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Your reference

RFJP/WPC/15974

Our reference

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Date

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- 4 JUL 89

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E/88/803995/P7

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTIONS 36, 56 AND 277A AND SCHEDULES 9 AND 11
TOWN AND COUNTRY PLANNING ACT 1984

APPEALS BY THE SECRETARY OF STATE FOR HEALTH ACTING BY THE ISLINGTON HEALTH
AUTHORITY

APPLICATION NOS:- HGY 36339, HGY 36340, HGY 37489 AND HGY 37490

1. I have been appointed by the Secretary of State for the Environment to determine your clients appeals. These appeals are against the failure of the London Borough of Haringey Council to give notice of their decision within the prescribed period on applications for:

1. planning permission for the erection of 35 residential apartments and 21 houses and studios with garages, car parking, roadways and a residents amenity building, 2 new vehicular entrances and 3 new pedestrian entrances (application HGY 36339);
2. conservation area consent for the demolition of Furnival House, Cholmeley Dene and Copley Dene and sundry sheds and garages (application HGY 36340);
3. outline planning permission (as amended by letter of 19 August 1988) for residential development up to a density of 70 habitable rooms per acre (application HGY 37489);
4. conservation area consent for the demolition of Furnival House, Cholmeley Dene and Copley Dene and sundry sheds and garages (application HGY 37490).

all on land at Furnival Site, Cholmeley Park, Highgate, London N6 incorporating (50) Furnival House, (46) Copley Dene, (48) Cholmeley Dene and Newtownards. I held a local inquiry into the appeals between 10 and 19 January 1989 and inspected the site on 23 January.

2. With regard to application (1), the appeal was made on 6 May 1988 and on 10 May, before receiving notice of the appeal, the Council issued a notice of refusal giving the following reasons:

1. The development is contrary to and would undermine the Council's stated and consolidated policy for the site, which was adopted formally in Schedule 7 of the Haringey District Plan (adopted April 1982). The development would impair the functions of the adjoining open land by encroaching on it, by introducing vehicular access to it and reducing its potential for open land use of community benefit. The development would detract from the village skyline.

2. The development would be severely harmful to the character of this part of Highgate Conservation Area and thereby also be contrary to District Plan policy. The development would be out of scale with neighbouring buildings. The apartment block is unsympathetic in design and of excessive height and site area and is too close to the road. Great damage would be caused to the appearance on the road frontage by the overbearing block and the lack of structure of the rest of the development as seen from Cholmeley Park.

3. The development would be severely harmful to the beautiful sylvan character of this site in the Conservation Area by reason of the loss of mature trees and of other planting, by the loss of wildlife habitats, by the extent of site coverage and by the enclosure, surfacing and domestication of the exterior open spaces, and by the destruction of views across and through the site.

4. The proposal represents an excessive density of development of the site as a whole and in parts, contrary to the policies contained in paragraphs 9.40 and 9.43 of the Haringey District Plan, and in particular to the guidelines for the site defined in July 1985 pursuant to Schedule 7 (item 37) in the Plan.

5. The development encroaches on an area reserved as an amenity open space in the July 1985 guidelines, with buildings and with an access road. This would be harmful to the visual amenity of Highgate residents and would threaten the open spaces adjoining Highgate which have been agreed to be essential to the maintenance of its character as an historic hilltop village.

6. The proposal results in a loss of distinguished buildings, of health-related use and of nurses accommodation, is thereby contrary to the July 1985 guidelines, is detrimental to the character of the area and does not fulfil known housing needs.

Informative:

Members of the Development Control Sub-Committee considered that a scheme which was in accord with the Council's Planning Guidelines as contained in the letter dated 19 July 1985 addressed to Knight, Frank and Rutley, agents to Islington Health Authority, would be likely to receive more favourable consideration.

3. With regard to application (2) above, the appeal was made on 19 May 1988 but on 10 May 1988 the Council determined the application and then issued a notice of refusal giving the following reasons:

The demolition of these important buildings in this prominent location in Highgate Conservation Area, and the loss of the potential for conversion, would be premature in the absence of an approved scheme for redevelopment, and would be seriously prejudicial to the character of the road, which it is desirable to protect and enhance.

4. With regard to applications (3) and (4) above, no notices of refusal have been issued but, in their pre-inquiry statement, the Council state their opposition to the grant of any outline permission, whether in its original or amended form, for residential development in a Conservation Area.

5. At the inquiry a further set of plans was received including those with a suffix E. These plans incorporate a series of adjustments to the levels and positions of roadways, ramps, parking, landscaping and boundary walls as well as other amendments to follow the recommendations of the traffic engineer. Because I consider that these amendments are minor in nature and do not represent a material change to the proposals, I intend to take them into account in my consideration of

the appeals. As part of applications (1) and (2), there were also submitted reports by your clients' architectural, traffic, spatial planning, landscape and arborticultural and estates advisors. I have also taken into account the context of these reports.

6. In July 1985, as part of their earlier discussions with agents of your clients, the Council sent them a letter giving guidance regarding the development of the appeal site. They identified 4 parts of the site and gave them references letters, A, B, C and D. These references were constantly used during the inquiry and I use them in this letter as a matter of convenience.

7. From all the representations made both before and at the inquiry, and bearing in mind that the site is part of an Area of Special Value, the principal issue to be considered is whether the proposals are acceptable within the terms of the guidelines set down in the District Plan and whether, or not, they can be said to preserve or enhance the Conservation Area of which the appeal site forms part.

The Site and Surroundings

8. The appeal site is in a residential area between Highgate and Archway Road and lies to the north-east of Highgate High Street and on the west side of Cholmeley Park. The latter is a road which descends the hill from the High Street and, in a long curve, bends north to rise again and eventually reach Archway Road. This road serves a pleasant area of mainly, semi-detached houses, including those on the south side of Cholmeley Crescent and 3 of these properties abut the northern boundary of the appeal site. The properties on the east side of Cholmeley Park, opposite the appeal site, include some blocks of flats, one of which is under construction. The remainder of the road, as it ascends the hill to Highgate, has on its east side the grounds and buildings of a school and on its west side Cholmeley Lodge a 6-storey block of flats, serpentine in plan form. Cholmeley Park has a continuous pavement on its west side but it is discontinuous on its east. As it approaches the High Street the road is partly in a gully, and narrows as a consequence, it is even further restricted by a lodge to the school, which projects into the roadway.

9. Highgate High Street is lined continuously with a wide range of properties of differing ages and styles. On its north side there are several yards, alleyways and lanes. These provide access to other properties at the rear and descend the hill to the open land, most of which is in use for nurseries and whose northern boundaries abut the rear boundaries of Cholmeley Crescent. Views of the site can be obtained from the properties that surround the site and from various public places in the neighbourhood.

10. The appeal site slopes down from south to north and, in its south-east part, annotated as A on the plan, is Furnival House. This is a 4 to 5-storey block of small flats and is U-shaped on the upper floor plans with a major ballroom and dining room on ground floor and part-basements beneath. A garden, with an access drive from Cholmeley Park, surrounds the greater part of the building, which is set on a high terrace in the slope. A terraced tennis court is positioned along the southern boundary of the garden where it abuts Cholmeley Lodge. The boundary with Cholmeley Park is made up of high brick - walls with decorated stonework and gates and, within it, is a continuous band of trees.

11. To the north of Furnival House, in the area designated as C, are 2 large houses Copley Dene which stands close to Cholmeley Park and Cholmeley Dene which is set back. Both have accesses from Cholmeley Park and are now unoccupied. This area is generally wooded and includes a number of mature specimen trees. Within the grounds is the remains of a demolished property Newtownards and on its north boundary, abutting the neighbouring property in Cholmeley Park, is an electrical sub-station within a walled compound.

12. West of areas A and C, and forming the centre of the appeal site, is a rectangular area of sloping grassland surrounded by hedges and given the annotation B. On its west and south sides this area is surrounded by the land annotated D. In its southern arm, this area includes a walled garden and buildings which are close to the buildings of the commercial garage that stands at the rear of the High Street. The westernmost arm of this ground abuts the nursery, on its western side, and the rear of the properties in Cholmeley Crescent on its northern side. Access to area D is from area A via Furnival House entrance.

