

According to a **survey by Grosvenor Estates** in conjunction with Civic Voice, the public lacks trust in developers. Only 2% of the public trust developers to act honestly, while only 7% have confidence in their local authorities and over 70% think both should be accountable for their actions and decisions. 71% want local people to have more involvement in planning, and 69% want more transparency from developers. 43% of the public believe there is pressure to weaken the planning system, and that "Development is done *to* people". Are we surprised? The two bodies will form a steering group to consider the future of public participation, consultation and rebalancing power in planning.

We continue to get mixed decisions from Haringey – some good, but others poor decisions which are accelerating the deterioration of the Conservation Area.

They allowed a new development in the gardens of the nursery school at **2 Highgate Avenue**. There were many objections, but also a lot of letters of support, many from well beyond Highgate and mainly from parents of the school with no concern for planning impacts.

We have objected to an application at **34 Hampstead Lane** to replace the existing house with a much larger one with a very deep basement, including an indoor swimming pool which, in parts, will be almost 6m (20ft) deep. It will also have a major impact on major mature oaks around the site. We consider it a gross overdevelopment and await a decision.

We are dismayed at Haringey's failure to take enforcement action against a breach of planning consent at **9 Grange Road**, the roof of which has been built some 1.5m higher than permitted, and to grant retrospective permission against their own policies. We cannot accept their argument that "we had to accept that there is no defined height to the buildings on Grange Road. The heights of buildings both on Grange Road and Broadlands Road also sit on varying ground levels as such influencing how buildings are viewed and appreciated." The developers applied for – and Haringey gave permission for – a specified height; if that is ignored, others will simply be encouraged to do likewise. We have reminded Haringey of an appeal, back in about 2009, against retrospective refusal of a block of flats in Wigan built 1.3m higher than its permission. The Inspector rejected the appeal and ordered that the block should be demolished.

Similarly at **6 Grange Road**, we have urged that the proposed increase in height of the permitted scheme is a material change, not non-material, citing a recent decision where Southwark refused to accept a 60cm height increase on a 10 storey tower as non-material. Haringey have nevertheless allowed the development to continue, even though that the pre-commencement conditions have not been discharged; Haringey enforcement has written to the developers but the work continues regardless.

Back at **34 Hampstead Lane**, we have had to dispute Haringey's interpretation of planning law. A previous consent to demolish the existing expired this August. Under current planning law, the developer drove a pile into the ground and then applied for a Certificate of Lawfulness that the development had commenced and that the permission had not expired. However, if the developer could demonstrate this, it would have been sufficient and going through the Certificate of Lawful Development procedures is completely wrong and a misapplication of planning law. It is mystifying why Haringey could not see this. We have sent two long letters to Haringey setting out their procedural failures: an edited text is given in the website version of this report.

At **5 Muswell Hill Road**, an application was submitted for a single-story extension into the back garden which would be built up against the boundary with Highgate Wood, affect several mature oaks in the Wood and reduce light to that part of the wood. When we warned the City of London, they asked Haringey the current position, and were informed that the proposals were only at pre-application stage. However, since it we had already seen it on the planning lists, we asked Haringey to clarify the position, and were told that an application had been submitted. This conflict of advice to interested parties could have resulted in the City not being able to comment until after the application had been decided. We have submitted a strong objection, details of which can be seen on the website edition, citing:

- The Highgate Neighbourhood Plan states that the impact of development on the character of Highgate's open spaces is a key issue and identifies Highgate Wood as a Major Open Space;
- Of the nine trees said to be affected, seven are actually in the wood, which is quite unacceptable;
- We were appalled by the description in the application of the area as "Understorey of shrubs and small self-sown hornbeam, hazel and Norway Maple. "Self-sown" is regularly used by developers to denigrate inconveniently-located vegetation on their site which would otherwise restrict their works; but these are part of Highgate Wood, a natural woodland where the vegetation is of course "self-sown";
- it was highly remiss of the applicants not to have had the courtesy to consult with the City of London;
- A high wall built up to the boundary with the wood will severely restrict the light reaching the area, and harm the amenities of the wood;

(9) There is no assessment the impact of the proposed foundations on trees within Highgate Wood, the application merely stating that “A check on the online Planning Map of Haringey Council ... did not show any of the surveyed tree features to be subject to a Tree Preservation Order and the site is not in a Conservation Area”. While this is technically correct (though the Wood abuts a Conservation Area), it is a Site of Metropolitan Importance for Nature Conservation and an important ancient woodland, and neither Conservation Area status nor TPOs are necessary; Our confidence was not enhanced by the applicants’ giving the address of their own property as “5 Mussell Hill Road”.

