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TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

Residential Proposals

**Land at
28 Shepherd's Close
Highgate
London
N6 5AG**

Planning Statement

on behalf of the Applicant – Candice Lake

November 2023

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1.0 **EXECUTIVE SUMMARY**

- 1.1 The application relates to the erection of a detached dwelling on land between 27 Shepherd's Close and Eton Court, referred to as 28 Shepherd's Close, Highgate, London, N5 0AG. The site was formerly occupied as part of the plot of no. 27 Shepherd's Close, but has been separated from this property since 1984. It is now derelict, boarded up and devoid of trees and other vegetation.

Site Description

- 1.2 The site lies in a highly sustainable location within a predominantly residential area with a mix of terrace, semi-detached and detached dwellings of different character, style, height, scale, roof formation and use of materials. There are a number of contemporary style residential infill developments in the vicinity. The site is sited on the south west side of Shepherd's Close, a road comprising a small estate of 1960's style two and three storey terraced dwellings within a cul-de-sac with challenging topography. Site levels fall sharply from Shepherd's Hill into Shepherd's Close and down to the south. The siting, scale and design of the dwellings in the Close appropriately reflect these topographical characteristics, with the stepping down of the properties along the road and with each dwelling fronting Shepherd's Close having a very close relationship with the road, with limited front gardens. These gardens are formed by small areas of vegetation and boundary treatment, including garden walls which delineate curtilages and steps which lead up to front elevations. The properties stand prominent in the street scene but softened by landscaping.



Figure 1 View looking south down Shepherd's Close showing integration of landscaping within front gardens and vistas of the parkland above dwellings.

There is a block of nine privately-owned garages which serve some of the properties sited in the bottom south east corner of Shepherd's Close itself.



Figure 2 Photograph showing southern end of Shepherd's Close. Note the relationship of the dwellings fronting the road (nos. 16 and 17) and the two storey side elevation of no. 18 Shepherd's Close with a separation distance of approx. 6.4m. Note also the limited frontage vegetation.

Another set of garages sit behind a high brick wall which runs along part of the western side of the Close. These stand at a higher site level than the road and are accessed via a private driveway off Shepherd's Hill which runs immediately between a part three/part four storey block of flats known as Eton Court which fronts Shepherd's Hill to its east and an area of open space to its west, occupied as allotments which similarly front Shepherd's Hill and extend into open space to the south and west.



Figure 3 View of parkland beyond the site to the south. The site cannot be seen but sits between the line of garages in the foreground and the roof of no. 27 in the background.

- 1.3 A large swathe of other open land, known as Parkland Walk, stands immediately to the west of the site which wraps around the back of nos. 18-27 Shepherd's Close and six of the nine garages at the bottom of the Close. This land benefits from the presence of mature trees and vegetation with associated greenery which provides a pleasing backdrop to the site and other properties in Shepherd's Close (nos. 18-27), forming part of its character. This land drops down significantly to the west from the site into a valley and is publicly accessible off Holmesdale Road with a public footpath which extends to the south.



Figure 4 View taken from the parkland to the west of the site. The site sits behind the treescape.

- 1.4 The site lies within the Highgate Conservation Area. There are no statutory or locally listed buildings either on or near the site. It is an aesthetically unattractively boarded up, vacant, brownfield site dominated by a very high and prominent brick wall which forms the southern boundary of some of the garages served off Shepherd's Hill standing at the higher level, as referenced above.

Background to the current proposals

- 1.5 The principle of the residential development of the site is promoted as being consistent with both the NPPF and the Development Plan. In seeking to make effective use of this vacant

brownfield land and in accordance with the objectives set out under the National Planning Policy Framework, the Applicant engaged with the Council under a pre-application consultation in respect of a former scheme for the site. The advice given confirmed that the principle of a residential development over the site is deemed acceptable, subject to addressing relevant material considerations. Different views have been expressed to the Applicant over appropriate details and design for the new dwelling, which has resulted in unsuccessful proposals to date. The design of the new scheme has accordingly sought to respond to these differences of opinion over how best to appropriately develop the site. Specific attention has been paid to the issues identified by the appointed Inspector when determining the most recent scheme in 2020 which was dismissed (referred to within this statement as 'the 2020 scheme' relating to application reference HGY/2019/3260). Full details are set out in the Design, Access and Heritage Statement accompanying this fresh application submission.

- 1.6 Following this careful review, the revised scheme is therefore promoted as one that responds and addresses former comments and objections raised, to enable it now to stand on its own merits as representing a high-quality designed development that accords with planning policy objectives in putting this land into effective use and which seeks to compliment the immediate street setting resulting in enhancement to the character or appearance of the Highgate Conservation Area. Consideration has also been given to ensure protection of residential amenities.

The Development Plan and the National Planning Policy

- 1.7 The Applicant submits that the proposals directly accord with the provisions of the Development Plan, as set out below.
- 1.8 The Applicant also places strong reliance on the contents of the National Planning Policy Framework (NPPF). In particular, reference is made to the presumption in favour of sustainable development under paragraph 11; the requirement to make effective use of land in meeting the need for new homes whilst safeguarding and improving the environment, with 'substantial weight' required to be given to the value of using suitable brownfield land within settlements, promoting and supporting development of under-utilised sites, recognising the important contribution that small sized sites can make to the housing requirement of an area and optimising the development potential of land. In addition the scheme demonstrates how the scheme addresses important design objectives set out under Chapter 12 and will ensure that the site's current negative impact on the Highgate Conservation Area is reversed

through the proposed development and a positive contribution to local character and distinctiveness of Shepherd's Close and the surrounding area is secured, as outlined under heritage objectives set out under Chapter 16.

Other Material Considerations

- 1.9 The proposals have been addressed against former criticisms made against the development of the site. The Applicant has sought to engage with local stakeholders and positive views have been expressed by some residents who now seek a mutually satisfactory resolution to the site to remove the ongoing uncertainties associated with the land. There are fundamental differences in the site's physical characteristics and therefore its relationship with the Close in comparison with the determination of former schemes. These represent a very material change in circumstances which are required to be considered and which further supports the proposals as now promoted.

Conclusions

- 1.10 The Applicant promotes this sustainable development as one that will result in a high-quality designed scheme, ensuring good architecture that reflects its local context and with opportunities for new landscaping to be provided to further enhance the street scene, adopting similar streetscape frontage characteristics within Shepherd's Close where soft and hard landscaping is positively integrated within limited front garden areas. The development is similar and therefore sympathetic to the distinctive character of the road.
- 1.11 The currently closed form of the site is re-opened, with new green vistas secured to replace those lost by the removal of the mature trees on the land and the dwelling will stand at a scale, mass, bulk and height that ensures it nestles within its plot, being discreet from views from the north and west and where an appreciation of the green vista and parkland beyond the site will be fully maintained. Other infill development utilising small pockets of open land within the Highgate Conservation Area have been successfully introduced and which are visible from both public and private realms. This site currently has a negative impact on the area and the proposals look to overturn this impact, addressing former concerns raised and providing enhancements that will result in positive contributions to the Highgate Conservation Area.
- 1.12 Whilst inevitably the introduction of built form to the site will result in some change, the Applicant promotes this revised scheme as one that can readily be seen to directly respond to

the planning policy objectives. In undertaking the necessary planning balance, in the light of the material changes in circumstances that are directly relevant to the determination of this application, the Applicant promotes its re-use and appropriate layout, design and landscaping measures which will open up the site, remove vistas of the prominent and unsightly, high brick wall and ensure the ongoing appreciation of the verdant backdrop, as ones that should now be supported in looking to optimise the development potential of the site.