Case for the Appellants

13. The health authorities strategic plan provides for a change in emphasis from acute to other services. This rationalisation, followed by a review of staff accommodation and an examination of their whole estate, identified resources which were surplus to their requirements and whose sale could provide capital for other necessary developments. The appeal site contained large buildings for staff and other services and was to become redundant by 1987. In submitting these applications, the authority is following government advice to realise its full market price and so benefit the remainder of the service. There is no question of the site being retained for health authority use.

14. The sites 3, main buildings include Furnival House which was built in 1916 as a hostel and has 67 single rooms, small offices and a large ballroom. It is still used for staff residences to enable other sites to be upgraded and to prevent it being occupied by unauthorised persons. Copley Dene is a Victorian building and an annex built in the 1950's. It was used by the Treasurer's Department but is now used for the storage of records. Cholmeley Dene was in use as a residence for male staff but was closed in 1985. The ancillary buildings, and the adjoining land at the rear but outside the site, are now in use under the Youth Training Scheme and are known as the Harington Scheme. Supported by Charitable Trusts and 3 local authorities, it is on lease for that purpose and the lease is currently being renewed.

15. Architects were approached to give suggestions as to how the appeal site could be developed and the authority chose one to produce a scheme for the sole purpose of making a detailed planning application. The applications reflected their desire to ensure that the scheme would be of high quality and respected the nature of the locality and its woodland setting. It was intended to produce the optimum value for the site in any subsequent sale. Before this took place the authority also undertook a detailed tree survey of the site. The scheme was discussed with the Council, both officers and members, as well as with representatives of the Harington Scheme and amenity groups. A public presentation was made and, as a consequence of these consultations, the proposals were reduced in height and content. In order to protect access to the Harington Scheme they include a "grasscrete" road from within the appeal site. The Council's present assertion that this indicates a future expansion of the proposals is completely unfounded.

16. The proposals will involve the loss of 54% of the trees but many of the groups of better quality trees will be retained, particularly around the periphery. These can be protected by fencing during construction and with them are included many of the minor trees, bushes and shrubs. The trees to be removed are mainly those which are away from public view. There are 220 trees within the site, 100 are individual specimens and the remainder in 19 groups. Many of the trees would be lost to provide car parking and adequate access and sightlines whatever development took place, even if it were limited to the renovation of the existing buildings. 75% of the best quality trees will be retained and those lost will be compensated by the provision of new planting to give a better, long-term tree-cover. The inadequate management of the present tree cover, as well as their condition and age, would result in their loss even if no development were to take place.

17. The natural slopes of the site and the terraces, accesses and other changes that have arisen from the existing development are accommodated in the proposed scheme. Consideration was given to the re-use of the existing buildings in particular Furnival House. However, because of its plan form, and the multiplicity of long corridors and small rooms with high ceilings, it is not suitable for adaptation. Added to which its excessively bulky appearance at the top of the hill is not to the benefit of the Conservation Area and the provision of 54, surface car parking spaces within its grounds would be to the detriment of the site. In addition the re-use of the other 2 houses and the provision of a further 7, which would be necessary to attain the density set by the Council, would result in 40 more surface spaces for cars. The detrimental appearance of these car-parking areas will be avoided in the proposals where 80% of the vehicles will be out of view.

18. The residential streets in the locality cross the contours and the semi-detached properties, with their narrow gaps between, form a continuous band of development this follows their curves as they ascend the hills. This pattern has influenced the design of the proposals which also reduces in height from the top of the hill, where they abut the much taller Cholmeley Lodge, to the bottom of the hill, where they meet the smaller houses. As such, they form a transition between the 2 elements of the village and the suburb. They follow the Council's guidance as to the mix of accommodation and to the use of flats at the top of the site and houses below, as well as the retention of the treed quality of the site. The size, layout and types of accommodation are entirely appropriate to current market requirements.

19. The Council's guidelines have no great significance, they represent an officer's view and are not a considered adoption of guidance nor are they a formal policy of the Council. Their use in support of the reasons for the refusal of these applications is merely a convenience. They are not a matter of acknowledged importance and while their general thrust is accepted no harm is involved if they were not complied with. Their notional division of the site into 4 parts is rejected. This rigid compartmentation imposes artificial restraints and is unreasonable and unrealistic because it is only based on property boundaries and man-made levels of the past. Their retention simply perpetuates the historic position and inhibits the proper and comprehensive approach to the whole site.

20. It does not take into account other features, such as trees, and ignores the proper understanding of the function of its various parts which is necessary to produce a sympathetic design of the right scale and density. The Council's definition of a habitable room, and their exclusion of area 'B' from the calculations as to density, are also unacceptable. These distort the proper analysis of the site and are contrary to all guidance. Communal open areas should be taken into account in such calculations. They are also wrong to assert that the present, low site-coverage justifies a lower than normal density. Their view that the normal minimum of 172 habitable rooms per hectare (70 hra) is wrong for this site and that the density for area 'C' should not exceed 100 hrh (40 hra) is not acceptable.

21. It should also be noted that these guidelines have given birth to the residents scheme which is simply a perpetuation of that which exists with the addition of some extra houses. This is a poorly conceived scheme with an indifferent standard of accommodation and layout and a disproportionately detrimental effect on the trees and landscape of the site. Their conception of the site as providing a division between the village and the Cholmeley's is ill-founded and is not supported by the guidelines or the Local Plan which refers to the fact that the eastern edge of the bowl is developable. No such separation exists in fact and it cannot be the basis of an objection to the appellants proposals. The residents assertion that their proposals are financially superior to that of the appellants does not stand up to close examination.

22. The density of the development will be 150 hrh (60.7 hra) and, even taking into account the Council's method of assessing any rooms in excess of 18.5 sq m as 2 units, the density would only rise to 172 hrh (70 hra). This is the bottom end of the range set out in the GLDP as acceptable for family-sized accommodation. It should also be noted that there is no justification for the use of the Council's alternate method of calculation. It is not referred to in their District Plan and is not justified in Central Government advice nor that of the GLDP, neither has it been supported in previous appeal decisions. The proposed density is appropriate to this site in a Conservation Area and is much less than that of other developments in the immediate locality.

23. The proposals will not interfere with the 5 primary functions of the open land to the north of Highgate Village as identified in Schedule 7 of the District Plan. It will not extend the village area, nor will it affect its skyline, nor the distant views of the ridge. It will also not interfere with the Harington Scheme which is the adjoining open land in use for community benefit. Indeed the provision of the 'grasscrete' road as a route to the Harington Scheme is a positive contribution to its use and will not be of any visual detriment. The same can also be said of the enhancement and improvement of the open area and tree coverage on the site which will continue to provide the visual relief and recreational benefit identified by the Council.

24. The 4 existing vehicular accesses are very substandard and they will be replaced with 2 complying with the full standard of visibility splays and dimensions. Surveys of the existing traffic flows, and estimates of the proposed, show that no difficulties will arise within the existing highway system. These matters have been fully discussed with the Council and they have confirmed that there are no highway objections to the development.

25. The appellant's case is supported by advice contained in Government Circulars and Planning Policy Guidance Notes (PPG's) as well as the Greater London Development Plan and the District Plan. Circular 22/80 and PPG1 reiterate that there is always a presumption in favour of development. Circular 15/84 and PPG3 require that the planning system should cater effectively for the demand for private sector housing and that full and effective use must be made of land within urban areas. The advice, to make the best use of available resources, is supported in PPG9 as well as the findings of the reports to the Housing Strategy Group and the endorsements by the Secretary of State of the strategic objectives of the South East Regional Planning Conference. There is clearly a need to provide sites for a wide range of housing which include those proposed by the appellants.

26. The need for housing is supported in the policies of the Greater London Development Plan (GLDP) and in its guidance suggests that the figure of 172 hrh (70 hra) should avoid the wasteful use of land. It also goes on to identify Areas of Special Character and this includes the Highgate Ridge and the need to protect the skyline, view points, historic architecture and village character. The proposals achieve all these objectives. As to Conservation Area, in Circular 8/87 the advice provides for new, well-designed buildings to be included in such areas. In achieving this requirement the appeal proposals clearly assist towards the preservation and enhancement of the character and visual quality of the Conservation Area. They do not in any way contravene the Conservation requirements of the District Plan.

