

The Heritage Practice

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Matthew Gunning
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Dear Matthew

Re: Response to Conservation Officer Design Comments – 41 Sheldon Avenue, HGY/2024/0806

18 June 2024

I am writing in response to the Conservation Officer Design Comments relating to no. 41 Sheldon Avenue (ref: HGY/2024/0806). These were received by email on 24th May from case officer Nathan Keyte.

This letter sets out our response to the Design Comments having regard to the formal pre-application response (ref: PRE/2023/0132) and relevant policy and case law. The response should be read in conjunction with MW-Architects Design Document dated 13th June 2024 including revised design proposals in response to Conservation Officer Design Comments.

The Site

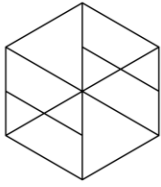
Sheldon Avenue was laid out as far as Denewood Road by 1920. However, the plots which would contain nos. 41 and 43 remained empty until 1927, making them the last houses to be developed along this section of Sheldon Avenue.

No. 41 Sheldon Avenue is a typical example of the dwellings constructed in Sub Area 7: Bishops of the Highgate Conservation Area during the interwar period. These include a mixture of Arts and Crafts or Neo-Georgian inspired styles. The house has an association with Walter Quennell, but not his more well known and influential architect brother, CHB Quennell. This sub-area contributes to a degree towards an illustration of the phased development of the wider conservation area, but the house itself is considered to be of only modest quality and to make a minor positive contribution to character and appearance.

The published Highgate Conservation Area Character Appraisal from 2013 provides a detailed description of the character and appearance of this designated area, and also each of the defined sub-areas. With regard to 'positive contributors', the document makes only the generalised statement that:

"Most of the existing buildings contribute to the homogenous character of the subarea." (page 155)

The pre-app response has established the building as making a *minor positive contribution* to the conservation area. This makes the building a Non-designated heritage asset (NDHA).



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Policy and Legal Position

NPPF 209 states "In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

Policy DH1 of the Haringey Highgate Neighbourhood Plan (2017) wording is almost identical "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 the loss and the significance of the asset. Any proposed replacement should make a positive contribution to the conservation area"

Policy DM9_B states "Proposals affecting a designated or non-designated heritage asset and its setting will be assessed against the significance of the asset and its setting, and the impact of the proposals on that significance."

Policy DM9_Ca states "When considering the impact of proposals on the historic environment, the Council will have regard to; The priority given to sustaining and enhancing the significance of a heritage asset and its setting"

Statutory Duty

In the UK, the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. This establishes a legal obligation for LPAs to follow their adopted policies.

Adhering to adopted policies ensures consistency in decision-making, which helps in creating a predictable planning environment. This is important for developers, communities, and other stakeholders to understand the rules and guidelines that will be applied to planning decisions.

Case law has played a significant role in clarifying the duties of planning authorities under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The concepts of "preserving" and "doing no harm" have been interpreted and reinforced through various legal judgments

Case Law

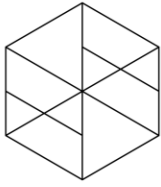
South Lakeland District Council v Secretary of State for the Environment (1992):

Key Point: The House of Lords clarified that "preserving" in the context of conservation areas means doing no harm to the character or appearance of the area.

Judgment: It was established that the word "preserve" in Section 72 means "to do no harm." Therefore, a proposal that leaves the character or appearance of a conservation area unharmed can be considered to preserve it, even if it does not actively enhance it.

In summary, case law has consistently underscored the importance of the duty to preserve the character and appearance of conservation areas, interpreting "preserve" to mean doing no harm.

The NPPF and Haringey Local Plan policies allows scope for a balanced judgment to be made regarding the level of harm caused by a proposed development to a designated heritage asset on a case-by-case basis.



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Only limited value is attributed to the existing building. The justification for preventing the proposed scheme must be proportionate to its relative significance and the contribution of the proposed scheme to the character and appearance of the Highgate Conservation Area as a whole.

The need for a case-by-case analysis of the level of harm caused by proposals is reinforced by a number of recent Court of Appeal and High Court judgments including [Dorothy Bohm & Others v Secretary of State](#) [2017], relating to 22 Frogna Way, Hampstead.

The conclusions of *Dorothy Bohm v SSCLF* [2017] EWHC 3217 (Admin) are relevant to the consideration of these proposals in terms of the interpretation of the s.72 statutory duty. The judgement found at paragraph 33 that "...when considering the impact of the proposal on the CA under s.72 it is the impact of the entire proposal which is in issue. In other words the decision maker must consider not merely the removal of the building which made a positive contribution, but also the impact on the CA of the building which replaced it. She must then make a judgement on the overall impact on the CA of the entire proposal before her." The judgement continued at paragraph 36 that "Section 72 requires the overall effect on the CA of the proposal to be considered. There is no requirement for a two stage process by which the demolition part of an application has to be considered separately from the proposed new development."

