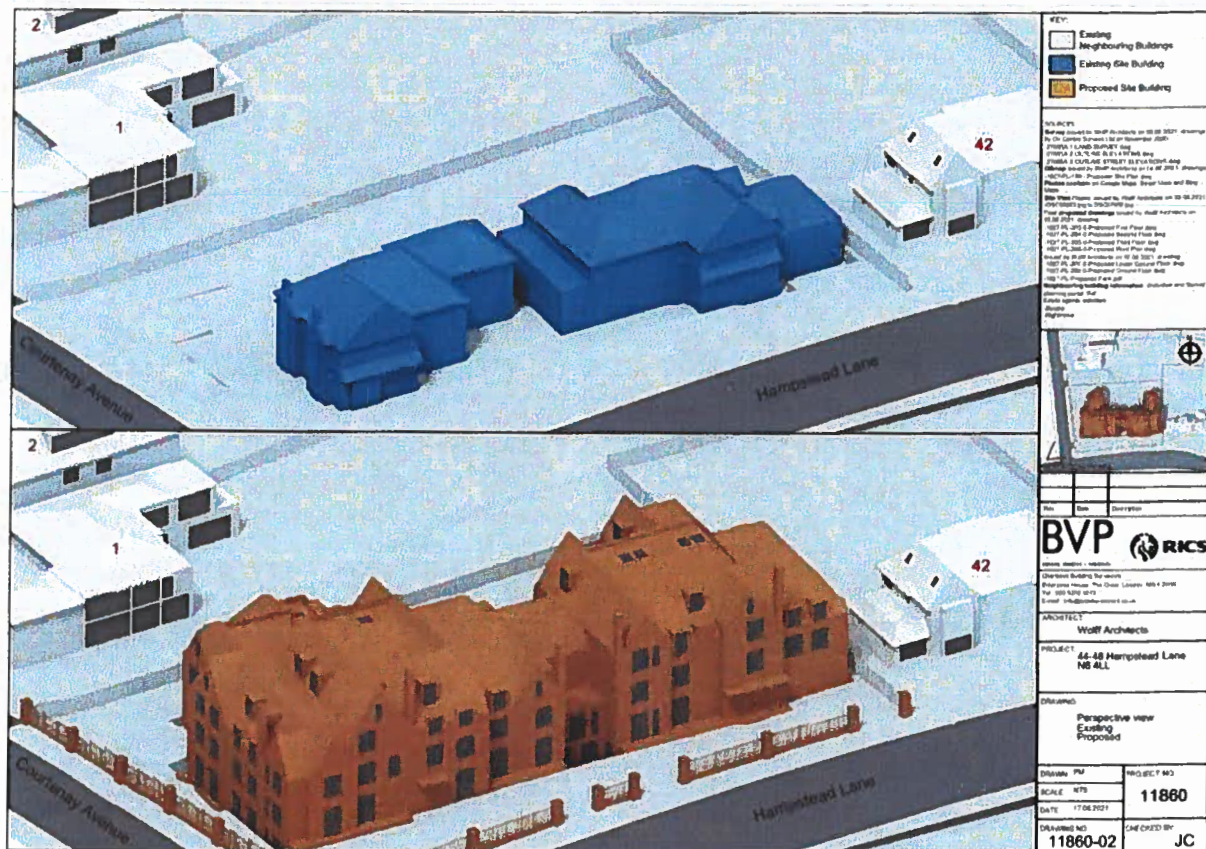
(iv) Design of Proposed Buildings

Policy DH2: Development Proposals in Highgate's Conservation Area of the Highgate Neighbourhood Plan (2017) states that 'development proposals... should preserve or enhance the character or appearance of Highgate's conservation areas and respect the setting of its listed building and other heritage assets'. The Highgate Conservation Area Statement (2013), Paragraph 1.4.2 states:

In the Bishops area, there has been intense pressure for complete demolition and re-development of houses. In recent years many original houses have been replaced with modern, contemporary, or new 'reproduction' style ones. It is now evident that some of these replacement houses are too big, too wide, and too deep, and together with their large basements are over scaled compared to the size of the original houses, leaving little opportunity for any planting or landscaping on the side boundary and the characteristic visual gaps between houses. The effect of this is eroding the special early twentieth architectural and historic interest of the conservation area'.