A happy ending, however: Haringey have refused it, citing all our objections.

We are also querrying Haringey’s judgment in regard to another Certificate of Lawful application at **176 Archway Road / 7a Wembury Mews** for the existing use of six self-contained dwellings above behind and below the existing shop. It is stated that “There is no consultation notice necessary for these applications.” Evidence is provided that all the flats have been in continuous use for at least four years.

However, we believe that they have mistakenly interpreted the legislation. National Planning Guidance makes clear that “Lawful development certificates are not relevant to situations where breaches of listed building or conservation area controls may be alleged” and “the grant of a certificate applies only to the lawfulness of development in accordance with planning legislation. It does not remove the need to comply with other legal requirements such as... the Planning (Listed Buildings and Conservation Areas) Act 1990”. Since the property is within the Conservation Area, it is clear that an application for retrospective planning approval is required.

Haringey’s own guidance “Development in Conservation Areas” states that “In a conservation area, local authorities must take into account the need to preserve or enhance the area’s special character in deciding whether to grant planning permission....Proposals that would alter the character of buildings which make a positive contribution to the character of the area are unlikely to be permitted, as are proposals that would damage the character of the area as a whole. In Conservation Areas, in addition to the usual requirements for planning permission, some permitted development rights are restricted. This means that planning permission is needed for some changes that would usually be considered ‘permitted development.’ Grant of a Certificate of Lawful Development is therefore incorrect and we have objected strongly. Haringey have responded; we have replied, and the argument is ongoing.

We objected to proposals to further reduce the size of the **Winchester Public House in Archway Road** with an additional one bed flat, which will prejudice the viability of the pub and, in our view, does not meet housing standards. The application received about 1000 objections, and we are pleased to report that Haringey have refused it.

We met Haringey’s Conservation officer, planners and highways engine to discuss their proposal to install four **electric vehicle charging points in the pavement outside Highpoint**, which would remove four residents’ street parking spaces and destroy the world-famous view of one of London’s most iconic Grade I Listed 20th century buildings. While we accept the need for electric charging points, neither we nor the CAAC were consulted by Haringey as regards the best location. Although their Highways section consider it a good location to serve all residents in the area, we believe there are many better locations in Highgate which would serve far more residents. While Haringey maintain that number of charging points are installed outside grade one listed buildings and within conservation areas in London, these are either of considerably more sensitive design, either smaller, disguised as bollards or concealed within lamp posts or kerbs. We have urged Haringey to think again. However, we would appreciate suggestions from members as to where street-based electric car charging points would be most appropriate.

We objected to proposals to demolish **Guildens, Courtenay Avenue** one of the last remaining original Arts and Crafts houses in this road, retaining just the front façade and adding a lower ground floor extension and basement. We also pointed out that the house is close to an important mediaeval hunting lodge site on Highgate golf course, and Historic England agreed to recommend that Haringey impose an archaeological condition – though on past experience, Haringey may simply ignore them.

There is little change in revised proposals to add a story to **The Ferns, Southwood Lane**, a well-designed and -integrated inter-war block of flats. It is insensitive and damagingly out of style with the building and its surroundings, and would set a had precedent for similar out-of-scale development. A decision is awaited, but in the meantime the developers have also appealed Haringey’s previous refusal.