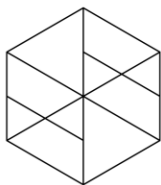
Therefore, it is the overall resulting impact of the proposals on the character and appearance of the conservation area which must be considered. It has been demonstrated that, taken as a whole, the proposals for the site will preserve the character and appearance of the Highgate Conservation Area.

Response to Design comments

We have distilled the points raised in the Conservation Officer Design Comments. These are summarised below

General comments regarding the conservation area:

1. The character of the area gradually changed over the years with an ever-increasing size and scale of property replacing the original houses;
2. The resulting pastiche designs have eroded the architectural quality of the area,
3. The progressive erosion of character from the cumulative impact of new, large scale development in the area has been to the detriment of the verdant and open character of the area and gaps between buildings
4. It is evident that the combination of Neo-Georgian and Arts and Crafts stylistic references have influenced to various degrees and in unique ways the design of this house and other original houses in Sheldon Avenue;
5. The Conservation Area Appraisal also identifies the cumulative, detracting effect derived from the demolition and rebuilding of much larger houses that dominate in the street scene;
6. The Appraisal identifies how the loss of original houses, insensitive remodelling and over scaled replacement buildings destroy the views between houses and the open leafy character of the streets;
7. The progressive erosion of character should be stopped by resisting the loss of original and positive buildings;



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8. New development should respect the layout, spaciousness, and characteristic features of the Conservation Area.

The Design Comments also makes some specific comments about the proposed scheme including:

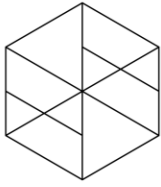
Scale

9. It is felt that the proposed footprint and scale match the proportions of other large dwelling which are considered to detract along Sheldon Avenue and within the Conservation Area. .
10. The replacement dwelling will be of a much larger footprint and scale and massing than the existing property.
11. The proposed size, scale and massing of the proposed house are incongruous when compared with those of the original house on site and with other, well-preserved original houses along Sheldon Avenue.
12. The proposed design of the new house including its main form, distribution of massing and the architectural composition of the main elevations is inconsistent and very unconvincing: both the main and rear elevations are dominated by uncharacteristically large and domineering side wings.

Character and appearance

13. The existing building is historically and architecturally representative of the development of this part of the conservation area and is a relatively well-preserved example of the Arts and Crafts mixed with neoclassical influences.
14. The proposals will contribute to a progressive erasure of the original and characteristic pattern of development and related features that hold the conservation area together, as a heritage asset..
15. In designing a new building that primarily respects and retains the characteristic features of the Conservation Area (pre and interwar) there should be a greater influence of arts and crafts layout and design, including asymmetrical façade.
16. Honest reinterpretations of the historic designs in the area are encouraged if new build is proposed.
17. Development proposals should preserve or enhance the character or appearance of the Conservation Area by respecting and reinforcing those established and positive characteristics that property at No 41.
18. The fenestration to the rear elevation and the overall façade composition appear more consistently of neoclassical proportions thus divorcing the front of the house from the rear and fragmenting the character of the house into a clash of stylistic references.
19. The front railings and gate need to be softened with planting / hedge.
20. It is therefore advised to revise the design proposal to achieve a more coherent main form, with clear and consistent stylistic references and well-proportioned, well distributed fenestration throughout.

The main focus of attention is the inappropriate scale and proximity to neighbouring properties of already completed (and approved) development. The comments are broad and generalised disagreements with previous decision making in the area and not specific to the proposed scheme which, for the reasons set out on the design document, is entirely appropriate. The comments are therefore consequently proportionate to the relative significance of the building or the effect of the proposed scheme on the character and appearance of the Highgate Conservation Area as a whole.



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Scale

We acknowledge that the character of the area has gradually changed with some larger properties replacing the original houses. However, the key characteristics of the historic townscape along Sheldon Avenue prevail. This is confirmed in the Appraisal at Para 10.4.19 which states, *"The houses are of broadly similar height, size and character and set back consistently from the road"* and Para 10.4.20 which states *"The footprint of the houses is appropriate to the size of the plot with sufficient space between the houses to allow gap views to the rear gardens."*

The DAS and MW-Architects Design Document dated 13th June 2024 clearly show that the proposed scale is undoubtedly proportionate to the size of the plot and spaces between its neighbours. The design document identifies that;

- an acceptable gap would be maintained between the flank walls of the site and neighbouring building with respect both to existing adjoining gaps between dwellings and the scale of recently approved buildings.
- The plot ratio of the proposed scheme is less than existing adjoining building or similar recently approved schemes in the area.