- 1.13 The proposals have also addressed former concerns raised by the Inspector in relation to potential detriment to residential amenities, specifically in relation to nos. 26 and 27 Shepherd's Close. An objective technical analysis is provided which clearly demonstrates that the development will not unreasonably impact on acceptable living standards to adjoining properties. Notwithstanding these findings, the Council is charged with refusing applications that do not make efficient use of land and in accordance with paragraph 125 (c) of the NPPF a flexible approach is required to be applied when applying policies or guidance relating to daylight and sunlight 'where they would otherwise inhibit making efficient use of a site' subject to ensuring acceptable living standards are provided. These are demonstrated to be secured in relation to this new scheme.
- 1.14 The resultant scheme will provide a new family home with quality living accommodation and ensure previous (and potentially future) serious maintenance and anti-social problems with the site are resolved. Without a satisfactory resolution there is a real risk of these issues manifesting themselves again. This can be avoided through an appropriate development, as now promoted and where there are also significant public benefits arising if the development is found to give rise to less than substantial harm against the tests set out under the NPPF.
- 1.15 The Applicant therefore presents these proposals as being of high-quality design, which make proper and effective use of this site standing in a highly sustainable location. The application is accordingly commended to the Council as one where planning permission can now be granted, subject to the imposition of appropriately worded conditions in the context of paragraph 56 of the NPPF.

2.0 **BACKGROUND TO THE CURRENT PROPOSALS**

2.1 In line with Chapter 4 of the National Planning Policy Framework, the Applicant entered into pre-application consultations with the Council in relation to a former scheme for the site¹. These were undertaken in accordance with the NPPF objectives, addressing decision-making, so as to resolve any issues associated with the proposed development prior to the submission of a formal application. In this respect, the Applicant refers to paragraph 39 of the NPPF which states:

- *'Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties.'*

and paragraph 41:

- *'The more issues that can be resolved at pre-application stage... the greater the benefits.'*

2.2 With these objectives in mind, the Applicant entered into pre-application consultations in good faith and received helpful comments from the Planning Officer. The Officer's summary sought a design and layout of the new dwelling that ensured *'the spaciousness, tranquillity and ecological value of the adjoining wooded area'*, was not harmed.

2.3 The Officer's comments were subsequently reflected within the Inspector's decision letter addressing the 2020 scheme,², namely that:

- *'the principle of housing may be considered acceptable, subject to minimising land take, its impact on the openness of the site, and having a better response to the surrounding natural and built context.'*

2.3 When reviewing the 2020 scheme (application reference HGY/2019/3260) the Officer re-confirmed that *'the principle of residential development in this area is acceptable'* subject to detailed considerations. The Officer's view was that the details associated with the development were however unacceptable, likely to result in harm to the open character and appearance of the site and the character and appearance of this part of the Highgate

¹ Application reference HGY/2019/3260 refused 05/02/2020

² Inspector's decision letter APP/Y5420/W/20/3257208 dated 31/12/2020 paragraph 35

Conservation Area. The Officer indicated that insufficient public benefits had been demonstrated to outweigh any identified harm. As a result, planning permission was refused.

2.4 In subsequently addressing the merits of the 2020 scheme on appeal, the appointed Inspector gave weight to the Officer's report, specifically addressing the principle of development that was deemed acceptable, subject to detailed considerations. In addition, the Inspector placed reliance on the reasons for refusal which similarly did not challenge the principle of the development, but which were concerned with the dwelling's footprint, scale, associated paraphernalia and the alleged limited space for planting. The Inspector stated that *'If the principle of development was a contributory reason for refusal, this would have been clear from the officer's report as well as the Council's decision.'*³ This was not, however, the case. The principle of development of the site has therefore been established and the Applicant's revised scheme looks to address the detailed considerations that have formerly been deemed unacceptable so as to secure a high-quality development for the site.

2.5 In these respects, it should be noted that the 2020 scheme and former development proposals were assessed in the context of the different site's characteristics prevailing at that time. In relation to the 2020 scheme, the Inspector found harm on two main issues identified under the decision notice, namely:

1. Whether the development would preserve or enhance the character or appearance of the Highgate Conservation Area (HCA);

2. The living conditions of occupiers of 27 Shepherd's Close with particular regard to light.

As a consequence of the Inspector's findings of harm relating to these two main issues and with only limited public benefits having been identified to outweigh this harm, the appeal was dismissed.

2.6 These matters are now specifically addressed in the context of the new scheme. For this purpose, the Applicant has carefully reviewed both the Officer's report and the Inspector's comments associated with the former proposals, with specific reference to the 2020 scheme, with a view to addressing and overcoming the issues raised. The revised scheme is, however, now required to be assessed in the context of the very material changes to the physical characteristics of the site. Its formerly open and green environment with the presence of the large swathe of mature conifers that stood on the land has now been lost.

³ Inspector's costs decision APP/Y54520/W/20/3257208 dated 31/12/2020

These material changes, as referenced below, are submitted to represent very material considerations in the determination of the revised scheme.



Figure 5 Photographs showing the former physical characteristics of the site, benefitting from tall, mature evergreen trees interspersed with open space providing a vista through to the west in comparison with the current condition of the site.



Figure 6 Internal view of site, showing hardstanding and the land now devoid of trees, with high boarded fencing enclosing the land for security purposes. Note that dumping continues to take place despite the fencing.

- 2.7 The fresh proposals demonstrate how the development at the very least preserves, but in the Applicant's opinion, goes further and enhances the character or appearance of the Highgate Conservation Area (HCA) and ensures adjoining residential amenities are protected (noting the relevant balancing exercise necessary to undertake as set out in the NPPF), as highlighted by the former Inspector.
- 2.8 The Applicant has also engaged with the local community by offering to present and discuss the revised scheme with local residents to show how the two main concerns raised by the Inspector have now been satisfactorily resolved. Details are set out below and within the Design, Access and Heritage Statement which accompanies the fresh application submission.

3.0 THE APPLICATION PROPOSALS

- 3.1 In the light of the above, the Applicant's revised scheme is presented under:

Drawing nos:

145_10 R1 Ground Floor Plan - Proposed

145_11 R1 First Floor Plan - Proposed

145_12 R1 Roof Plan - Proposed

145_13 R1 Elevation_East – Proposed

145_14 R1 Elevation _South – Proposed

145_15 R1 Elevation _West – Proposed

145_16 R1 Section

145_17 R0 Landscaping

Design, Access and Heritage Statement.

Daylight and Sunlight Assessment –November 2023 T16 Design

Arboricultural Report November 2023 Mayhew Consultancy Ltd.

Planning Statement November 2023 Howard Sharp and Partners LLP

Visual Appraisal

Application Form

Community Infrastructure Levy Requisition of Information Form

- 3.3 The scheme relates to the introduction of a part single, part two storey 3-bedroom dwelling under two green roofs. The dwelling is set against and partially conceals the existing dominant and unattractive brick retaining wall which forms part of the northern boundary of

the site. The dwelling will be stepped back off its frontage enabling quality landscaping to be introduced across the site's frontage, in a similar manner to vegetation and hard landscaping features associated with other dwellings in the Close standing adjacent to the public footpath. The dwelling has been specifically designed to reflect recognised design characteristics of dwellings in the Close and similarly respond to the topography which provides the opportunity to step the dwelling in a respectful manner, allowing an appreciation of open space and green vistas over the site and across it to the existing treescape which forms a valued backdrop to the Close. The relationship is similar in character to the line of dwellings standing on the southern side of the Close, where vistas of the parkland beyond (south) are appreciated above the houses.

- 3.4 As stated above, it is important to note that the physical characteristics of the site are fundamentally different from those considered in relation to the 2020 scheme and other former proposals. The Applicant contends that these changes represent very material considerations in the determination of the new scheme.
- 3.5 In these respects, it should be recognised that the site was formerly open and green in character, without physical barriers across its frontage and with a substantial group of tall, mature evergreen trees which stood on the eastern side of the site, adjoining the Close, against a wide parking area in the foreground. These tall trees provided a recognised green environment within the Close, as well as softening views of the very prominent, high retaining wall associated with the garage block on the north side of the site. As a consequence of these characteristics prevailing when former schemes were assessed, the Inspector concluded that views were afforded over the unmanaged ground and to the denser planting to the west and the site contributed, albeit in a minor way, to the 'mosaic of semi-natural open spaces and mature vegetation'⁴ in the village. This has however now fundamentally changed and for reasons outlined below the Applicant submits that the site is now a negative contributor to the Highgate Conservation Area.
- 3.6 The former site conditions are noted within the Officer's report addressing the 2020 scheme, where the physical characteristics were picked out from comments made by a former Inspector⁵ in relation to a scheme in 2003. The Inspector stated that the land provided '*an attractive green vista to the west and softens the harsh wall of the garage block. It thus makes a positive contribution to the street scene and the appearance of this part of the conservation area...*' The Inspector went on to state that '*The development would*

⁴ Inspector's decision letter APP/Y5420/W/20/3257208 dated 31/12/2020 paragraph 8

⁵ Inspector's decision letter dated 20th May 2003 under APP/Y5420/A/03/1108911

inevitably result in the urbanisation of this part of the Close and the loss of the open character and green vista.'