27. The inspector in his report on the District Plan considered that the nursery sites in the Highgate Bowl should remain open and that a limited amount of new building could be introduced into the eastern part of the area. He considered that it is the wooded nature of that part of the site which contributes to the character of Highgate. The appeal site is clearly not part of the open space and can properly

be developed in the way proposed without detriment to the character and appearance of the Highgate Bowl and with no adverse effect on the treed nature of the site and its topography. In the light of the Steinberg case it can readily be said that the elegant nature of the architecture, and the quality of the layout of the scheme, will positively enhance the appearance and character of the Conservation Area.

The Case for the Council

28. The appeal site, and the land to its south and west, are all within the Highgate Conservation Area which, it is hoped, will be extended to include more of the Cholmeley Park area. Highgate High Street, and the Highgate Bowl, form part of the Hampstead and Highgate Ridge which is designated, in the Greater London Development Plan, as being an Area of Special Character. Highgate Bowl is the sweep of land beneath the high ridges along which run Highgate High Street, Southwood Lane, Southwood Lawn Road and Cholmeley Park. In addition to some of the appeal site, parts of the Bowl are open land which is in use for commercial nurseries. Together, these form a significant green wedge separating the old core of Highgate, along its ridge, from the, more recent, urban development of the Cholmeleys, further down the hill.

29. Most of this land within the Bowl, including the whole of the appeal site, is the subject of specific restrictive planning policies in the District Plan, under reference 37 in Schedule 7. The appeal site is Crown land and, until now, no planning applications have been made in respect of it. However, a number of unsuccessful applications have been made for the remainder of the reference 37 land and the principle of its value as a green wedge has been supported in a series of appeals. At the inquiry into the District Plan, the Council recognised its importance, while maintaining that limited, residential development might be carried out along its eastern edge, with access from Cholmeley Park. These points were accepted by the Inspector and referred to in his report. In Schedule 7 of the adopted plan, points (a) to (e) refer to the primary function of the open land and points (f) to (j) the considerations that have to be taken into account where development is proposed.

30. In 1984, the appeal site was becoming surplus to the appellants' requirements who intended to sell it, for housing development, to use the money elsewhere in the discharge of their duties. In accordance with the development plan, guidelines were put forward to assist them in its development. This guidance took into account the financial obligations of the appellants and relevant local and national policies and considerable weight should be given to it, It designated the density, height and alignment of buildings, the types of accommodation, the points of access and parking, the retention of trees and the open space. It also distinguished between sites A and C and referred to the retention of Furnival House. All these followed the requirements of the District Plan, for a limited development within the eastern part of reference 37 land, which did not cover all of areas A, B and C. The development was, in fact, limited to areas A and C because area B is an attractive open grassed-area, of high-amenity value, which is comparable to the rest of the adjoining open land to the west. Similar, but less important land, has been refused approval on appeal.

31. The proposals take up the whole of areas A and C but also encroach by some 18% onto area B. This includes one of the semi-detached houses, $\frac{1}{4}$ of the volume of the 4 crescent houses, the end of the service road and the fountain and entrance to the underground leisure facilities. In addition they have proposed a "grasscrete" road and turning space along the edge of area B. The reason for this is not known but it would appear to point to further development in area B and possibly more in area D. The guidelines suggested only that a suitable connection should be made with the existing track to the Harington Scheme. All this diminishes the value of area B and

is out of accord with (d) of the reference 37 policies. The development would also detract from the Highgate skyline and would impair the open land functions of the site as required under (b) and (f) of those policies.

32. The proposed apartment block of 5 to 7-storeys would be severely harmful to the character of the Conservation Area by reason of its appearance, height, length, which is some 80 m, and scale, and because it is too close to Cholmeley Park and unsympathetic in design. The guideline height is 4-storeys and this should not be interpreted as being no higher than Furnival House, especially as it far exceeds that building, and Cholmeley Dene, in its site coverage. In addition, one third of the block is in area C where low-density, single-storey housing is specified. The guidelines require the avoidance of bulk on the road frontage, yet the proposals achieve the opposite, being overbearing in their size, continuous length and proximity to the road. The design is uncompromisingly modern and on a dramatic scale, emphasised by its strong horizontality. The penthouses draw attention to its skyline and the attempt to break up its length must fail because the glazed areas are backed by staircase towers. In its lack of respect for the appearance of the neighbourhood, it is contrary to the policies of the District Plan, particularly as they apply to Highgate.

33. One of the great attributes of at least parts A and C of the site is its sylvan character. Within the site are more than 150 notable trees and many more saplings and semi-mature trees. Some trees have particular interest because they are good examples of their species or are uncommon locally. The trees have been neglected and require remedial surgery as well as the removal of dead wood and some felling. Over and beyond this the development would have a seriously, detrimental impact upon them. Over 120 trees will be lost representing 54% of the total. The most significant losses will be in the centre of the site and along its frontage and access road. Other losses will occur because of changes in water level, soil compaction and contamination and damage during construction works.

34. The appellants only classify 71 of the 153 trees and tree groups as having high, or very high, amenity value. Most trees falling within category 2, which includes those that need corrective surgery, and the remainder in categories 3 or 4, which indicates severe defects. This is not accepted, a study shows that many should have higher amenity and condition status and many more, with faults, are correctable. The proposals pay little regard to the position of trees and little thought has been given to the incorporation of existing trees into the new landscaping scheme. The range of trees and shrubs proposed are acceptable in themselves but at least 12 are placed too close to buildings requiring special foundations. The site will lose its sylvan character for ever and the new trees, planted on the reduced area of ground remaining, will never compensate adequately for this loss and will take many years to mature and make any impact.

35. In normal circumstances the District Plan requires a density range of 70 to 100 habitable rooms per acre (hra) for new development, [approximately 172 to 247 habitable rooms per hectare (hrh)]. Circumstances here, however, are exceptional and, because of the amenity value of the trees and the limited site covered by the existing buildings, a much lower density is justified. This applies particularly on area C, where 2-storey housing, not exceeding 100 hrh (40 hra), is required. Area A, where flats are suggested, should have a density of 210 hrh (85 hra) and there should be no development at area B. The appellants approach, of considering all 3 areas as one, is not acceptable when you take into account the differing physical character and topography of its parts. An analysis reveals that excessive densities will result. This is further worsened if you take account of the Council's definitions of an habitable room as being ones under 18.5 m² (200 sq ft), anything over being taken as 2. In those circumstances the excess on area A would be 91% and on area C 48%.

36. Included in the reasons for refusal is one that highlights the failure to retain the existing buildings, or any health-related use or accommodation for nurses, or any low-cost units to meet the needs of the area. Any of these would have been a point in favour of the scheme. Furnival House is a distinguished building, worthy of retention, which could continue to provide low-cost housing for nurses and thus relieve the acute shortage of such staff. The proposals are luxurious and highly priced, with no provision for low income groups. The latter could have been possible without undue detriment to the economic aims of the appellants.

37. In the face of all these objections, and those of the public, these appeals should fail. For the reasons given the proposals detailed in the full application are not acceptable. The Council also objects to both the Conservation Area Consent appeals because the demolition of the buildings, in the absence of acceptable proposals for redevelopment, would be premature. This follows the advice given in paragraph 95 of Circular 8/87. The remaining appeal should not be allowed because an application for outline permission in a Conservation Area is entirely inappropriate. Because of the sensitivity of such areas application giving full details are normally required. In addition the wording of the application is too vague and would only give rise to dispute. The density of 70 hra for the whole of the site is excessive and, in fact, is more than that asked for in the full application.

38. The alternative scheme proffered by the residents association has not yet been considered by the Council. It is, however, conservation orientated and has been drawn up in accordance with the guidelines and is a viable alternative. The number of habitable rooms is within the requirements and yet it produces some 41 dwellings, only 15 less than that of the appellants. It avoids the use of area B, as well as the excessive loss of trees, and is visually much more satisfactory. The quality of the Conservation Area, and the open appearance of the area in relation to the village, is maintained. The re-use of the existing buildings and points of access will mean far less disruption to the site. The site coverage, as a proportion of areas A and C, is only some 33% compared to the existing 28% and that of the appellants 53%. The extra attic floor to Furnival House would not adversely affect the skyline, or the appearance of the site, and there would be no change of any significance to the Cholmeley Park frontage.