We have joined many local groups in opposing five large houses at **55 Fitzroy Park**, adjoining Hampstead Heath. This long-running saga has been opposed by expert analyses and reports commissioned by the

City of London and the Fitzroy Park Residents' Association, so we have merely echoed the main objections, including:

- Although bounded on its eastern side by private properties with shared use of the lane, the western half of Millfield lane is Heath land, and therefore Metropolitan Open Land. The Lane is an integral part of the Heath's pathway system. There is currently no development on any of the privately-owned land close to the Lane, preserving its essential rural character. The three houses proposed for the western edge of the site, and the resulting increased vehicular usage, will severely harm the Heath;
- Hampstead Heath, which the application site abuts, is also Metropolitan Open Land, and the construction of three large houses close to its boundary will cause irreparable harm;
- the Athlone House appeal and High Court decisions concluded that it was "inappropriate development in the MOL which... should not be approved except in very special circumstances.... Substantial weight must be given to any harm to MOL." The 55 Fitzroy Park buildings will be significantly closer to the Heath. There are no "very special circumstances" which could justify allowing such a harmful development.

- Camden's policies define the land as Private Open Space. The Highgate Neighbourhood Plan stipulates that development adjacent to Highgate's major open spaces should not be detrimental to them, and... should not harm the local network of ecological corridors... unless the need for, and benefits of, the development in that location clearly outweigh the loss." It also specifically prohibits development in back gardens;

- it is severe overdevelopment and will transform the site from a heavily planted and treed area into what would effectively be a private housing estate with roads weaving through, in stark contrast to the adjoining Heath. The extensive earth moving and semi-basementing would disrupt the hydrology of the spring-fed pond, a historic feature which is a source of water for the important Bird Sanctuary Pond;

- The number of vehicles using Millfield Lane will increase significantly. We cannot believe that Camden's proposed restriction of one car per dwelling can or will be adhered to;
- The site has established trees, many of them mature, while the ancient pond is a major source of water for the Bird Sanctuary Pond. The felling of trees, levelling, and new roads, paths and other hard standing make it impossible that local ecology would be improved;
- A recent appeal decision on a similar situation at 48 Chestnut Grove, East Barnet, dismissing an appeal against refusal of two houses, stated that "ponds are one of the habitats which are of principal importance for the conservation of biodiversity in England and... priority habitats in the London Biodiversity Action Plan.

A difficult situation for us arose from an application to build an en suite shower room in the central valley of an unusual double-pile 18th century Listed Building at **29 North Road**. Allowing such an important original feature to be obliterated would significantly harm the integrity of the structure and set a dangerous precedent for other listed buildings and, while understanding the applicant's need, felt that we had to object to the plans as they stood.

We have had many expressions of concern about the parlous state of **37 North Road**, one of a fine row of four mid-Victorian houses known as Ashburton Cottages. Though clearly in dangerous condition and a state of partial collapse, Haringey are reluctant to serve notice on the owner because of the extreme difficulty in enforcing repairs where a building is occupied, even on Listed buildings. We consider that intervention by both Haringey's Enforcement section and their Social services Department is urgently needed.

The application to turn the former **Methodist Central Hall** at the Archway gyratory into offices was refused and has been appealed. The Better Archway Forum's counter-application to use the buildings as a community arts centre scheme is still being considered. Close by, Peabody have submitted an application to build on the land occupied by the historic **Holborn Infirmary** buildings, which will be retained but crowded in by substantial blocks of flats, and it remains unclear whether adequate affordable housing will be provided.

We have objected to a new application to build 2 new houses in the rear garden of **58 Shepherds Hill**. This would involve felling 20 of 27 trees, and we have asked Haringey to place a group TPO on them.

We have sought enforcement action against the dreadful red plastic fascia and sign installed without permission at **52 Highgate High Street** by the new tenants, Shelter, who, as a national organisation with a property department, should know that new shopfronts in a Conservation Area needs consent. Haringey have requested Shelter to submit more appropriate proposals.

We still await hearing when Haringey will issue the revised **Local List**, urgently needed in view of the many historic buildings not identified as “positive contributors” in the now out-of-date Conservation Area Appraisal. We are told that an update of the Appraisal is some time away, as many areas still have none; but that is little consolation when too many of our historic buildings are threatened merely because they are not individually identified as of value; Conservation Area status, it seems, is not enough, as some of the hideously dull Mac Mansions recently erected in it show only too well.