- 3.7 The Officer confirmed that *'the character of the site, which originally formed the front garden of No. 27, has not changed substantially from that of the previously determined applications.... The existing planting softens the appearance of the Close and provides a buffer between the buildings, promoting an ambiance of privacy and seclusion.'*
- 3.8 Major changes have now taken place following ongoing issues with protecting the site from fly tipping, general vandalism and use by street sleepers. All trees within the site have now been lawfully removed under the Section 211 procedure, following an assessment by the Council's Tree Officer that the trees were not deemed worthy of TPOs. Furthermore, a 2m high solid boarded fence has had to be introduced to mitigate problems associated with dumping of household waste and other materials over the site (this has helped, but not completely ameliorated the issues). Gravel has been introduced to the surface to assist with the prevention of weed infestations. Whilst the works have resolved former problems with the site, they have, as a consequence, also had an unfortunate impact with the loss of any recognisable pleasing open space and the formerly identified 'attractive green vista' or buffer. The removal of the trees has also now given rise to direct exposure of the 'harsh wall of the garage block,' as referenced above.
- 3.9 The appearance of the site has accordingly changed substantially and the site has effectively become urbanised in its character – an appearance not formerly recognised for this site. As a result, any positive contribution to the street scene and appearance of this part of the conservation area previously identified as important, has been lost. To the contrary, the Applicant's position is that a negative impact now arises. The Applicant submits that it is appropriate to seek to rectify this through the introduction of a sensitive, small scale development that looks to restore a quality streetscape, in strong contrast with its current condition. As a consequence, this will serve to at least preserve, but with the objective of enhancing the character and appearance of this part of the Highgate Conservation Area and enable the site to be put back into beneficial use, in accordance with policy objectives.
- 3.10 Full details of the proposals are shown on the accompanying drawings and are comprehensively set out within the Applicant's Design, Access and Heritage Statement. Images of the site as appraised in relation to the 2020 scheme as well as its current condition are shown in Figures 5 and 6 above and included in the Design, Access and Heritage Statement. These show the material changes to the physical characteristics of the site as

referenced above in comparison with its former condition. The Applicant's Visual Appraisal accompanying the application documentation includes architectural details of the scheme with a design that deliberately reflects the existing 1960's style dwellings in the Close, albeit that the dwelling will only be appreciated from the public realm from very limited views within Shepherd's Close itself. The Visual Appraisal addresses the relationship of the site with the open space beyond the Close and shows how the new dwelling will be principally concealed from these views, both looking across to the site and to the site, from the open space and allotments north of the site off Shepherd's Hill as well as looking to the east, from the adjoining parkland. In more intimate views within the Close itself, the dwelling is seen to sit very comfortably within its plot, providing significant relief from existing adverse views of the prominent brick wall to its north and ensuring an appreciation of open space and green vistas both within and beyond the site are secured.

- 3.11 In addressing the former concerns over loss of light to no. 27 Shepherd's Close, which was only raised by the former Inspector and not identified as an issue by the Council either in the Officer's report or within the reasons for refusal, a detailed sunlight and daylight analysis has been carried out. As anticipated due to the siting, east/west orientation and height of the proposed dwelling, this objective assessment demonstrates that sunlight/daylight will be maintained to this property, as relevant. The new dwelling is also set away from the frontage of nos. 26 and 27, separated in part by a footpath and boundary treatment, and designed with only a single storey element which is set down in the southern portion of the site, thereby providing further protection to these properties and addressing any issues in relation to overshadowing. The northern orientation of the site in relation to these properties should also be noted. The innovative design also addresses any issues associated with overlooking, albeit that a degree of overlooking between properties in the urban environment is commonplace and to be expected. In this case, however, the Applicant submits that due to helpful topographical conditions, as well as the proposed siting and design of the dwelling and associated fenestration, and the separation distances between dwellings, no overlooking issues arise. Reference is also made to the relationship and separation distances between other dwellings in the Close, where dwellings stand in closer proximity to each other than the application proposals, as noted under Figure 2 above (nos. 16, 17 and 18 Shepherd's Close). The daylight and sunlight study accompanying the application submissions accordingly supports the proposals as now promoted and former concerns raised in relation to harm to residential amenities have now been fully addressed.

4.0 PLANNING HISTORY

- 4.1 Whilst the site has been the subject of a number of applications seeking consent for residential development dating back to the 1990s, the Applicant submits that as there have been very material changes in circumstances since these decisions were taken, including those in relation to the 2020 scheme under application reference HGY/2019/3260, as highlighted above, it is now necessary to address these fresh proposals on their individual merits against relevant planning policy, as addressed below and, importantly, having regard to the significant differences in site characteristics that now exist. Notwithstanding this, the views expressed by the former Inspectors and Officer, specifically in addressing the last proposals for the site in 2020 which is deemed to be most relevant in assessing the merits of the revised scheme, have been carefully considered in the evolution of latest proposals, as detailed within this Statement and accompanying documentation.

5.0 PLANNING POLICY

1. THE DEVELOPMENT PLAN

2. THE NATIONAL PLANNING POLICY FRAMEWORK

5.1 1. THE DEVELOPMENT PLAN:

Background:

- 5.1.2 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the Development Plan unless material considerations indicate otherwise. Whilst there are a number of documents associated with the Development Plan, in relation to these proposals the Applicant refers to policies within the London Plan 2021, the Haringey Strategic Policies DPD, the Haringey Development Management DPD, the Highgate Neighbourhood Plan 2017 (HNP) and the Highgate Conservation Area Character Appraisal and Management Plan December 2013. Reliance is also placed on the contents of the National Planning Policy Framework 2023 (NPPF) which is addressed separately.
- 5.1.3 The Adopted Policies Map shows the application site falling within the Highgate Conservation Area (HCA) and Highgate Neighbourhood Plan area (HNP). It is not subject to any specific

site designations and there are no Tree Preservation Orders associated with the land. Parkland Walk falls within a Metropolitan Open Land designation, a SINC Metropolitan Importance, a Local Nature Reserve, a Green Chain and Ecological Corridor. Part of the parkland is shown within Site Allocation 40 (SA40). The whole area lies in a Critical Drainage Area.

5.2 **The London Plan 2021:**

The Applicant draws attention to the following policies:

- *Policy GG2 Making the best use of land.* The policy recognises that the London population is set to grow from 8.9 million to around 10.8 million by 2041, thereby requiring more efficient uses of the city's land to be employed. Growth should be directed towards the most accessible and well-connected places, making the most efficient use of existing and future public transport, walking and cycling. The written text⁶ states that 'all options for using the city's land more effectively will need to be explored as London's growth continues, including the redevelopment of brownfield sites and the intensification of existing places, including in outer London.' Utilising small sites is recognised to assist in this objective. Whilst the scheme only relates to one dwelling, the opportunity presents itself to make far more effective use of the site by way of an exemplary development which addresses both the Applicant's family accommodation requirements, as well as directly supporting important sustainability objectives with a thermally efficient dwelling which can be added to the Borough's housing stock.
- *Policy GG4 Delivering the homes Londoners need.* The policy requires development to, inter alia, ensure more homes are delivered to help 'make London a city that everyone who wants to can call home.'⁷ This includes the provision of homes that provide for identified needs. The Applicant seeks a family home within Highgate and putting this site back into beneficial use will secure this objective.
- *Policy H2 Small sites.* Boroughs are required to pro-actively support well-designed new homes on small sites and 'support those wishing to bring forward custom self-build and community-led housing.' In responding to prevailing architectural

⁶ London Plan 2021 paragraph 1.2.5

⁷ London Plan 2021 paragraph 1.4.8

characteristics, this well-designed new dwelling meets the Applicant's needs whilst respecting the street scene, surrounding local environment and adjoining residential amenities. The Applicant submits that it is therefore appropriate to made good use of this urban, brownfield site in the manner now being proposed.