The Case for the Cholmeley and Causton Residents' Association

39. The determining question is whether the proposals would enhance the appearance and character of the Conservation Area. This is supported by reference to *Steinberg v Secretary of State*, JPL 1989 p258. The particular character of this Conservation Area is of metropolitan, if not national importance. This is made clear in the Statutory Plans for the area as well as in the LPAC Strategic Guidance and the appeal decisions that have supported its preservation. The site makes a significant contribution to the Conservation Area. It separates, and helps to identify, its 2 major elements of differing character, Highgate Village on its hilltop and the Edwardian suburbs to the north. Furnival House, itself, makes an emphatic termination to the hilltop village and the remainder of the appeal site forms, either, part of the open land within the bowl of the hillside, or provides its sylvan character, both of which are important to the whole. The value of the site, in all these respects, can be appreciated from many points within the surrounding area, including views from private houses.

40. The appellants fail to understand its essential character. They are in error in claiming that the site is not a separation but a transition between the village and the suburb. A continuous range of dwellings, extending down the hillside and into the whole of areas A and C and part of B, will only merge the distinct elements

and destroy the space between them, as well as the trees and shrubs which are essential to its appearance. The reduced green space is too small and will lose its value because it will be seen to be surrounded by development which will also affect the wildlife site in area D. The existing topography of the site, however it was first established, should be enhanced and not ignored and destroyed.

41. The role of the existing buildings, walls and gateways, as part of the character of the area, should be respected and any replacement would have to make a greater contribution. The proposed apartments of 5 to 7-storeys will be set forward of Furnival House and Copley Dene and will extend beyond the present limits of those buildings. This form of development may be acceptable in relation to Cholmeley Lodge but cannot be so when seen in relation to the smaller dwellings down the hill. The assertion that the design of this "cliff-like" development will make them appear as pairs of semi-detached houses is not tenable.

42. References to the GLDP minimum density of 70 hra ignores the fact that these are exceptional circumstances, where lower densities are appropriate, as referred to in the District Plan and similarly in LPAC policies. The appellants use of density is also at fault in that they have taken figures for the whole of the site and have not appreciated the different character and density requirements of each of its parts. The inclusion in their calculations of area B, the major part of which is not to be built on, only masks the actual density on areas A and C. The relevant comparison is not with the total site but with the existing site coverage.

43. The harm caused will include the loss of some 130 of the 220 trees on the site, as well as risk to others during construction works and the loss of bushes and shrubs. Also, it is inevitable that the future occupants of the dwelling will require further felling because the retained trees will be too close to their properties. The appellants argument that a high proportion of the trees of best quality will be saved has not stood up to examination, nor has their claim that good tree husbandry and new planting will suffice to maintain the appearance of the site. Landscaping is a matter to be reserved for later consideration and, because the appellants are required to go out to tender for the sale of the site, there is no certainty of the identity of the future developer so that assurances on such matters cannot be sustained.

44. The additional traffic would not on its own warrant refusal of this scheme. However, it is a luxury development and the numbers of vehicles will be high. This, coupled with the restriction in the road width at the Channing Lodge, will inevitably mean that at peak times queues on Cholmeley Park will extend past the proposed southern entrance. A balance has to be struck between safety and amenity and these facts provide one more argument that what is proposed here is excessive. A smaller scheme would also reduce the need for parking spaces and for new and larger accesses which would also avoid the loss of trees. The appellants propose the use of too high a standard for the points of access. Planning Guidance stresses flexibility and a lower standard should be used in order to avoid harm.

45. The appellants have failed to follow the guidelines set out by the Council with the exception that they intend the retention of the Harington Scheme and the safeguarding of the pedestrian route. Arguments as to the status of these guidelines are sterile, adherence to them would preserve or enhance the Conservation Area and the appellants have not achieved these aims. Nor have they followed the factors, set out in Schedule 7, reference 37 of the District Plan, which were included to control, specifically, the development of this site.

46. No arguments have been made for the specific local need for housing. While there is a general need in Greater London, LPAC is satisfied that the density levels proposed by the Boroughs will satisfy these demands without the loss of open space.

The proposal is for 56 dwellings, the Association proposes a scheme for 41 dwellings without any undue impact upon the character and appearance of the Conservation area. This involves the conversion of Furnival House to 30 flats, Copley Dene to 4 flats, the retention and conversion of Cholmeley Dene to a 5-bedroom house and the erection of six 5-bedroom houses at the north end of the site. This alternative is physically possible and financially is more viable than the proposed scheme. It also accords with the Council's guidelines and the District Plan and has the support of many people.

47. This alternative is flexible and can be altered. It is based upon the guidelines, and involves the retention of the important buildings within the site, the protection of the 'Highgate Bowl' and the skyline of the village, as well as the preservation of mature trees wherever possible. The existing buildings are not listed but are worthy architectural examples of their period and the additional houses are to be detached suburban-villas. Furnival House was designed as an hostel and is capable of internal adaptation with the addition of more accommodation in an added mansard roof. The ballroom can become a health club and the semi-basements garages. Although the other houses have been neglected they are still capable of conversion. Parking is possible adjacent to all the buildings and 2 of the better vehicular accesses will be retained. The construction works will be simple and will not harm the amenities of others. The costs have been calculated to produce a profit of almost double that of the proposals with a third of the capital outlay over a shorter period.

The Case for the Highgate Conservation Area Advisory Committee

48. The committee serves the 2 adjacent Boroughs and is concerned with the protection of the Conservation Area. Great importance is attached to the open land known as the 'Highgate Bowl' and since 1956 successive attempts have been made to develop it, all of which have been turned down on appeal by the Secretary of State. The committee support the Council's District Plan and guidelines which have been given scant regard by the appellants. They have encroached onto area B and even provided an access across this area and they have proposed 7-storey flats where 4 were thought acceptable and 5-storey flats where 2-storey houses were intended. Their bulk and character would be irrevocably destructive of the Conservation Area. The appellants have no intention of carrying out the works themselves but aim to maximise their financial return.

The Case for the Highgate Society

49. The Society fully supports the Council in their refusal of these applications. The integrity of the open space must be maintained and this has been supported on previous appeals. They have made representations to the Council to this effect and the District Plan lays down that development must avoid impairing the function of such open land. This view was supported by the Inspector at the Public Inquiry into the Plan. The Council's guidelines must control the decisions on this site and the application is unacceptable against their yardstick. The proposals cannot be said to preserve or enhance the Conservation Area as they are required to do under the Act. They would destroy the wooded aspect of the site and its appearance it would damage the environment of the adjoining residential area and be very detrimental to the open appearance of the 'Highgate Bowl'.

50. The proposals are excessive in density, bulk, height and coverage of the site. The density calculations are misleading and the boundaries of the areas have not been respected. It is inappropriate to compare the density with the normal minimum because the site is exceptional and only appropriate for limited development as specified in the guidelines. The scheme would intrude into area B which is part of the open land and would seriously impair the amenities of the area. The

'grasscrete' road and parking spaces, by the introduction of vehicles, would equally threaten the area. The height and massing of the buildings would be grossly out of scale with the suburban houses. The loss of Furnival House and Copley Dene is unjustified they are widely appreciated in their setting and should be retained for reasonably-priced accommodation for nurses. The major loss of trees is the most serious aspect, particularly those along the road frontage. Again this could be largely avoided if the present buildings were retained and re-used.

51. An outline application is an entirely inappropriate medium for such a sensitive site in a Conservation Area and the densities asked for are entirely inappropriate. A site of such complexity in its levels, tree coverage and its proximity to the open land and in its importance to the community demands the most careful and detailed consideration. Equally the society is opposed to the application for the demolition of the existing buildings in advance of any detailed permission being granted for redevelopment and because they are worthy of preservation in their own right.

The Case for the Cholmeley Lodge Residents' Association

52. The Association represents the occupants of 35 of the 48 flats in their building, the southern wall of which is about 1.3 m from the boundary of the appeal site. The site should only be developed in accordance with the Council's guidelines and all the current appeals should be dismissed to allow fresh applications on an acceptable basis. Until that happens no permission should be given for the demolition of the existing buildings. The retention of Furnival House is preferred unless it were proven to be impracticable. Particular concern is with the re-siting of the access point because of the loss of trees and the reduction in the boundary walls, as well as the disturbance caused by the traffic to the site.