The outsourcing of **tree applications** to Islington appears to have been extended, and seems to be working well, with several refusals of permission.

Notably, we objected strongly to an application to severely pollard an important oak at **5 Sheldon Avenue**, for the unacceptable reasons that it is a “mature tree that has outgrown location and is currently encroaching over the garage towards the neighbouring building”; “suspected subsidence due to cracks appearing in garage wall”; and “Protruding roots have raised driveway level and is currently a trip hazard for elderly resident.”

This a fine oak, some 20 metres tall, is one of the pre-development hedgerow oaks and therefore also of high heritage value. We rejected the assertion that it has “outgrown its location” since it is clearly much older than the house and clearly deliberately retained by the original builders. The garage was only built in 1968, clearly too close to it and perhaps with inadequate foundations, while the driveway was evidently badly located. In addition, no professional arboricultural report was submitted to substantiate any of these assertions. To reduce it to an ugly 5m stump would ruin its amenity and ecological value and could well kill it. Haringey very correctly refused it.

Some of you may have noticed that a young **Plane tree** in **Pond Square** has been cut down. We were advised by Camden that their regular inspection showed it to be badly affected by fungal rot, but have assured us that a replacement will be planted.

We were puzzled by an application to “dismantle property items” at **Red Gables, Courtenay Avenue**, which transpired to be to fell two protected Catalpa Trees. This should not have been validated as no arboricultural report, mandatory for trees covered by a TPO, was submitted, and we have asked that it be refused for this reason.

Highgate School applied to fell 9 protected trees at the bottom of the **Dyne House** to enable them to rebuild a fence on the boundary with the old Garden centre land. These have high screening and landscape value for the Highgate Bowl. We raised concerns, and the Haringey Tree Officer has recommended alternative, less drastic, measures.

The pressures on **Hampstead Heath** during summer are huge. On a hot summer weekend they can collect **11 tons** of litter, and on a hot June Sunday this year:

- many people swam in ponds where swimming is not allowed as there are only life guards at the official swimming ponds, despite being asked not to do so. This resulted in a number of incidents;
- queue behaviour at the Lido was appalling, including fights in the queue, climbing over the Lido wall, and other cases of anti-social behaviour including theft from the donation box at the Mixed Pond;
- Bottles and missiles thrown over the Lido wall, gang fights outside the Lido, and trees vandalised;
- an attempted theft of the Timing System from the sports track on the night of the 10,000 metres race;
- the consultative committee were shown the realities of trying to maintain cleanliness in the Public Sex Environment of West Heath, and were astonished at the debris left lying around which the staff have to clear away.

As the management say, “it is never a dull day at Hampstead Heath”, yet despite all this it is remarkable how successful the sporting and community events are for the majority of the public, and how well the Heath is managed by the City. For activities on the Heath, go to <https://www.hampsteadheath.net/events>

On 3rd July I joined the Heath Society’s Heath sub-committee for a walk with the City to see how they manage the Heath’s Acid Grasslands, a rare habitat home to many plant and insect species. They once dominated the Heath, but in the past century much grassland has gradually become woodland. Historically, much of the Heath was acid grassland; today there are 2 hectares at most. Acid grassland has a distinctive flora, with characteristic grasses like wavy hair grass, and wildflowers like tormentil, heath bedstraw and sheep sorrel, while the patches of bare earth between plants create habitats for a great diversity of insects, particularly bees that nest in burrows in the sand and specialized wasps and spiders. One of the best areas is between The Pryors and the Vale of Health Pond. The City of London is actively conserving and restoring acid grassland. The City have also been trying to restore Heather is rare on the

sandy parts of the Heath; unaccountably these efforts have been hindered by deliberate vandalism. Balancing wood and meadow on the Heath is an important aspect of its management.