- *Policy D1 London's form, character and capacity for growth.* The policy sets out steps for assessing an area's characteristics. Sites should be developed to optimum capacity. The written text⁸ identifies that 'as change is a fundamental characteristic of London, respecting character and accommodating change should not be seen as mutually exclusive.' The scheme looks to reuse a redundant site, remove the existing hoarding and introduce a sympathetically designed family dwelling with worthy sustainability measures. Whilst the Applicant notes the plethora of different styles of buildings in the vicinity, the chosen design of the new dwelling will be capable of being read in the context of its neighbours, ensuring it complements existing dwellings in the Close, as well as the character or appearance of the HCA.
- *Policy D3 Optimising site capacity through the design-led approach.* The policy requires development to make the most efficient use of land by following a design-led approach that optimises the capacity of sites. The development's form should be the most appropriate for the site. The design-led approach should be based on an evaluation of the site's attributes, its surrounding context and its capacity for growth to determine the appropriate form of development for the site. In these respects, as comprehensively set out within the Design, Access and Heritage Statement, the character of the Close and the immediate environment of the site have been carefully addressed by the Applicant. The design as evolved stands on its merits, noting the variety of designs and uses of materials, traditional and modern, within the HCA and taking specific account of the design objectives set out within relevant planning policy, including Policy D4 as below.
- *Policy D4 Delivering good design.* The policy sets out processes and actions to assist in the objective of development delivering good design. The Applicant promotes a design of high architectural and sustainable quality with careful use of materials which accord with local architecture. Planning policy does not, however, require replication of local architectural character, but the need to complement

⁸ London Plan 2021 paragraph 3.1.7

this. The London Plan recognises the necessity for changes to the local environment. Following careful consideration to former criticism against a scheme that did not reflect local architecture, the Applicant has addressed this and submits that the new design can now be seen to sit comfortably in relation to its neighbours, respecting typology, height, scale, mass and bulk as well as other characteristics within the streetscape. The development also re-opens the site and reintroduces green vistas that are currently lost and affords views through to denser planting within the parkland beyond.

- *Policy D5 Inclusive design.* The proposals look to provide a new accommodation which meets 21st century needs by providing high standard contemporary living space.
- *Policy D6 Housing quality and standards.* The standards set out details of adequately-sized rooms under Table 3.1 with comfortable and functional layouts which are fit for purpose and meet the needs of the occupiers. The policy sets out a number of criteria to address in ensuring housing quality and standards are appropriately met. The Applicant submits that the objectives of this policy are addressed and the accommodation meets and exceeds the minimum internal space standards set out under Table 3.1, thereby further demonstrating a high-quality development will be secured.
- *Policy HC1 Heritage conservation and growth.* The former Inspector identified that the site was not a negative contributor, a view taken it is understood in the light of the pleasing characteristics over the site at that time. This has now changed and the Applicant contends that the existing site now offers no positive contribution to the HCA and on the contrary it is a negative contributor with its highly urbanised appearance and lack of vegetation. Its reuse as proposed looks to enhance the character and appearance of the HCA, noting that it is formed of both old and new developments, all of which make up part of its character and where many infills have taken place in otherwise open areas adjacent to existing buildings.
- *Policy T5 Cycling and T6 Car parking.* The Applicant highlights the sustainable location of this site. The PTAL is identified as 4. The site is well served by public

transport facilities, including Highgate Underground Station which is only a 5-7 minutes' walk away. Encouragement is given to the use of sustainable modes of transport which include walking, cycling and use of public transport, all of which are available to this site. Notwithstanding these facts, the dwelling has capacity to accommodate 1 off street parking space, served via the driveway off Shepherd's Hill, along with secure cycle storage facilities.

5.3 In the light of the above, the Applicant accordingly submits that the development positively responds to the objectives set out in the London Plan, with specific encouragement given to optimising the site's potential and the importance of utilising small sites and where a high-quality new family house will be provided which adopts sustainable construction methods, as also sought under policy.

5.4 **Haringey Strategic Policies DPD (consolidated with alterations since 2017):**

The following policies are referred to by the Applicant:

- Policy SP0 – Presumption in favour of sustainable development. The presumption reflects that set out under the NPPF.
- Policy SP1 Managing Growth. The objectives of the policy look to address Haringey's rapid growth in its population by, inter alia, meeting housing demand through maximising the supply of additional housing in the most suitable locations. Whilst the site is not identified within a Growth Area or Area of Change, the site is promoted as a small derelict site which sits in a highly sustainable location, close to public transport links and other services which are available to serve the new dwelling.
- Policy SP2 Housing. The Council will look to provide homes to meet the Borough's housing needs and make full use of the Borough's capacity for housing by maximising the supply of additional housing to exceed stated minimum targets. High quality new development is sought with excellence in design quality and sustainability. The written text⁹ confirms the Council's objectives of ensuring 'everyone has the opportunity to live in a decent home at a price they can afford and in a community

⁹ Paragraph 3.2.2. Haringey Strategic Policies DPD

where they want to live.’ This dwelling is proposed to be occupied by the Applicant and family who wish to reside and play a role in this local community. The dwelling is of high-quality design which looks to make effective use of redundant land which has, in the past, shown to be a problem with anti-social behaviour with fly tipping and the presence of rough sleepers. Its ongoing presence as a boarded-up closed site gives rise to uncertainty to existing residents of the Close who have claimed it also impacts on their property values. This is recognised under paragraph 3.2.9 where it is stated ‘good quality housing design can improve social well-being and quality of life by reducing crime, improving public health, easing transport problems and increasing property values.’ The Applicant submits that these objectives are directly met through the sensitive development now being proposed, which looks to enhance the street scene of the Close and ensure a high-quality scheme results that is a credit to this part of the Highgate Conservation Area.

- Policy SP4 Working towards a Low Carbon Haringey. A reduction in carbon emissions from new development is sought. Development with high transport demand is to be steered to areas at or near transport hubs and sustainable modes of travel are to be supported by minimising car parking provision in new development, with increase in cycle parking provision and supporting non-car use. These proposals are located close to Highgate Station and other public transport facilities and also benefit from cycle storage provision, to encourage the use of sustainable modes of travel. The development includes a variety of renewable energy measures, as set out within the Design, Access and Heritage Statement, to address the objective of reducing carbon dioxide emissions. These include the provision of a low carbon, air source heat pump which offer substantial carbon savings in comparison with gas boilers, and green roofs which have the additional benefit of providing greenery across part of the site against the predominant green backdrop to the west which will continue to be appreciated from the public realm, whilst also providing a green buffer against the northern brick wall.
- Policy SP11 Design. This policy looks to ensure all new development enhances and enriches the Borough’s built environment and creates places and buildings that are high quality, attractive, sustainable, safe and easy to use. The policy sets out a number of criteria required to be met in achieving these objectives. These include requiring development to be of high-quality design, incorporating solutions to reduce crime and the fear of crime and improving landscaping. The new dwelling has been designed to reflect both architectural detail and landscape characteristics that prevail

in the Close, as shown on the images accompanying the application submission. The introduction of new landscaping across the site's frontage serves to soften the development, provide new greenery and respond to other plot frontages where small areas of landscaping with trees and other colourful vegetation have been shown to successfully integrate with development. The re-use of the site also ensures the avoidance of issues associated with trespassing, vandalism and other anti-social activities, which could re-emerge if the site's current hoarding, which restricts the open and green vistas, is now removed. It is important, therefore, to finally find a mutually acceptable development for this plot in the Close and in this respect the scheme, as presented, looks to positively respond to the design objectives set out under this policy.

