

Highgate Conservation Area Advisory Committee's objections HGY/2023/2493

Highgate Conservation Area Advisory Committee ("HCAAC") objects to the above applications for the reasons set out below. This application must be refused.

This application is for a "Non-Material Amendment to planning permission HGY/2020/1326 to alter design and layout of Unit 1 to incorporate fire brigade access through an alleyway at ground floor level."

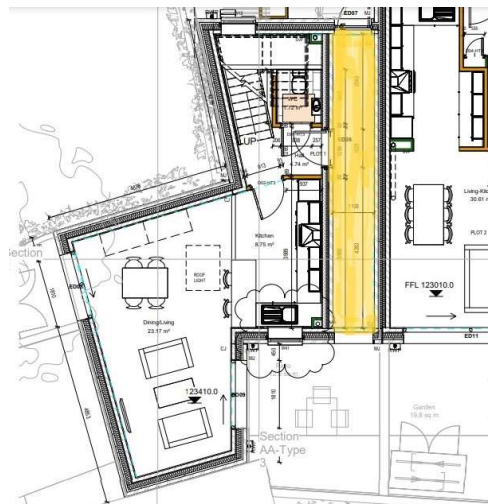
Once one has been able to identify the location of the proposed alleyway (more of which below), it will be obvious from even the most cursory of glances at the development for which permission has been granted under HGY/2020/1326 that what is proposed by way of application HGY/2023/2493 is a material amendment.

The applicant seeks the "Redesign of plot 1 to incorporate fire brigade access to adjacent properties through an alleyway at ground floor level into the rear of the plot." The applicant's justification for making the application is stated to be "To satisfy neighbours that their property can be accessed by the fire brigade in the event of a fire."

It is telling that the applicant has failed to indicate or make any mention of the proposed alleyway on its drawings, leaving interested parties having to divine its location for themselves. If an applicant is seeking the indulgence of the Council to amend a planning application, as a bare minimum, it is incumbent upon it to provide details of the proposed changes.

As you will see from drawing "1240-POW-TOWNSEND_YARD-1003 - Ground Floor Plan.pdf" submitted with this application, it makes no reference whatsoever to the proposed alleyway. The only way to work out the location and size of the proposed alleyway would be to compare that drawing with the approved drawings under HGY/2020/1326. Not only is the drawing "silent" in relation to the proposed alleyway, but also the legend to the drawing, which articulates changes, makes no reference to the proposed alleyway.

We have produced below an extract from "1240-POW-TOWNSEND_YARD-1003 - Ground Floor Plan.pdf" depicting plot 1 with our highlighting of the proposed alleyway in yellow:



As you will see, the area of the alleyway is substantial, as are the works that would be required because of the introduction of an alleyway. Rather than the construction of a party wall between plots 1 and 2, the proposed alleyway requires the construction of two walls either side.

Further, it is telling that the applicant makes no mention whatsoever of the fact that the alleyway is not only to be enclosed on either side by the walls mentioned above, but also by the “flying” first floor of plot 1. As you will see from drawing “1240-POW-TOWNSEND_YARD-1004 - First Floor Plan.pdf”, there is no mention of the alleyway below. The legend to the drawing makes no reference to the proposed alleyway.

In addition to failing to identify the proposed alleyway in its drawings, the applicant makes no attempt in any of its other submitted documents to:

- (i) articulate what is proposed;
- (ii) demonstrate the “fire brigade access to adjacent properties”;
- (iii) “satisfy neighbours that their property can be accessed by the fire brigade in the event of a fire”;
- (iv) set out its, or the building inspector’s, interactions with the LFB; or
- (v) justify its view that what is proposed is non-material.

Given the serious fire concerns which have been raised many times with the Council, from as long ago as February 2022, the applicant’s failings in this application is lamentable.

As the Council will know, the test to be applied by it is whether the proposed amendment is non-material, namely, is it “minor”? For all the reasons set out herein, the Council cannot properly conclude that the amendment is minor.

In breach of the planning application granted, the applicant has already commenced building the alleyway. The Council has been asked to intervene by instructing the cessation of the works and their demolition. Despite this request, this has not happened. Such instructions must be issued by the Council forthwith.

On 21 September 2023, we made the Council aware that the alleyway is not an acceptable solution to the fire safety issues and has not been approved by the LFB. We further reminded the Council that three fire safety solutions were put forward on 14 September 2022 (over a year ago) to all concerned, including the Council. Each of those solutions provide adequate access to and egress from the cottage and the required turning circle for the LFB.

We informed the Council that Ms Hill, the owner of The Shepherd’s Cottage, was informed by the LFB on 20 September 2023 that no decisions had been made by it. Further, the LFB confirmed that what is being built on site is without an approved fire strategy. The LFB also confirmed, again, that a turning circle was one of its requirements.

It had been suggested that the developer went ahead with the alleyway works because Salus, the building inspector, had not heard from the LFB. This is simply not the case, the LFB reverted to Salus on 9 August 2023 requesting point by point responses. Such responses have still not been provided. The communication of 9 August 2023 has been sent again by the LFB.

We note that the LFB has submitted comments in relation to this application on 28 September 2023, reiterating its requirements none of which have been dealt with by the developer.

For all the above reasons, this application must be refused. If the applicant wishes to amend the planning permission to incorporate its proposed alleyway it should do so by way of a full application.