It should be noted that the Conservation Area, whilst containing large, detached houses, is closely knit with relatively limited spaces between buildings. Moreover Paragraph 6 of the pre-application response from Haringey stated *"it is noted that an acceptable gap would be maintained in relation to flank walls when measured at first floor level."*

Undue emphasis has been placed by the Council on the additional scale of the new wings to either side of the main façade. These are set back 3.5m from the front elevation and would be 3.5m wide and 3.2m respectively. This compares to the total width of the façade of 19.7m. The wings would evidently not be visually dominant and help provide a subtle symmetrical response to the otherwise formal composition of the main façade.

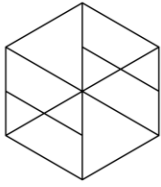
Point 4: Only Paragraph 10.4.24 of Highgate Conservation Area Statement identifies buildings between Denewood road and Alymer Road as being 'subject to demolition and rebuilding on much larger footprint [for which] these cumulatively detract from the open character of the streetscape'. This section of the road does not include no.41 Sheldon Avenue.

Paragraph 10.9 of the Highgate Conservation Area Statement identifies Negative Contributors within sub area 7 of the conservation area. It does not identify the large scale or pastiche designs resulting from the demolition and rebuilding houses as making a negative contribution to character and appearance.

Character and Appearance

The main concern with the proposed design appears to relate to the fenestration to the rear elevation and the overall façade composition – which appear more consistently of neo-Georgian proportions thus divorcing the front of the house from the rear and fragmenting the character of the house into a clash of stylistic references (point 18).

We remain of the view that the house has a broadly neo-Georgian appearance in line with the best quality CHB Quennell properties (including 31 and 33 (1925 and nos.16-24 (1923-24) set out on page 6 of the 13th June design document). The proposed design maintains a consistent and coherent high quality appearance, with a common architectural language to all its facades.



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Nevertheless, the architects have sought to respond to the Design Comments with a view to providing a new dwelling which is fully contextual.

The following amendments have been made to the proposals:

- Front bay windows replaced with casement windows of the same proportion and Arts and Crafts style as used at the rear.
- Walls between front and rear gardens reduced in height and separated from the side boundaries with gates.
- Chimneys to the North omitted to create an asymmetric roof line.
- Enriched brickwork detailing to the retained chimneys.
- Window added to ground floor north wing to create asymmetry at street level.
- Updated proposed landscaping including Yew hedging and multistem tree to better illustrate the visual impact of the boundary railings.
- Corbelled brick pilasters added to the corners of the main house referencing the Arts and Crafts buildings along Sheldon Avenue.
- First floor terrace windows revised from circular to rectilinear. Glazing style to the kitchen and pavilion revised to sprung arches and darker brickwork to reference the Arts and Crafts style of the main house.
- Quenell tripartite bay window added to ground and lower ground floor.
- Dormers lowered and roofscape detail enhanced.

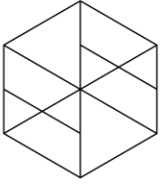
The revised design will reference the best attributes of CHB Quennell properties, incorporating Free English or Queen Anne Revival Style with the use of details including symmetry, classical compositions, hipped roofs, elaborate chimneys, ornately designed brickwork and timber features.

The proposed design is considered to be an improved version of the existing building, influenced by the best quality original buildings in the surrounding area and with a high level of craftsmanship and attention to detail. Overall this would enhance the character appearance of the Highgate Conservation Area. We would expect the specific details and materials to be conditioned as part of the any approval to ensure and secure the highest quality scheme.

Conclusion

In assessing the proposals, a balanced judgement must be made, taking account of the significance of the affected heritage asset. The conclusions of *Dorothy Bohm v SSCLF* [2017] EWHC 3217 (Admin) are clear that it is the overall resulting impact of the proposals on the character and appearance of the conservation area which must be considered.

It has been demonstrated that the proposed scale of the replacement house is proportionate to its site, with the design incorporating elements from the best quality original buildings found in the area. Taken as a whole, the proposals for the site at no.41 Sheldon Avenue will preserve the character and appearance of the Highgate Conservation Area. The minor positive contribution of the existing building will be outweighed by the introduction of a new, sympathetically designed, sustainable and high-quality family home, of an improved overall design in relation to the current house.



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In respect of s72, the existing building makes a limited contribution to the CA, and the net effect of the new building would, at worst, be neutral. The proposal would demonstrably "do no harm" to the character and appearance of the Highgate Conservation Area. The concepts of "doing no harm" have been interpreted and reinforced through various legal judgments, thus, the s.72 statutory duty will be complied with..

Yours sincerely

Charles Rose
Director