- Policy SP12 Conservation. As highlighted above, the site sits within the Highgate Conservation Area which was designated in 1967. Many large villas have been replaced by more compact housing. Elsewhere the street scene is defined as owing 'much to the rich variety of Georgian and Victorian houses, with occasional modern developments...'¹⁰ The application proposals seek to introduce a new development, reflecting local architectural and landscaping characteristics within Shepherd's Close. As stated above, there are a number of other examples of new infill development in the locality, some of which are set out within the Design, Access and Heritage Statement. These demonstrate how infill schemes within the HCA can be successfully integrated into its character and appearance without giving rise to harm. The Applicant's scheme is promoted on its merits as one that will similarly be capable of being seen to preserve or enhance the character or appearance of the HCA.

5.5 The Applicant submits therefore that the development also accords with policy contained within the Haringey Strategic Policies DPD.

5.6 **Haringey Development Management Plan DPD 2017:**

The document sets out a number of criteria-based policies against which planning applications will be considered. The Applicant draws attention to:

- Policy DM1 Delivering High Quality Design. In reflecting policies contained within both the London Plan and Haringey Strategic Policies DPD, this policy requires new development to achieve a high standard of design and contribute to the distinctive

¹⁰ Paragraph 6.2.10 Haringey Strategic Policies DPD

character and amenity of the local area. Design-led development proposals which meet stated criteria of the policy will be supported by the Council:

(a) The development has been shown to create a harmonious whole, by removing the visual appreciation of the identified unattractive and dominating wall running along the northern boundary of the site. This will be replaced by a well-designed building which will stand no higher than the existing wall and which will be sited to open up the frontage and southern side, to secure green vistas through new landscaping which will replace lost greenery over the site. The site is currently seen as having a very urbanised and negative contribution to the area.

(b) As a result of the above measures, the Applicant submits that the development will change the negative appearance of the site to one making a positive contribution to the streetscene and the overall quality of the area.

(c) The Applicant has endeavoured to engage with the local community by offering to meet with them and discuss the proposals, so as to take on board any reasonable suggestions made. The Applicant confirms that as a result of stakeholder engagement, there has been support expressed by some of the local residents who now wish to see a resolution for the site. No resident has expressed any negative views to the Applicant to date in relation to the revised scheme. The opportunity has been given to third parties to let the Applicant know their views, so that these could be addressed prior to the formal application submission.

(d) and (e) The Design, Access and Heritage Statement sets out details of the quality of the development and the incorporation of sustainable design and construction principles.

The development can accordingly be supported by the Council in the context of the stated Development Charter under Policy DM1.

The policy (DM1) also sets out appropriate design standards, addressing character of development, landscaping, privacy and amenity. In respect of character of development, the new dwelling has been designed at a scale, form and mass that reflects similar buildings in the vicinity, whilst standing no higher than the existing wall associated with the garage block. This secures a highly discreet development from views taken from the north and down the Close itself, as shown on the accompanying Visual Appraisal, with vistas being limited to

only a small section of the Close at its southern end. The site is protected from view from the adjoining parkland to the west, by both existing mature vegetation screening as well as its steep topography where the land drops down substantially to the west into a valley with a public footpath that then leads to the south. No views of the site can be appreciated from this level. Furthermore, the opening up of the site and removal of the solid boundary fencing will provide a more active, lively frontage and the distinctive local architectural style, detailing and materials will ensure the dwelling sits easily in its local context.

In addressing landscaping requirements, the existing tree screen behind the site and trees outside the application boundary will be retained and therefore remain appreciated. Unlike the site's physical characteristics in relation to former proposals, there are now no trees on or greenery over the site and the land has an urbanised appearance. Accordingly, in order to enhance the street scene and the green vistas present behind the site, new trees and vegetation planting is proposed within the site and along its frontage with Shepherd's Close. This is not required to conceal the new dwelling which is now of an architectural design that reflects the 'consistent, notable and underlying character' of existing typology, as identified by the former Inspector, but rather to improve the attractiveness of the site. The design complements existing dwellings which sit proud within the Close with small areas of frontage landscaping. There is submitted to be no reason therefore to require the new dwelling to be hidden from view by landscaping. The dwelling will therefore sit in its landscape setting, arranged in a manner that ensures natural separation of functions. A more consolidated south orientated garden space is secured with a quality inside/outside relationship and with setbacks and space for planting. The front garden will benefit from three different areas, namely a natural verge without fencing which will be landscaped in a similar manner to neighbours and follow the natural line of topography; a courtyard area with some hardstanding, a formal entrance and sunken area to accommodate taller trees and which will provide a social exchange with the street; and a functional service space for refuse and recycling storage facilities. Landscaping opportunities are also provided within the rear, private garden areas with a hardstanding functional area alongside a landscaped garden with decorative, feature trees, an intimate path and a new perforated fence along the boundary with Parkland Walk, to allow vegetation creep through the fencing which will further reinforce existing greenery and respect wildlife corridors.



Figure 7 Photograph of dwellings opposite the application site with soft and hard landscaping features within small frontages

The purpose of introducing new landscaping is not thus to obscure the dwelling, but to provide an improved setting for it and the streetscene, as well as to enhance the appreciation of the green vista which exists behind the site. The Applicant submits that it is important to note that such landscaping, including boundary walls and steps, have been successfully achieved within very limited frontages associated with other dwellings in the road. These provide a useful guide as to how similar features can be introduced on the application site itself. These can be secured without concerns in respect of oversailing into neighbouring gardens or public circulation space in any different manner from other landscaping within the Close, all of which successfully achieves softening built form and results in a pleasing ambience to the road.

These proposals should not therefore be treated any differently. The finer details of the landscaping proposals can be the subject of agreement with the Council through the imposition of an appropriately worded planning condition in the context of paragraph 56 of the NPPF. Such landscaping conditions are commonly placed on new residential proposals and in the interests of consistency of approach the Applicant submits that there is no justification why a similar condition cannot be imposed in relation to this development.

Care and attention have been paid to privacy and amenity considerations in relation to both the new development and adjacent dwellings. In these respects, the height of the dwelling has been materially reduced from the former scheme to sit in line with the existing garage

block. The main part of the house now stands only 1.1m above nos. 26 and 27 and separated by 12m from their front wall. The proximity between nos. 16 and 17 Shepherds Close and the two storey, prominent aesthetically unattractive brick flank elevation of no. 18 Shepherd Close is between approximately 6.4m-7.5m as seen under Fig 2 above. However, in the case of the application proposals, there is a single storey component which is also stepped back to assist in demarcating the corner of the site and providing a deeper pocket of green which will also be read against the existing vegetation cover in this vicinity. The stepping back corresponds with the pattern of other buildings, noting the setbacks of nos. 19-27. In addition, the scale and siting have been tailored to ensure appropriate levels of sunlight, daylight and open aspects are maintained and that overlooking and loss of privacy between dwellings is avoided through the design, orientation and the placement of fenestration in the new dwelling. The alleged impact on no. 27 Shepherd's Close as identified only by the Inspector under the former proposals has accordingly been satisfactorily addressed and overcome, as demonstrated through the revised details, as evidenced under the sunlight and daylight analysis that supports these proposals.