The Case for the Elm Court Residents

53. Mr Dulley spoke of concern for elderly residents in the area, as well as children who attend the Channing School and those who attend the Harington Scheme, which is partly intended for the handicapped. Most of the elderly shop in the village and have to cross Cholmeley Park to reach the continuous pavement on the side near the entrance to the appeal site. This is already hazardous as a result of the amount of traffic, the use of the entrance and the number of parked cars. If the proposals are built this will be made intolerable by the increase in traffic, and the re-siting of the access. The occupants are bound to be wealthy with up to 5 cars for each family. The amenities of the land are of value to the community and this view has been supported by the Secretary of State. Privately, Mr Dulley considered it desirable that it should be preserved but if change were to come then logically it should be for sheltered housing for people who own less cars.

The Case for the Harington Scheme

54. Area D of the appeal site is occupied by this Scheme which provides horticultural training for young people with learning difficulties. It is leased from the appellants at a peppercorn rent and a long term lease has been agreed in principle. The Council's guidelines for the control of development are fully supported as is their view that the existing buildings should be re-used. Objection is taken to the height, bulk and density of the proposals as well as the loss of trees and the encroachment onto the open land. The provision of a "grasscrete" track across this land is unnecessary. If it were extended it would seriously interfere with the work of the scheme. Concern is also felt about the provision of car-parking space next to the wildlife area within the scheme.

My Conclusions

55. There is no doubting the importance of the Bowl of open land in the appearance and the amenities of this area and, with it, the significance of both the siting of the village of Highgate on its ridge and its surrounding residential areas. I recognise the strong feelings of concern of the local residents as to its future and I was grateful for those who gave me the opportunity of viewing it from their homes. The site is part of this exceptional area and the essential thing for me to consider is the visual impact of the proposals on this scene. At present the site is one of those areas of underused, partly derelict land which is referred to in the Planning Policy Guidance Notes and which could make a very positive contribution to the provision of residential accommodation to satisfy part of the pressing need for London as a whole. The District Plan clearly envisages a limited amount of such development in the eastern part of the Bowl and the retention of its central and western parts as open land. As I made clear in the opening of this letter, the fundamental question remains as to whether, in this Area of Special Value, what is presently proposed goes beyond this intention and, if not, whether it can be said to preserve or enhance the Conservation Area of which it forms part.

56. The striking feature of the area is the hilltop siting of Highgate Village and its contrast with the descending open land of the Bowl. The boldness of the ridge development arises from the compact nature of a wide variety of buildings and their proximity to the edge of the ridge. This character is underlined when it is seen in contrast with the smaller scale residential area of Cholmeley Park. What is essential in these circumstances is to appreciate the ascending line of Cholmeley Park Road, which links these 2 major elements together, and how this character is to be enhanced by any development within the site.

57. While I can understand peoples concern, I cannot accept the argument that says the least done the better. It seems to me the site demands a bold but sensitive treatment that will form a transition, linking these 2 disparate elements together to the benefit of both. The argument that there should be a space between them is not to my mind valid, neither is the view that Furnival House should be retained to continue to act as a "full stop" to the ridge development. This latter argument is superficially attractive but it only serves to perpetuate the distinction between the 2 parts. Whereas, it is my view that a comprehensive approach should be made to this important site, based on a thorough appreciation of its character, so as to link the old village with the comparatively newer area of housing in a satisfactory way.

58. It is important for me to set down my reactions to the principal arguments that were used at the inquiry. Firstly, let me say that I do not consider the form, appearance and detail of what is proposed is unacceptable. The form of the existing development on the site, which is based on individual buildings within their own large plots, does not necessarily mean that it should be followed in the future. By the same token, I do not believe the particular qualities of the present buildings are of such significance as to warrant their retention to the exclusion of reasonable alternatives. The present proposals have been designed by an architect for this particular site and are an exciting solution to the difficult problems of the levels and shape of a site, which is of such importance, and has so many unusual characteristics, as to demand the highest standard of consideration.

59. Another important factor, in these considerations, is the strict adherence to the 4 areas which form the basis of the Council's guidelines for this development. I cannot but agree that they are almost entirely artificial in their origins and to think of this site as being subdivided in this way prevents a comprehensive approach to its redevelopment. Area D will remain as open space and so would the bulk of Area B and, together, these make a major contribution to the open land in the centre

of the Bowl. I can also accept that the site should be composed of a mixture of flats and houses to suit the market requirements and to underline the link between the 2 elements of the Conservation Area. The proposals do this admirably in the way they relate to the high, very distinctive, outline of the flats at Cholmeley Lodge and to the houses at the bottom of the hill.

60. The question of density is also relevant to this because, to some extent, it dictates the form the development should take. In this instance, I believe, it would be incorrect to insist on the omission of the communal open space, Area B, from the calculation because the whole of Areas A, B and C, which make up the site, should be thought of as one, in the way that your clients have proposed. Thus the overall density figure should apply to the whole of the site and I can see no quarrel with the figures you produce which fall below the minimum, as expressed in the Greater London Development Plan, and also accords with the provision of the District Plan where, for exceptional environmental reasons, even lower densities are required. It is equally inappropriate to consider that rooms above a certain size should be considered as 2 for residential density calculations. This would seem to act against the provision of larger accommodation to suit the needs of a particular part of the housing market, a question of reasonable choice which is a matter more appropriately left for a decision by the developer or purchaser.

61. The east side of Cholmeley Park Road is lined with a series of properties and these are closely set together and form an almost continuous band of development up to the gap before the school buildings. They culminate in a group of taller buildings and, to a point, this illustrates the ascending and rising scale of continuous development that we are discussing for the appeal site. Similarly, the existence of Cholmeley Lodge at the top of the hill, above the appeal site, clearly forms an important consideration when deciding the acceptable height of the proposed buildings. These will be well lower than it and will reduce in height as they descend the hill. There will thus be an almost continuous band of development along both sides and this will form an appropriate introduction to the busy activity along Highgate Hill and the High Street. The juxtaposition with Cholmeley Lodge forms the link to the High Street development of the village proper and, at the other end, the treed gap at the bottom of the hill seems an entirely appropriate transition and separation between the houses and the flats.

62. The use of flats is not an uncommon feature of this part of London and, in the way proposed here, I do not doubt that in such moderation it is the right form of development for this site. Particularly, as it includes arrangements for the car parking to be underground, to the visual benefit not only of the residents on the site but also the area as a whole. The points of access are compatible with the form of development and, from the point of view of safety, can only be an improvement on that which exists especially if these were to be used to the full. The retention, and repair, of the boundary walls along the road side is welcome because they form an interesting and familiar feature in themselves. The proximity of the flats to the road frontage is a matter of understandable concern but I have been persuaded that this is acceptable by the fact that they are only marginally further forward than the existing house, Copley Dene, and, to a greater extent, Furnival House. Accepting that some development will take place, I cannot see that they would appear excessively obtrusive, particularly as there is a considerable band of landscaping along the road frontage.

63. The depth of penetration of the development into the site is an important issue and, looked at in the wider context, it can be said that the proposals follow the guidance of the District Plan in limiting the residential development to the eastern part of the Bowl with access from Cholmeley Park. I cannot see that what is now proposed is so contrary to the principle of the guidance as to be unacceptable. What is important, in this context, is the perpetuation of the Harington Scheme as

an open land use and the retention of at least the greater part of area B as open grassland. Both of these will be seen together to form part of the open Bowl of land which was the original intention of the Plan and, as everyone agrees, is so important as a visual element in the make up of the district's character. I see nothing untoward in the provision of a 'grasscrete' track across the open grassland but take it as fulfilling the requirement to maintain the access to the Harington Scheme. It may be that further discussions will reveal that it is not required in that particular form.