Another issue of major concern is the spread of Oak Processionary Moth. This is a public health hazard, the hairs on the caterpillars producing severe allergic reactions. While spraying with a biological agent has been the Forestry Commission's recommended method of control, it kills all other Lepidopterous larvae. Its wider ecological impact is therefore severe and the Forestry Commission have allowed spraying to be limited to Oaks in high-risk public locations, notably next to playgrounds. Already this year there appears to be a tailing-off in the level of infestation, possibly due to factors such as birds learning to take the larvae and the arrival in 2018 of a parasitic fly, *Carcelia iliaca*, a parasite of the moth which has followed the moth from the Continent.

In the wider planning world, the fight against the Government's ill-advised weakening of the planning system continues. I attended a **Civic Voice workshop for London Amenity Society representatives** aimed at identifying Societies' major concerns. Some local authorities clearly have faith in their local societies; Spalding Civic Society is leading its town's High Street Task Force, while the Nantwich Civic Society has been appointed to chair the town centre partnership.

Communities believe that "consultations" are rigged to produce the outcome the developer wants; what is wanted is "involvement", but the Amenity Society Movement must do more to make known the range of skills and experience available to civic groups. Many of their members are, or were, senior professionals and sometimes have better skills and a wider range of knowledge than their local authorities. Southgate Civic Trust and other local groups have monthly meetings with their Head of Planning; we struggle to get the occasional one with Haringey, and have never achieved one with Camden.

Civic Societies are the biggest participants in the planning system after local government, and 98% respond to planning applications. 63% have issues with the secrecy of Design Review Panels (in Leeds, the panel is run by the Leeds Civic Trust) and 70% want a more formal role in planning. We argued for a focus on community involvement in pre-application discussions is; the threat from widening permitted development; amending the rules on what constitutes a start on development – i.e. digging a hole to keep alive a consent about to expire; reversing the privatisation of building control, which has been largely responsible for the appalling drop in building and housing standards; the need for a third party right of appeal, surely a human rights issue, and about which Civic Voice also feel strongly; and using the half a million-odd empty properties across England which could resolve the short-term housing problem.

We are often attacked as middle-class people in better-off areas who should not be claiming to speak for the community. However, we claim to speak for our members, while making it clear that we welcome input from the wider community; their interests are ours, and we are the only organised community groups fighting the community's corner in planning.

The planning system is now an impenetrable morass. Few people had heard of **permitted development** rights five years ago, other than in relation to whether planning permission was needed for a new window. While the Use Classes Order was clear and allowed Councils to manage the balance of uses in the high street.

Persuaded by the right-leaning think tank Policy Exchange, the Government decided that there was a lot of "vacant or underused offices" that could be converted to housing without permission. While technically this has produced additional housing, we have lost town centre offices, often neither vacant or underused, and there is now a shortage of office space. Much of the new housing has been of poor quality and, critically, none has been affordable housing, the most urgent need.

First offices, shops, light industrial uses and even launderettes (why?) fell to the Government's "permitted development" mania; now shops, banks and estate agents can be turned without permission into other town centre uses, such as cafes and restaurants. The only way to avoid this is by the long and cumbersome process of Article 4 Directions, which many local authorities, including Haringey, are reluctant to pursue.

The Government are still threatening to allow building extra storeys on existing buildings under permitted development to secure additional housing -another Policy Exchange idea, although this would not deliver additional housing and may cause harm. Conservation areas would be exempted, but that is of little comfort to other communities and perhaps illogical. They may also allow commercial buildings to be demolished without planning consent, to build housing, though, again, there is no requirement for what is most needed – affordable housing. This, and a broader "high street use class" where no permission is

needed to change between a range of uses, would remove any possibility of the local authority or the community being able to shape their town centres.

At least the secrecy and mendacity surrounding **Viability Assessments** has been acknowledged by Government, who have told Councils and developers that viability assessments should be part of the plan-making process, and that benchmark land values informing viability assessments should be calculated using a site's existing use value plus a premium for the landowner, *not* on the price paid for a site, which was sometimes over the odds in order to avoid having to make any affordable housing contributions.

A Bill currently before Parliament would create a new duty for councils to capture betterment values where they arise, and would also replace the current definition of affordable housing (up to 80% of market prices), with one stipulating that housing cannot cost more than 35% of net household income for lowest quartile income groups in each local authority area.