

## HGY/2023/0389: 41 Langdon Park Road

Highgate Conservation Area Advisory Committee objects to this application.

### 1. Planning history:

HGY/2021/0694

Demolition of existing single storey garage and construction of a part two/ part three storey single family dwelling house to provide accommodation for family member (Access via Wembury Road).

REFUSED. Lost at Appeal: Appeal Ref: APP/Y5420/W/21/3276365

HGY/2021/2710:

Demolition of existing single storey rear extension. Conversion of existing 4 bedroom house to form 2 flats. Associated internal and external alterations to include new boundary wall and new windows and rooflights, some facing onto Wembury Road.

REFUSED

### Current application

HGY/2023/0389

Demolition of existing single storey rear extension and detached garage. Conversion of existing house into 2no. flats, together with erection of two storey rear extension, addition of rear dormer and other external alterations. Erection of 1no. single storey dwelling to the rear of the site. Works to the southern boundary, with new wall constructed and gates installed.

2. Highgate Conservation Area Advisory Committee requires clarification on the following:
  - 2.1 The guarding shown to the roof terrace on dwg. no.4182-430 PL1 as being 900mm above terrace level whereas Part K2 of Building Regulation requires 1100mm in this situation.
  - 2.2 The detail at the edge of the roof on dwg. no. 4182-432 PL1 states there would be a brick-on-edge parapet on Section CC. That is not what is shown on this or any related drawings. If there were to be a parapet then the relationship with the existing 1800mm high fence would be quite different.
  - 2.3 Scaling from dwg. no. 4182-432 PL1 it is clear that where the external wall to the proposed dwelling lies on the boundary with the rear garden on no. 43, the height of that external wall, without a parapet, scales 2.9m in height, in other words 1.1m higher than the existing fence.
  - 2.4 There is no section through the courtyard in relation to the land on the side of no 43. It would appear that the 'specimen trees' proposed along that boundary may be planted in a very narrow planting bed which would restrict root growth. This needs to be clarified in a new section drawing.
  - 2.5 The solar panels on dwg no. 4182-001 PL show the solar panels facing NNE. Not only is this implausible but the framing supporting the panels would be visible from the public realm which would be unacceptable.
  - 2.6 The solar panels shown on section DD on dwg. no. 4182-432 PL1 again shows the solar panels facing NNE but dwg. no.4182-531 PL1 (proposed elevation from Wembury Road) appear to show the panels facing SSW. This must be clarified.
3. The Applicant claims that they have addressed the reasons for refusal at Appeal of HGY/2021/0694 but Highgate Conservation Area Advisory Committee (HCAAC) does not consider that the current application does, in fact, do so.

This is what the Inspector actually stated:

<https://drive.google.com/drive/folders/1mjDzF5Gaa6sK4T3y7ow6KnY1MSUdNZrN>

Reasons for refusal:

6. *The appeal property stands alongside the junction of Wembury Road with Langdon Park Road and the dwelling has a symmetrical appearance with No 39 Langdon Park Road which is located on the opposite side of the junction. There is also a strong degree of symmetry in respect of the extent and depth of the two rear gardens. While No 41 has a single storey garage located at the far end of the garden, and this is identified as having a negative impact on the area in the Highgate CA Character Appraisal, owing to its modest footprint and scale, it has a moderate adverse impact on the openness of No 41's rear garden and the symmetry with No 39.*

20. *Taken cumulatively, the benefits of the proposed development are insufficient to outweigh the harm to the character and appearance of the host property and the CA, as well as the unacceptable living conditions for future occupants and the occupants of No 41.*

22. *Designated heritage assets are one of the defined protected assets and given the harm to the character and appearance of the CA in this case, the policies in the Framework which seek to protect designated heritage assets provide a clear reason for refusing the development. The presumption in favour of sustainable development therefore does not apply.*

Although para. 20 related to the GIA of the proposed new dwelling, in the case of the current application we note : *"The intention is that Mrs Georgiou will remain in the ground floor flat with her disabled son and his family once the main house is converted."* The proposed ground floor unit, Flat 1, has just two bedrooms. The accommodation proposed for Flat 1 would not be acceptable if Mrs Georgiou's son has children which we take it to mean is the case. Flat 1 is described in the DAS as a 2B4P unit.

Although application no. HGY/2021/2710 was refused it was not taken to Appeal. That application included building a two storey rear extension in place of the single storey rear extension. The Case Officer in her Report stated: *"6.7 The proposed two-storey rear extension created a continuation to the existing street wall and replaces the existing single-storey rear extension. Whilst adding additional bulk to this corner, it is considered acceptable."* She also states: *"the appeal concerning the rear part of the site has now decided as per details above."* We note the Planning Inspector found no harm arising from the two storey extension but only the impact arising from the loss of garden space and the impact of higher walls on all sides of the garden on the Conservation Area and for neighbours. We note that the applicant had previously kept the development at the same height as the street garden wall.

The street wall in the current application is about 400mm higher than the existing garden wall, scales at its tallest 2.3m above pavement level and therefore does not acknowledge the Planning Inspector's reasons for refusal, contrary to what is claimed. The DAS and Heritage Statement states:

*"6.2 A new boundary wall, in brickwork to match the existing, the top of which is aligned with the existing pier on the boundary wall with no.11 Wembury Road, is proposed along the pavement boundary with Wembury Road."*

The Inspector did not reference the boundary wall or pier to no. 11 Wembury Road. The two piers on the boundary, one belonging to no. 41 and the other to no. 11 are approximately the same height with lower sections on either side of the entrance to no. 11 and lower again next to no. 9 Wembury Road. The rest of the front garden walls uphill from 11 Wembury Road are all low walls as is the pattern in the area. It is therefore very clear that reference to no. 11 Wembury Road has no relevance to justifying the level of enclosure or the increased height of the proposed enclosing wall.

It is certainly the case that neither the Applicant's drawing 4182-151 PL showing the walls as existing nor drawing 4182- 531 PL1 showing the walls as proposed shows accurately the garden wall to 11 Wembury Road.



Image taken in June 2022 from Google Streetview

In addition it should be noted that we have flagged under 2.2 above, where we list the items requiring clarification, regarding the discrepancy relating to the raised parapet to the proposed dwelling in a note on a drawing but not drawn as such. Thus the wall where it would enclose the proposed new dwelling would, in actual fact, be even higher.

We note that an application to remove the lime tree on the 43 Langdon Park Road rear garden boundary with no. 41 has been submitted. This is an important tree in this location but the root protection area is not shown on the application drawings. It is important that a tree officer makes an inspection of this tree before a decision is reached on this application.

Taken together, it is HCAAC's opinion that this application must be refused on the following grounds:

1. What is actually proposed is insufficiently clear to allow a Decision to be made
2. Paragraphs 20 & 21 of the Inspector's report on HGY/2021/0694 have not been heeded by the Applicant and therefore the application must be refused.
3. On the face of it the proposed accommodation in Flat 1 is not adequate for the stated needs of the family.
4. The drawings showing the height of the front garden wall at 11 Wembury Road is incorrect and should be discounted.
5. A Decision should not be made on this application until a decision on the future of the lime tree immediately adjacent to the rear boundary on no. 41 has been reached.