64. The question of the contribution that the trees make is of extreme importance. I am persuaded by what I saw, and by what I was told, that the wooded area is not in good condition and is, to a great extent, unplanned and self-generated and in need of a great deal of clearing, remedial work and judicious replanting. As it is recognised that residential accommodation is to be provided in this area, it seems to be inevitable that some considerable change would take place to this tree cover whatever was finally decided. The loss of trees is always to be regretted but I am reassured by the extent of advice taken on this subject, and the care taken in siting buildings, as well as the proposed retention of individual and important groups of trees as a basis for a comprehensive scheme of regeneration and replanting. I am satisfied that, with adequate conditions requiring the provision of such landscaping and the protection of the existing during construction works, as far as is reasonably possible, the general treed character of the site would be preserved without undue detriment to its appearance.

65. I have also carefully considered the scheme proposed by the Residents' Association which establishes, in clear terms, the alternative arguments with which I am faced. It is based, very much, on the conservation of the present buildings but I have already suggested I do not consider Furnival House to be of such merit as to warrant exceptional treatment. Together with the large terrace that has been created for it, it does not sit happily on its hillside. When account is also taken of its orientation, the disposition of its several parts as well as its internal layout, room sizes and heights, I am not convinced that its conversion would provide the best of amenities for its occupants. The other 2 houses have some merit but, again, they are not of a standing which would demand their retention. Conservation of such buildings is not necessarily of overriding importance and, it seems to me, that this is a site that warrants a comprehensive approach as put forward by the appellants and which I am bound to consider on its own merits. I consider as unresolved the arguments as to the financial merits of the opposing schemes.

66. Taking note of all these arguments, and having considered the exceptional merits of the proposals as put before me, I have reached the conclusion that I find them acceptable. I believe they will be of positive benefit and will both preserve and enhance the qualities of the Conservation Area so as to override all the objections that were put before me. I do not accept that they contravene the function of the open land as set down in the District Plan nor do they disregard the factors to be followed in considering the development of this site as also set down in that plan. The written guidelines are clearly for guidance purposes only and that the proposals have followed them in general principle, rather than in specific detail, is all that can reasonably be expected. The advice in Circular 15/84 is to the effect that a careful balance has to be struck between conservation and development and I believe that, in this case, it has been achieved.

67. The question of conditions was discussed at the inquiry and those proffered by the Council were considered acceptable by yourselves. I find inappropriate the condition which relates to the removal of the General Development Order rights of the occupants. This I believe to be unnecessary and out of accord with the requirements of Circular 1/85. However, I consider it important to ensure that proper consideration is given to landscaping, finishes and materials and that the

garaging and parking of vehicles is protected for the occupants use. I am therefore including conditions to that effect.

68. It follows from the above that both applications for Conservation Area Consent will also be allowed. However, in accordance with the advice in Circular 8/87, in doing so I am imposing a condition insuring the retention of the existing buildings until a contract has been let for the overall development of the site.

69. The remaining application which is in outline only is, however, not acceptable. I believe that on such an important site in a Conservation Area it is both reasonable and necessary to have an application which shows in detail what is intended in order that proper consideration can be given to the proposals.

70. I have had regard to the other appeal decisions that were brought to my attention, as well as all the other matters referred to in the representations and at the inquiry, but I do not find that they outweigh the conclusions that I have reached.

Decisions

Appeal 1. Application for Planning Permission

71. For the above reasons, and in exercise of the powers transferred to me, I hereby allow this appeal and grant planning permission for the erection of 35 residential apartments and 21 houses and studios with garages, car parking, roadways and residents amenity building, 2 new vehicular entrances and 3 new pedestrian entrances at Furnival Site, Cholmeley Park, Highgate, London N6 incorporating (50) Furnival House, (46) Copley Dene, (48) Cholmeley Dene and Newtownards in accordance with the terms of the application (No HGY 36339) dated 13 November 1987 and plan Nos 492/S-01D to S-08D, 201D, 202E, 203D, 204E to 217E, 218D, 219E, 220D, 221E to 231E, 255/1A, 2 and 3, subject to the following conditions:

1. the development hereby permitted shall be begun before the expiration of 5 years from the date of this letter;
2. no development shall take place until there has been submitted to and approved by the local planning authority a scheme of hard and soft landscaping which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development;
3. all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation;
4. details of the materials to be used for the external surfaces of the building shall be submitted to and approved in writing by the local planning authority before any work is commenced;
5. the car parking accommodation shown upon the approved drawings shall be provided and retained permanently for the accommodation of vehicles of occupiers of the buildings and users of the premises only and shall not be used for other purposes.

Appeals 2 and 4. Applications for Conservation Area Consent (HGY 36340 and 37490)

72. For the above reasons and in exercise of the powers transferred to me, I hereby allow these appeals and grant Conservation Area Consents for the demolition of Furnival House, Cholmeley Dene and Copley Dene and sundry sheds and garages at Furnival site, Cholmeley Park, Highgate, London N6 incorporating (50) Furnival House, (46) Copley Dene (48) Cholmeley Dene and Newtownards in accordance with the terms of the application (No HGY 36340) dated 13 November 1987 and the application (No HGY 37490) dated 3 June 1988 and the plans submitted therewith, subject to the following conditions:

1. the development hereby permitted shall be begun before the expiration of 5 years from the date of this letter;

2. the buildings shall not be demolished before a contract for the carrying out of works of redevelopment of the site is made and planning permission has been granted for the redevelopment for which the contract provides.

Appeal 3. Application for Planning Permission (HGY 37489)

73. For the above reasons and in exercise of the powers transferred to me I hereby dismiss this appeal.

74. An applicant for any consent, agreement or approval required by a condition of these permissions has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

75. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Section 23 of the Town and Country Planning Act 1971.

I am Gentlemen
Your obedient Servant



J R COWARD MCD BArch RIBA
Inspector

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4 July 89

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INTERESTED PERSON

- | | |
|------------------------|--|
| Miss J Herbert-Stepney | - 41 Priory Gardens, Highgate, London
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|------------------------|--|

DOCUMENTS

Documents 1a-g - List of persons present at the inquiry.

Document 2 - Notice of the inquiry and circulation list.

DOCUMENTS (CONTD)

- Documents 3a-b - Two letters of objection.
- Document 4 - Joint analysis of comparative densities, site areas and building heights by the appellants and Council.

SUBMITTED BY THE APPELLANTS

- Document 5 - Borough Planning Officer's report to committee - 3 May 1988.
- Document 6 - Council's letter of guidance for the development of site - 19 July 1985.
- Document 7 - Chronology of meetings between appellants representatives, the Council and interested parties - 1987.
- Document 8 - Department of Health Circular (83)22 - Underused and surplus Property - November 1983.
- Document 9 - Department of Health Circular (85)119 - Residential Accommodation for Staff - July 1985.
- Document 10 - National Health Service Handbook on Land Transactions - Section 7 - Surplus Property.
- Document 11 - Analysis of present and proposed ground uses of appeal site including residents' proposed scheme.
- Document 12 - Analysis of habitable rooms per acre on various sites in locality (map attached).
- Documents 13a-b - Correspondence with Council on highway matters November/December 1988.
- Document 14 - Haringey Design Guide for Roads in Residential Areas - 1980.
- Document 15 - Note on alternative standards for road access visibility splays.
- Document 16 - Tree survey by Mr Peter Bridgeman and associated correspondence - July/August 1986.
- Document 17 - Extract from British Standard 5837:1980 (Rev 1987).
- Document 18 - Schedule of trees to be lost due to proposed development - 9 December 1988.
- Document 19 - Extract from Planning Officer's report to Committee concerning trees - 3 May 1988.
- Document 20 - Analysis of tree losses arising from residents' alternative proposals.
- Document 21 - Decision letter T/APP/Y5420/A/86/58545/P4 - 1987.
- Document 22 - Extract from Nikolaus Pevsner book on North London pps 374-379.
- Document 23 - Analysis of site areas, density and Nos of habitable rooms.

DOCUMENTS (CONTD)

Document 24 - Summary of Council brief.

SUBMITTED BY THE COUNCIL

Document 25 - Islington Health Authority - site and building details.

Document 26 - Extract from District Plan - April 1982.

Document 27 - Extracts from Greater London Development Plan - July 1976.

Document 28 - Council's guidelines for the appeal site - letter 19 July 1985.

Document 29 - Extract from Inspector's report on the draft District Plan - 1981.

Document 30 - Middlesex County Council's refusal notice, appeal decision letter and Inspector's report APP/1234/A/52582 - 25 June 1962.