As stated above, the Conservation Area Statement requires new development to neither be bulky nor visibly intrusive (paragraph 12.3.4). Policy DH10: Garden land and Backland Development of the Highgate Neighbourhood Plan states that 'there will be a presumption against the loss of garden land in line with higher level policies' and that any development proposed 'will be required to take account of existing front and rear building lines'.

As can be seen from the image below, which has been taken from the applicants Daylight and Sunlight Report, the proposed scheme comprises a much larger scheme than what is existing at the site:



The proposals comprise a scheme that is much larger, taller, bigger and bulkier than the existing buildings and would be completely out-of-character with the surrounding area. The footprint, height and bulk of the development are such that it would give much more enclosed feeling to users of the area, against policy DH2, DH10 and the Conservation Area Statement and if consented, it would have a detrimental impact on the character of the Conservation Area and neighbourhood.

The design is such that as much has been 'squeezed' on the site as possible. This is reinforced by the Daylight and Sunlight Report which states that there are some non-compliances with BRE although also states that these as insignificant (paragraph 1.2). Disregarding the non-compliances as insignificant is contrary to sub-objectives SO5.2 and SO5.3 of the Highgate Neighbourhood Plan which seeks 'to ensure, wherever possible, that any development strengthens the feeling of community and 'mitigates the effect of building works on neighbours'.

If, as the applicant claims it is not possible to retain the existing buildings and retaining the use of the site for residential is not viable, any replacement scheme should be that of which is much of in keeping with the existing buildings in terms of size, scale and footprint and respectful of Highgate Conservation Area.

(v) Basement Developments and Basement Impact Assessments (Report Included)

A separate report has been prepared detailing concerns associated with the construction of the basement. This should be considered in the context of Policy DH7: Basements of the Highgate Neighbourhood Plan which states that a Basement Impact Assessment should be submitted in support of any application for subterranean development and should demonstrated that:

- there will be no adverse effect from subterranean development on the structural stability of adjacent properties and associated potential damage;
- There will be no possibility of irreparable damage to the local water regime both in terms of ground water diversion and surface water flooding;

- There will be no individual or cumulative impact of development on the character and biodiversity of gardens and adjacent open spaces, particularly in designated conservation areas...’.

The application as submitted does not satisfy the above criteria.

(vi) Transport Impact

At 80 units of accommodation, the scheme is also incredibly dense and too dense, considering that the PTAL rating of the area is 1B. Siting such a densely populated building in an area of low public transport accessibility goes against the principles of the National Planning Policy Framework (2021) which seeks to promote sustainable developments and the use of sustainable transport modes. However, the applicant has sought to address this through the construction of a significant basement which would comprise a private parking area although this itself gives rise to separate concerns (see Basement section above).

Further concerns arise during the construction phase of the scheme should planning permission be granted and particularly the impact on the surrounding roads especially during school drop-off and pick-up hours and rush hour.

Hampstead Lane provides free, all-day parking for visitors to Kenwood and the Heath. Too much of the available space is already used by the building fraternity and commuters. Staff and visitors to the development would absorb an even greater proportion. Little, if any, parking would be left for visitors to Kenwood/the Heath.

HEALTH AND SAFETY ISSUES

It is often impossible but generally dangerous and unsafe to exit from Courtenay Avenue, both eastwards and westwards. Double yellow lines are ignored.

This issue will be exacerbated by constant car movements of staff and of visitors to the development, 24/7

This will constitute a nuisance as well as a health and safety issue.

(vii) 46 Hampstead Lane/Courtenay Avenue Right of Way

46 Hampstead Lane – ‘The Garth’ is approached via an entrance at the top of Courtenay Avenue and has rights of way over Courtenay Avenue. If used as access (which is envisaged) during building works and then on completion, as a permanent gateway, this would block emergency services and cause major inconvenience to delivery services and the residents of Courtenay Avenue, who access the road 24/7. It should be noted that No. 1 Courtenay Avenue – ‘Longwood’, was included in the original application (refused) and there remains a reality that Longwood could be reintroduced to the scheme at a later date. Longwood too, enjoys right of way over Courtenay Avenue.

(viii) Next Steps

The scheme as proposed is too large and has an unacceptable impact on Highgate Conservation Area, the neighbourhood, and the environment, particularly the neighbouring properties. Of note, the applicant has not demonstrated that the proposed basement would not result in groundwater problems (report included). Planning permission should be refused.

Yours sincerely


Stephen Mullens
Three Oaks