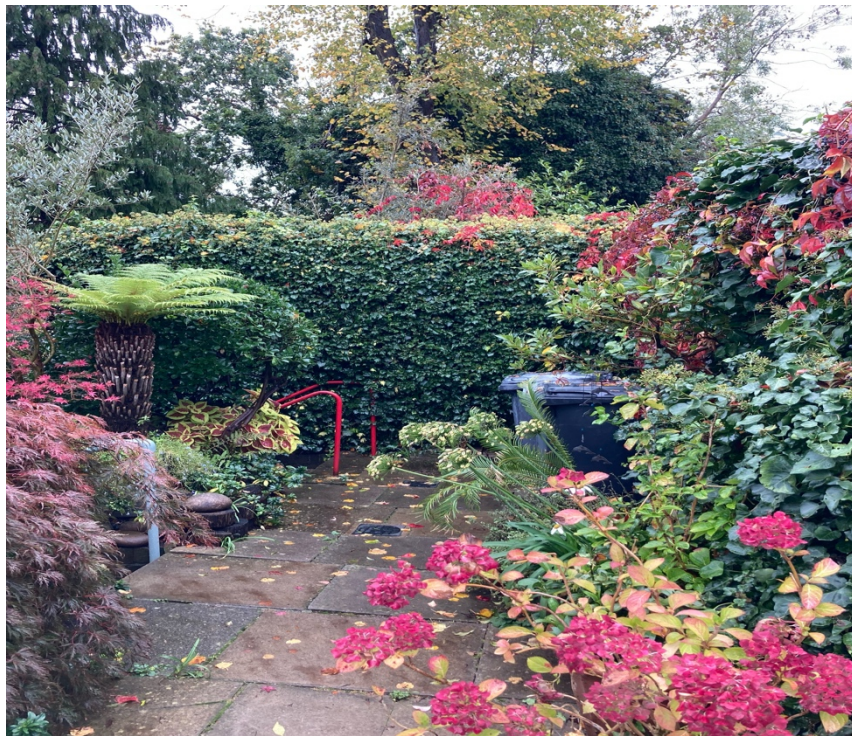


Figure 8 Photograph showing the separation from nos. 26 and 27 from the south of the site with the trees in the background being outside the site and unaffected by the proposals. This openness will remain unaltered.

The Applicant also contends that the scheme results in significant improvements to the front setting of this property and others in the road through the removal of the solid boundary

and gates and the residential re-use of the land which removes the ongoing uncertainty over its future, with the potential for the former anti-social issues to re-emerge. For all these reasons, in the Applicant's opinion, and in the light of the site's current negative contribution on the area, it is in the interests of all parties to now resolve these matters. This modest development is accordingly promoted against this background.

The objectives of Policy DM1 are therefore contended by the Applicant to be fully met.

- Policy DM2 Accessible and Safe Environments. New development is required to be capable of being 'used safely, easily and with dignity by all', with, inter alia, appropriate layouts and having regard to the principles set out in 'Secured by Design.' This development looks to positively respond to these objectives and the Applicant claims that putting the site into beneficial use will provide a more accessible and safer environment, particularly for local residents in Shepherd's Close.
- Policy DM7 Development on Infill, Backland and Garden Land Sites. The site has previously been identified as representing an infill site, sitting between no. 27 Shepherd's Close and the substantial block of garages to the rear of Eton Court. As such the policy states that development is required to meet the requirements of Policies DM1 and DM2. The Applicant has demonstrated that the objectives of these policies are suitably met through this development. Furthermore, the other relevant terms of Policy DM7 are shown to have been addressed with the site-specific proposals relating appropriately and sensitively to their surroundings, with privacy and amenity for adjoining houses being safeguarded. In addition, security is enhanced with the provision of an active street frontage and the removal of a boarded-up site which remains vulnerable to misuse, as has been experienced by the Applicant in the past, with the potential for this misuse to continue in the future. The development is accordingly presented as one that respects and reflects the general pattern of development in the Close which is broken up into blocks of development but all of which immediately front the road with limited but some opportunity for fruitful landscaping. The proposals can therefore reasonably be considered to comply with Policy DM7.
- Policy DM9 Management of the Historic Environment. The policy states that development that conserves and enhances the significance of a heritage asset and its setting will be supported. Proposals affecting the 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. The policy goes on to set out a number of criteria required to be considered when assessing the impact of proposals on the historic environment. Section D addresses Conservation Areas and confirms that the Council 'will give consideration to, and support where appropriate, proposals for the sensitive redevelopment of sites and buildings where these detract from the character and appearance of a Conservation Area and its setting, provided that they are compatible with and/or complement the special characteristics and significance of the area.'

The fundamental changes to the site characteristics in comparison with former decisions that have been taken should be noted. In this respect, the site is now identified as a negative contributor to the Conservation Area, with a highly urbanised appearance. Details of the HCA and its significance are comprehensively set out within the Design, Access and Heritage Statement. In the light of the material changes to the site and the revisions made to the proposals, the Applicant submits that the development will not give rise to harm, but rather will improve the area for all the reasons highlighted above.

Notwithstanding this position, if the development is otherwise concluded to result in harm, then this is contended by the Applicant to lead to less than substantial harm to the significance of the HCA. As a result, as set out under paragraph 202 of the NPPF, such harm is required to be weighed against the public benefits of the proposals including, where appropriate, securing its optimum viable use.

The former scheme was assessed as failing against this test as the Inspector identified only a small public benefit from the provision of one dwelling which was considered insufficient to outweigh the adverse impacts that had been found against that particular scheme. There are now very material changes in circumstances, as highlighted within the application submissions, to enable a different view to be formulated, but in any event the Applicant submits that the significant public benefits accruing from the re-use of the site, as proposed, very clearly outweigh any harm if this is identified. These public benefits are stated to be:

1. The provision of a new family dwelling, utilising a small site and assisting in increasing the Borough's housing stock, albeit in a small but important way. Small sites are recognised as making an important contribution to meeting the housing requirement of an area¹¹ and this is accordingly a very relevant consideration,

¹¹ Please refer to paragraph 69 of the NPPF and London Plan Policy H2

particularly when the Council has confirmed there is a housing crisis in Haringey with a recognised shortage of homes. Albeit in a minor way, this development, similar to other small-scale sites, supports the delivery of new homes, set at a target of 1592 new homes a year in the Haringey Borough.

2. The opening up of the site with the removal of the solid fencing across its frontage which currently removes formerly identified important vistas within the site.

3. The re-introduction of new greenery lost following the removal of the mature evergreen trees.

3. The removal of views of part of the dominant high brick retaining wall which, following the felling of the mature evergreen trees, now plays a prominent role in the streetscape as appreciated from the southern end of Shepherd's Close. This oppressive brick wall adds to the urbanised character and appearance of the site.

4. The removal of ongoing uncertainty over the future of the site, with associated problems with fly tipping, vandalism, rough sleepers and associated anti-social activities and the detriment local residents have identified this has on the neighbourhood and property values.

5. Improvements to public safety, security and general surveillance, addressing potential crime by providing an active, sensitively landscaped frontage and ensuring the site is appropriately assimilated within the streetscene. Its current negative, urbanised appearance will be removed and the inclusion of a design that is consistent with the underlying character of the road ensures that the development will be seen to be part of it, thereby making a positive contribution to the heritage asset, albeit that the Close is noted within the HCA appraisal not to have any heritage significance.

6. Putting the site back into beneficial use by way of securing its optimal viable use. The site serves very little purpose as it currently stands and the temporary mitigation measures put in place to address safety, issues of crime and fly tipping are unsustainable in the long term. The plot has been acknowledged as being capable of being sensitively developed and these proposals demonstrate its optimal viable use whilst addressing important detailed considerations as outlined above.

Accordingly, if less than substantial harm is found, then when applying the necessary planning balance, this is required to be weighed against the public benefits that exist, as highlighted above. These are promoted by the Applicant as ones that manifestly justify this development in the context of any harm that arises.

- Policy DM10 Housing supply. Windfall sites, such as the application plot, 'will be considered acceptable where this complies with the relevant policies of this Plan.' The proposals have been demonstrated to fully accord with the objectives set out under the Plan's policies and this development should accordingly be deemed acceptable.
- Policy DM12 Housing Design and Quality. Housing must be of a high quality and should be compatible with and contribute to any distinctive character and amenity of an area, 'whilst also delivering upon the Council's aim to optimise housing delivery on individual sites.'¹² This policy reflects the objectives set out under the Strategic Policies DPD Policy SP2 and Development Management DPD Policy DM1, as addressed above. The proposals are shown to be of exemplary high-quality design which accord with the character of the Close. The dwelling will accordingly sit comfortably within this context, whilst overcoming the identified negative issues, thereby ensuring an enhancement through the positive contribution that is made to this part of the HCA.
- Policy DM19 Nature Conservation. The site lies adjacent to a Site of Importance for Nature Conservation, an Ecological Corridor, a Local Nature Reserve and Green Chain. These designations relate to the parkland to the west which is, however, of completely different character from the application site which is now devoid of any trees or other vegetation deemed to be of ecological or biodiversity value. The proposals include the reintroduction of soft landscaping and green roofs, both of which are promoted as ones that will aid the enhancement of biodiversity in the area. Furthermore, the dwelling is proposed to be set back off the western boundary, away from this boundary thereby limiting any light impact into the parkland, which in any event can be controlled by way of a condition. The Applicant therefore submits that the development does not give rise to any impact on trees or ecology.
- Policy DM20 Open Space and Green Grid. The site is not designated as open space. The Applicant refers to the Open Space Assessment undertaken in 2014 and Figure 3.2 which shows different forms of open spaces, including small areas, and natural and