Documents 31a-b - Appeal decision letter and Inspector's report P1/4415/220/1 - 30 July 1969.

Documents 32a-c - Council's committee report and refusal notice and appeal decision letter T/APP/5015/A/74/11498/G9 - 25 October 1975

Documents 33a-b - Decision letter and Inspector's report APP/Y5420/A/86/046327 and A/86/059505 - 25 August 1987.

Document 34 - Decision letter T/APP/Y5420/A/87/082324/P5 - 31 October 1988.

Documents 35a-u - Correspondence with appellants agents 11 February 1987 to 6 May 1988.

Documents 36a-b - Appeal application No 36339 of 13 November and letter of 1 December 1987.

Document 37 - Conservation Area Consent appeal application No 36340 - 13 November 1987.

Document 38 - Peter Bridgeman and Associates - arboricultural report - February 1987.

Document 39 - Knight, Frank and Ratley - report on appeal application - 27 November 1987.

Documents 40a-e - Bundle of 5 letters of objection from local residents' associations - January and February 1988.

Documents 41a-b - Planning and conservation area consent application Nos 37242 and 37243 of 9 April 1988.

Document 42 - Borough Planning Officer's report to committee - 3 May 1988.

Document 43 - Extract from minutes of Development Control Sub-Committee - 10 May 1988.

Document 44 - Applications Nos 36339 and 36340 - notices of refusal - 10 May 1988

DOCUMENTS (CONTD)

- Documents 45a-b - Appeal - applications 6 and 19 May 1988.
- Documents 46a-b - Planning and conservation areas consent applications Nos 37489 and 37490 - 3 June 1988.
- Document 47 - Letter of amendment to planning application No 37489 - 19 August 1988.
- Documents 48a-b - Appeals against failure to determine application Nos 37489 and 37490 - 9 November 1988.
- Document 49 - Arboriculturists observations on applications - 17 January 1989.
- Document 50 - Report on tree loss in appeal scheme and residents alternative scheme.

SUBMITTED BY CHOLMELEY AND CAUSTON RESIDENTS' ASSOCIATION

- Document 51 - Extract from Strategic Planning Advice for London - LPAC - October 1988.
- Document 52 - Summary of appraisals of costs and values for appeal and residents schemes.
- Document 53 - Comparative values of local properties.

SUBMITTED BY THE HIGHGATE SOCIETY

- Document 54 - Schedule of viewpoints in locality and accompanying plans.
- Document 55 - Letter commenting on appeal scheme - 6 August 1987.

SUBMITTED BY THE HARINGTON SCHEME

- Documents 56a-b - Explanatory booklets.
- Document 57 - Letter commenting on appeal scheme - 12 February 1988.
- Documents 58a-e - Magazine and newspaper cuttings.

PLANS

SUBMITTED BY APPELLANTS

APPEAL APPLICATIONS	Nos <u>492 SERIES</u>	HGY/36339 <u>TITLE</u>	and	HGY/37340 <u>SCALE</u>
		<u>OVERALL SITE</u>		
Plan A	201D	Orientation		1:1250
Plan B	202D	Location		1:500

PLANS (CONTD)

SUBMITTED BY APPELLANTS (CONTD)

APPEAL APPLICATIONS	Nos <u>492 SERIES</u>	HGY/36339 <u>TITLE</u>	and	HGY/37340 <u>SCALE</u>
		<u>OVERALL SITE</u>		
Plan C	203D	sections 7 & 8		1:500
Plan D	204D	basement		1:200
Plan E	205D	ground		1:200
Plan F	206D	first floor		1:200
Plan G	207D	second floor		1:200
Plan H	208D	6th floor		1:200
Plan I	209D	roof		1:200
Plan J	210D	section 1-1		1:200
Plan K	211D	section 2-2		1:200
Plan L	212D	section 3-3		1:200
Plan M	213D	section 4-4		1:200
Plan N	214D	section 5-5		1:200
Plan O	215D	section 6-6		1:200
Plan P	216D	dwelling types		
		<u>THE APARTMENTS</u>		
Plan Q	217D	floor plans		1:200
Plan R	218D	floor plans		1:200
Plan S	219D	floor plans		1:100
Plan T	220D	floor plans		1:100
Plan U	221D	elevations		1:100
Plan V	222D	west elevation		1:100
Plan W	223D	section & elevation		1:100
		<u>THE STUDIOS</u>		
Plan X	226D	floor plans		1:100
Plan Y	227D	elevation & sections		1:100

PLANS

SUBMITTED BY APPELLANTS

APPEAL APPLICATIONS	Nos <u>492 SERIES</u>	HGY/36339 <u>TITLE</u>	and	HGY/37340 <u>SCALE</u>
		<u>SEMI DETACHED HOUSES</u>		
Plan Z	228D	floor plans		1:100
Plan A1	229D	elevations & sections		1:100
		<u>THE CRESCENT HOUSES</u>		
Plan B1	230D	floor plans & elevations		1:100
		<u>THE PAVILIONS</u>		
Plan C1	231D	floor plans & elevations		1:100
		<u>ADDITIONAL PLANS</u>		
Plan D1	224D	entrance axonometric		Not to scale
Plan E1	232D	site services		1:200
		<u>SURVEY PLANS</u>		
Plan F1	S-01D	orientation		1:1250
Plan G1	S-02D	location		1:500
Plan H1	S-03D	analysis		1:200
Plan I1	S-04D	section A-A		1:200
Plan J1	S-05D	section B-B		1:200
Plan K1	S-06D	section C-C		1:200
Plan L1	S-07D	section D-D		1:200
Plan M1	S-08D	section E-E		1:200
		<u>SERIES 2658</u>		
Plan N1	1A	Furnival site		1:200
Plan O1	2	Furnival House - elevations		1:100
Plan P1	3	Furnival House - Sections and Copley Dene - elevations		1:100

PLANS

SUBMITTED BY APPELLANTS

	<u>492 SERIES</u>	<u>TITLE</u>	<u>SCALE</u>
APPEAL APPLICATION NO HGY/37489			
Plan Q1	201D	orientation site plan	1:1250
		(and illustrative drawings as above Plans A to E1)	

APPEAL APPLICATION NO HGY/37490			
Plan R1	S-01D	orientation survey plan	1:1250
Plan S1	S-02D	location survey plan	1:500
Plan T1	S-03D	analysis site survey	1:200
Plan U1	S-04D	survey section A-A	1:200
Plan V1	S-05D	survey section B-B	1:200
Plan W1	S-06D	survey section C-C	1:200
Plan X1	S-07D	survey section D-D	1:200
Plan Y1	S-08D	survey section E-E	1:200

FURTHER SET OF ORIGINAL APPLICATION HGY/36339 PLANS (SUFFIX D) AND AMENDED PLANS (SUFFIX E) RECEIVED DURING THE INQUIRY

		<u>OVERALL SITE</u>	
Plan Z1	201D	orientation	1:1250
Plan A2	202E	location	1:500
Plan B2	203D	sections 7 & 8	1:500
Plan C2	204E	basement	1:200
Plan D2	205E	ground floor	1:200
Plan E2	206E	first floor	1:200
Plan F2	207E	second floor	1:200
Plan G2	208E	6th floor	1:200
Plan H2	209E	roof	1:200
Plan I2	210E	section 1-1	1:200
Plan J2	211E	section 2-2	1:200

PLANS

SUBMITTED BY APPELLANTS

	<u>492 SERIES</u>	<u>TITLE</u>	<u>SCALE</u>
Plan K2	212E	section 3-3	1:200
Plan L2	213E	section 4-4	1:200
Plan M2	214E	section 5-5	1:200
Plan N2	215E	section 6-6	1:200
Plan O2	216E	dwelling types	-
<u>THE APARTMENTS</u>			
Plan P2	217E	floor plans	1:200
Plan Q2	218D	floor plans	1:200
Plan R2	219E	floor plans	1:100
Plan S2	220D	floor plans	1:100
Plan T2	221E	elevations	1:100
Plan U2	222E	west elevation	1:100
Plan V2	223E	section and elevations	1:100
<u>THE STUDIOS</u>			
Plan W2	226E	floor plans	1:100
Plan X2	227E	elevations and sections	1:200
<u>SEMI DETACHED HOUSES</u>			
Plan Y2	228E	floor plans	1:100
Plan Z2	229E	elevations and sections	1:100
<u>THE CRESCENT HOUSES</u>			
Plan A3	230E	floor plans & elevations	1:100
<u>THE PAVILIONS</u>			
Plan B3	231E	floor plans & elevations	1:100
<u>ADDITIONAL PLANS</u>			
Plan C3	224D	entrance axonometric	not to scale

PLANS

SUBMITTED BY APPELLANTS

	<u>492 SERIES</u>	<u>TITLE</u>	<u>SCALE</u>
Plan D3	232E	site services	1:200
Plan E3	2558/1/A	tree count	1:200
Plan F3	2558/1/A (reduced)	site plan overlay - existing & proposed	not to scale
Plan G3		reduced series of application plans (Suffix D)	not to scale
Plan H3		reduced series of amended plans (Suffix E)	not to scale
Plan I3		analysis of encroachment onto Area B	1:200
Plan J3		Area Health Authority Land - Cholmeley Park	1:1250
Plan K3		landscape context - GAC1 - No 1311/01	1:5000
Plan L3		landscape appraisal - GAC2 - No 1311/02	1:500
Plan M3		landscape propoals - GAC3 - No 1311/03	1:200
Plan N3		landscape proposals - GAC3 (reduced)	not to scale
Plan O3		landscape proposals - GAC3A (reduced)	not to scale
Plan P3		tree losses - residents proposals - GAC4A	not to scale
Plan Q3		tree survey and analysis - PB5	not to scale
Plan R3		location plan - MPW1	1:2500
Plan S3		site location - MRN1	1:1250
Plan T3		base traffic flows 0800-0900 hours - MRN2	not to scale
Plan U3		total traffic flows 0800-0900 hours - MRN3	not to scale
Plan V3		proposed road layout MRN4	approx 1:12500
Plan W3		comparative access sight lines at 4.5 m - north access - MRN5	1:200
Plan X3		comparative access sight lines at 4.5 m - south access - MRN6	1:200
Plan Y3		comparative access sight lines at 2.4 m - north access - MRN7	1:200
Plan Z3		comparative access sight lines at 2.4 m - south access - MRN8	1:200

PLANS

SUBMITTED BY APPELLANTS

Plan A4 analysis of site coverage - residents' scheme 1:400
Plan B4 analysis of views and overlooking from Furnival House 1:200

SUBMITTED BY COUNCIL

Plan C4 sub-division of site and adjoining land - No 7901 1:1250
Plan D4 previous appeal sites in locality - No 7902 1:1250
Plan E4 conservation area boundary and extension - No 7903 1:1250
Plan F4 road markings, existing access and comparative sight lines 1:500
Plan G4 road markings, proposed access and comparative sight lines 1:500

SUBMITTED BY CHOLMELEY AND CAUSTON RESIDENTS' ASSOCIATION

Plan H4 alternative residents' scheme - No SK01 - site 1:400
Plan I4 alternative residents' scheme - No SK02 - section AA 1:400
Plan J4 alternative residents' scheme - No SK03 - tree study 1:200
Plan K4 sketch for alterations to Furnival House 1:100
Plan L4 original sketch proposals by residents 1:400

SUBMITTED BY CONSERVATION AREA ADVISORY COMMITTEE

Plan M4 comparison of existing use proposed ground levels 1:400

SUBMITTED BY HIGHGATE SOCIETY

Plan N4 "The Highgate Bowl" and boundary of open land 1:1250

SUBMITTED BY THE HARINGTON SCHEME

Plan O4 location of Harington scheme and its access 1:2500

PHOTOGRAPHS

SUBMITTED BY APPELLANTS

SUMMER PHOTOGRAPHS FROM FOLDER GACP (location plan included)

- Photograph S1 Cholmeley Park from Highgate Hill.
- Photograph S2 Cholmeley Park (north east end of Cholmeley Lodge to left).
- Photograph S3 Vehicular entrance to Furnival House.
- Photograph S4 Furnival House from Cholmeley Park.
- Photograph S5 Cholmeley Park (appeal site on left).
- Photograph S6 Copley Dene from Cholmeley Park.
- Photograph S7 South up Cholmeley Park (appeal site on right).
- Photograph S8 North end of appeal site.
- Photograph S9 Cholmeley Park at junction with Cholmeley Crescent and Causton Road.
- Photograph S10 Appeal site - south towards Furnival House and Cholmeley Lodge.
- Photograph S11 Appeal site - north east towards Cholmeley Dene and Copley Dene.
- Photograph S12 View from Alexandra Palace towards appeal site.
- Photograph S13 View from Crouch End Recreation Ground towards the appeal site.

WINTER PHOTOGRAPHS FROM FOLDER GACP (location plan included)

- Photographs W1, W2 Cholmeley Park north east towards appeal site.
- Photograph W3 Entrance to Furnival House.
- Photograph W4 Furnival House from Cholmeley Park.
- Photograph W5 Cholmeley Park (appeal site on left).
- Photograph W6 Copley Dene from Cholmeley Park.
- Photograph W7 South up Cholmeley Park (appeal site on right).
- Photograph W8 North end of appeal site.
- Photograph W9 Cholmeley Park at junction with Cholmeley Crescent and Causton Road.
- Photograph W10 Appeal site - south towards Furnival House and Cholmeley Lodge.
- Photograph W11 Appeal site - north east towards Furnival House and Copley Dene.

PHOTOGRAPHS (CONTD)

Photograph W12 View from Alexandra Palace towards appeal site.
Photograph W13 View from Crouch End Recreation Ground towards appeal site.
Photograph W14 View from Kingsley Place south east towards appeal site.
Photograph W15 View from Peacock Walk south towards appeal site.

PHOTOGRAPHS FROM FOLDER MPW (location plan included)

Photograph A Lodge to Channing School.
Photograph B Cholmeley Park (Cholmeley Lodge on left).
Photograph C, D Elm Court from Cholmeley Park.
Photograph E Copley Dene.
Photograph F Looking south up Cholmeley Park.
Photograph G East front of Cholmeley Dene.
Photograph H West front of Cholmeley Dene.
Photograph J, L South up Cholmeley Park.
Photograph K 46, 46a Cholmeley Park.
Photograph M 51 Cholmeley Park.

PHOTOGRAPHS FROM FOLDER PHB (schedule and location plan included)

Photograph 1 Malus trees Nos 22 and 23.
Photograph 2 Beech tree No 78.
Photograph 3 Chile Pine No 86, Pire No 87.
Photograph 4 Thorn No 97.
Photograph 5 Re-pollarded Poplars Nos 135 and 136.
Photograph 6 Thorn No 141.

SUBMITTED BY CHOLMELEY AND CAUSTON RESIDENTS' ASSOCIATION FOLDER ME

Photographs 1,2 North down Cholmeley Park.
Photograph 3 South up Cholmeley Park.
Photographs 4,5 Cholmeley Dene.

PHOTOGRAPHS (CONTD)

Photographs 6,8 Furnival House from Elm Court (winter).
Photograph 7 Copley Dene from Elm Court (winter).
Photographs 9,10 Furnival House and Copley Dene from Elm Court (winter).
Photograph 11 North along Cholmeley Park from Elm Court (winter).
Photograph 12 Copley Dene from Cholmeley Park.
Photograph 13 North down Cholmeley Park (appeal site on left).
Photographs 14,15,16 South up Cholmeley Park (appeal site on right).
Photograph 17 Furnival House and Copley Dene from Cholmeley Park.

SUBMITTED BY THE HIGHGATE SOCIETY (location plan included in folder)

Photographs 1a, 1b)
 2a, 2b) North from Cholmeley Lodge across appeal site.
Photographs 3,4,5,8,
12,11,14,16,21,20 Descending Cholmeley Park from south.
Photographs 19,13,9,
18,15 Ascending Cholmeley Park from north.
Photographs 6,7,10 Furnival House.
Photograph 17 North entrance to site.
Photograph 18a Site from Peacock Walk.
Photograph 22 Front car park to Furnival House.
Photographs 23,24,25,
26,27,33 Garden to Furnival House.
Photographs 28,29,30 Views within area B.
31,32,35
Photographs 36,37,38,
39 Views around Cholmeley Dene.