¹² Policy DM12 written text paragraph 3.12

semi-natural green spaces. The site is not shown as falling within any of these. This site is also not shown with any open space designation on the interactive Policies Map accompanying the Local Plan. Furthermore, the formerly identified open and green vistas across the site have, in any event, markedly changed since previous decisions taken on the site, due to the removal of all trees and vegetation and the requirement to board up the site with solid fencing to stop ongoing criminal and other anti-social activity. The urbanisation of the site is a very relevant consideration along with the material improvements proposed to the area through the re-introduction of openness to the site and greenery. The current condition of the site cannot be deemed to constitute high quality open space which is sought to be protected and the measures proposed to be put in place serve to enhance the street scene and the overall character and appearance of this part of the HCA. The Applicant submits accordingly that there is no conflict with the objectives set out under this policy.

- Policy DM21 Sustainable Design, Layout and Construction. The development looks to implement sustainable design, layout and construction techniques, as well as accord with the objectives, as relevant set out under Policy DM23 addressing environmental protection and DM25 and DM26 relating to sustainable drainage systems and critical drainage areas, noting the minor scale and nature of the development under consideration. It is understood there is no history of localised or general flooding in this location, but in any event the proposed green roofs and associated landscaped areas will act as appropriate receptors to slow water flow and retain water during heavy periods of rainfall. The green roof areas have been designed so that water is reused by the vegetation and some evaporation will take place back into the atmosphere. Further detail is set out in the Design, Access and Heritage Statement addressing the sustainable design measures that are proposed.
- Policy DM31 Sustainable Transport and Policy DM32 Parking, address car and cycle parking. The site benefits from the provision of a single garage, served off the driveway to the north of the site. There is also on-street parking available within Shepherd's Close itself. The site is well served by public transport and secure storage for cycles is provided.

5.7 For all the above reasons, the Applicant submits that the proposals can readily be considered to also accord with policies of the Development Management Plan DPD.

5.8 **Highgate Neighbourhood Plan**

Highgate is identified within the Neighbourhood Plan as a 'leafy inner suburb... surrounded by parkland and woods.' Its location has 'outstanding views and fine buildings, surrounded by, and woven through with, green spaces...'¹³ 44% of the Plan area comprises public open space. The development of the site is promoted against the background that it sits immediately next door to major public open space, but is not itself the subject of any open space designation as confirmed under Fig 2 of the Plan. Whilst the site formerly benefitted from greenery, characteristic of open space, as highlighted above, the land does not now enjoy this quality and any former openness and greenery has been lost through the removal of the mature and tall conifers and the necessary boarding up and containment of the site for security purposes, rendering its appearance as now being typically urbanised. As highlighted above, this represents a very material difference from the determination of former proposals and these visible changes are important to take account of when considering the merits of this new scheme.

Core Objective 5 and its associated sub-objectives and Policy DH2 look to ensure Highgate's unique character and the Conservation Area is preserved and enhanced. The application submissions clearly demonstrate how the streetscene will be improved and, as a result, how the HCA will be enhanced through this development.

Policy DH10 addresses garden land and backland. As an infill site, the site does not fall within either category. However, the principles outlined within the policy, as relevant, are respected, albeit that the site does not now benefit from existing mature trees or landscaping. Further comment is outlined under Development Management Plan Policy DM7 above.

Housing needs are also recognised under Policy SC1 and optimising the use of land is identified, looking to ensure new residential developments are as mixed and as inclusive as possible, responding to the needs of all sections of the community. There are a number of examples of new single dwellings having been granted in the locality and the application site is submitted to be similarly capable of providing a single dwelling, which respects the typology of the Close itself, thereby according with its character and providing a small family dwelling on a redundant piece of land which currently makes a negative contribution to the area.

¹³ Page 6 Highgate Neighbourhood Plan 2017

5.9 **Highgate Conservation Area Character Appraisal and Management Plan 2013**

The significance of the HCA is described within this document. The site falls under Character Analysis Sub Area 5 (Shepherd's Hill). Shepherd's Close is stated to be 'a 1960s development of two and three storey town houses... which falls very sharply south of Shepherd's Hill just past the allotments and the Eton Court block of flats.' Dwelling numbers 6-27 and the 9 garages at the bottom of the Close are identified as negative contributors to the conservation area. The 2020 Inspector did not find the site having a negative contribution, but this situation has now clearly changed with no semi-natural or other pleasing features being present.

The general policies set out under the Principles for Management, include looking to protect views, open spaces and trees which contribute to the character of the conservation area. It is understood that these principles were sought to be adhered to by the former Inspector when determining the 2020 development when highlighting that mature vegetation and open space are key characteristics of Highgate's very special village character. However, in the light of the changes as described, the site does not now offer these characteristics, so no loss of open green vistas will arise. On the contrary, enhancements will be secured, as have been outlined which also benefit other properties in the Close.

Furthermore, it is noted that the Inspector concluded 'that the Close has design merits, which, whilst of no heritage value per se, contribute positively to the underlying urban form'.¹⁴ The degree of architectural consistency and the strong and appropriate relationship with the underlying topography was highlighted by the Inspector. With the adoption of similar architecture and use of topography, the Applicant respectfully asserts that it is reasonable therefore to conclude that the new dwelling will similarly have design merit which contributes to the underlying urban form of the Close.

Whilst not required as part of the application submission, the Applicant has also confirmed a willingness to work with the relevant authority to improve the public realm through the upgrading of the surface of the existing footpath running along the site's frontage and the addition of new landscaping to the north side adjacent to the steps leading to the garages to the north to further soften the impact of the dominant brick wall and provide extra greenery to the area. These upgrades will serve to further enhance the appearance of the conservation area and are offered in good faith to upgrade the appearance of this part of Shepherd's Close at no expenses to the public purse if they are regarded as welcomed enhancements. They

¹⁴ Inspector's decision letter APP/Y5420/ W/20/3257208 paragraph 7

are accordingly promoted in the spirit of HCA objectives that look to encourage public realm improvements.

- 5.10 The Applicant has demonstrated that the development therefore also accords with the objectives set out under the Neighbourhood Plan and the Highgate Conservation Area Appraisal Management Plan, as relevant to this minor development.
- 5.11 Having regard to the above, no conflict with planning policy has been identified. As a result, as the development accords with the provisions of the Development Plan, the presumption in favour of this sustainable development, as set out under the NPPF, as addressed below, should therefore now be applied.

5.12 2. THE NATIONAL PLANNING POLICY FRAMEWORK (September 2023)

- 5.13 Paragraph 8 of the NPPF sets out the three overarching objectives in achieving sustainable development, namely economic, social and environmental. The Applicant's proposals seek to accord with all three objectives. The site lies within the built confines in a sustainable location and is urbanised in character. The proposals will assist the economy through the construction process and a high quality designed new home will be secured which makes effective use of this redundant brownfield site and meets the needs of the Applicant in providing a family home.
- 5.14 There is presumption in favour of sustainable development as set out under paragraphs 10 and 11. Paragraph 38 requires LPAs to approach decisions on proposed development in a positive and creative way. They are required to work proactively with Applicants to secure developments that will improve the economic, social and environmental conditions of the area and should seek to approve applications for sustainable development, where possible. The proposals are promoted as meeting these important objectives.
- 5.15 Paragraph 69 recognises the important contribution that small sized sites can make to meeting the housing requirement of an area, noting they can often be built out relatively quickly. As such LPAs are required to

'c) support the development of windfall sites through their... decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes...'

5.16 Chapter 11, paragraph 119 promotes the effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

5.17. Paragraph 120 similarly goes on to direct decisions to:

'c) give substantial weight¹⁵ to the value of using suitable brownfield land within settlements for homes.... and support appropriate opportunities to remediate despoiled, degraded, derelict...land' and

'd) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively...'

5.18 Paragraph 124 reiterates that decisions should support development that makes efficient use of land, taking account of relevant criteria which includes the desirability of maintaining an area's prevailing character and setting, as well as promoting regeneration and change. In these respects, commentary has been provided as to the current negative impact of the site to the streetscape and the HCA. Improvements are promoted. Planning obstacles should not be put in the way of the Applicant's reasonable desire to introduce change through the appropriate regeneration of this site. This scheme is, therefore, promoted as one that looks to optimise the development potential of the land. The dwelling has been designed at a scale, height, mass and bulk which responds to the adjoining garage block by being no higher than this building and reflects similar appearance to other dwellings in the neighbourhood. As a consequence, the dwelling will sit comfortably in its plot, appropriately relate to its surroundings and ensure all residential amenities are protected.

5.19 Chapter 12 addresses achieving well designed places and looks, inter alia, to the creation of high-quality buildings and places. Paragraph 130 (c) requires decisions to ensure development is sympathetic to local character and history, including the surrounding built environment and landscape setting 'while not preventing or discouraging appropriate innovation or change' The potential of the site should be optimised. Whilst there have

¹⁵ Writer's emphasis

been differences of opinion expressed in the past over the appropriate design for any new dwelling on the site, the Applicant considers that these stated aims are now being achieved through this scheme which reflects recognised architectural characteristics of the dwellings standing in Shepherd's Close.

- 5.20 Chapter 16 addresses the conservation and enhancement of the historic environment. Consideration should be given to the conservation of heritage assets appropriate to their significance. Paragraph 190 recognises the desirability of sustaining and enhancing the significance of heritage assets 'and putting them to viable uses consistent with their conservation.' The criteria also include the desirability of new development 'making a positive contribution to local character and distinctiveness.' These objectives are also set out under paragraph 197. Paragraph 194 requires consideration to be given to the significance of any heritage asset. Paragraph 199 states that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- 5.21 As highlighted above, paragraph 202 goes on to identify that where development will lead to less than substantial harm to the significance of a designated heritage asset, that harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The Applicant submits that this scheme does not give rise to any harm to the setting of the Conservation Area, but at the very least leads to less than substantial harm. The proposals ensure the site is put to full and effective use through the provision of a sustainably constructed, thermally efficient new family dwelling which has been demonstrated to change the negative aspects of the site to a positive one. This contribution together with all the other public benefits as highlighted above, are very important material planning considerations in the determination of these proposals which are now promoted as ones that can be supported.
- 5.22 Paragraph 111 of the NPPF advises that 'development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.' No highway issues are anticipated in respect of this development.
- 5.23 The revised scheme responds to the changes to the physical characteristics of the site. These changes are deemed to be central to the decision making associated with this new

scheme which is promoted as directly accordingly with the NPPF objectives as set out above. ‘Great weight’ and ‘substantial weight’¹⁶ should accordingly be given to the benefits of the scheme when undertaking the relevant planning assessment.

- 5.24 The Applicant therefore submits that the proposals also accord with the policies of the Framework (NPPF), taken as a whole. If harm is found, this is submitted by the Applicant to be less than substantial and the very material public benefits outweigh this harm, in seeking to put this site back into beneficial use.

6.0 OTHER MATERIAL CONSIDERATIONS:

- 6.1 The Applicant is mindful of opposition raised against former proposals associated with the site. Local residents and amenity societies are recognised to be strong protectors of their amenity and the reasonable views expressed in the past are accordingly respected. However, as highlighted above, very material changes of circumstances now exist which enable a fresh approach to be taken in respect of the consideration of this new scheme. The Applicant trusts that these factors will be considered fairly in looking to put this site back into effective use. This is sought not only for the benefit of the Applicant in looking to provide a small family home, but also for the residents in resolving the ongoing uncertainty of the site, its former problems and restoring the land to make a positive contribution to the appearance of the Close and the wider HCA.

7.0 CONCLUSIONS

- 7.1 The background to these proposals demonstrates the care and attention paid by the Applicant in seeking to create a high-quality designed dwelling in the context of Chapter 12 of the NPPF which looks to achieve well-designed places and Chapter 16 which seeks the conservation and enhancement of the historic environment. Different opinions have been expressed in the past in relation to design and the Council is not bound to impose a specific architectural style. However, in this instance the Applicant notes that the 2020 Inspector placed ‘great weight to the incongruity of the proposed dwelling’s design’¹⁷ having highlighted the failure of the scheme to ‘relate to or reflect any of the distinctive 1960’s styling and architectural features that define The Close.’ The Applicant has readdressed the proposals in

¹⁶ NPPF Paragraphs 69 and 120

¹⁷ Inspector’s decision letter APP/Y5420/ W/20/3257208 paragraph 17

the light of these comments and the form, bulk, scale, mass and height now look to appropriately relate to similar style dwellings in the road. Whilst the Applicant recognises that inevitably some subjectivity is involved in the decision-making process, it is anticipated that the revisions are now seen to satisfactorily address former concerns.

- 7.2 The design and layout are presented as ones which ensure that '*the spaciousness, tranquillity and ecological value of the adjoining wooded area*' are not harmed, as sought by the responsible Officer when considering the merits of a development over the site. The proposals also positively respond to the natural and built context and open up the site from its currently closed form. Whilst the Inspector did not reject the development in principle against the loss of open space, minimising such loss was sought. To a large extent, these comments have been superseded by the material physical changes to the site with the removal of the site's open and green vistas. However, these are now being reintroduced as part of the scheme and therefore are seen to respond to the Inspector's views.
- 7.3 The Applicant submits that no harm arises in respect of this development. On the contrary material improvements arise, resolving the current negative impact of the site on the surrounding area. This is an important consideration in undertaking the necessary balancing exercise. However, if less than substantial harm is identified in the context of paragraph 202 of the NPPF, then there are a series of public benefits arising from these proposals, as have been outlined. Any harm is therefore required to be weighed against these public benefits and, in the opinion of the Applicant, there are significant merits in now granting planning permission which will secure the optimum viable use of this redundant piece of land and provide a solution to the site to prevent future potential anti-social issues arising.
- 7.4 The development sits within the urban confines, in a sustainable location, and importantly the changes to the site's physical characteristics have urbanised the land in a manner where formerly identified open and green vistas on the site are lost. The development looks to positively respond to objectives of maintaining an appreciation of the parkland beyond the site and re-introducing a sense of openness and greenery to the site itself. In addition, enhancements are secured. The recognised negative contribution the site currently makes to the area will be removed. The development is accordingly promoted as one that can now reasonably be concluded to preserve or enhance the character or appearance of the HCA.
- 7.5 Further consideration has been given to the protection of adjoining residential amenities. It has been demonstrated that through the re-design, scale, siting and reduced height, neighbouring residential amenities in respect of sunlight and daylight will be protected, noting

also the location of the site to the north and separated from No. 27's frontage a greater distance than other development in Shepherd's Close and unlike these, also with the benefit of intervening vegetation and other landscaping features.

- 7.6 For all the above reasons, the proposals are now commended to the Council as representing a high-quality sustainable development which has satisfactorily addressed and overcome the two main issues raised by the former Inspector and those outlined by the Council in its former reasons for refusal.
- 7.7 The scheme does not give rise to conflict with planning policy objectives and has been demonstrated to accord with the provisions of the Development Plan. As highlighted above, the London Plan requires the Council to pro-actively support well-designed new homes on small sites. This is presented as one such site where support can now be given. Furthermore, the Council is charged with giving substantial weight to the value of using suitable brownfield land within settlements for homes and support the remediation of derelict land. This opportunity now presents itself to secure these objectives.
- 7.8 In these circumstances, the Applicant contends that the presumption in favour of this sustainable development should therefore be applied. The Applicant therefore respectfully requests that planning permission is granted, subject to the imposition of conditions as deemed relevant and necessary, in accordance with the terms set out under paragraph 56 of the NPPF.

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