

Another over-busy year comes to an end; we thank everyone on our hard-working planning committee for their efforts. White each member makes a real contribution and brings their own wide range of professional skills to our work, and it would be invidious to single out individuals, other than its Chair, David Richmond and Secretary Carolyn Purves, the names of everyone on the Committee can be found on our Website.

In September our Chair William Britain, Elspeth Clements and Francis Wilkinson had a meeting they had sought with **Haringey's New Chief Executive**, Andy Donald and David Joyce, Director of Placemaking and Housing, with representatives of the Neighbourhood Forum. They had seen our last Environment Committee report (Buzz, Summer 2022) detailing our problems with Haringey Planning Department and were clearly shocked by what they had read. All agreed that cooperation is the key to successful relations, and they would aim for quarterly meetings to discuss planning issues, and hopefully repeat this meeting annually.

They affirmed that Haringey is committed to community involvement in planning, but felt they only had limited power to oblige developers to consult on major pre-application cases. However, something like Townsend Yard is "major" and drawing 150 objections should automatically class it as "major". Camden consider any application for Planning Committee if it has more than six objections, and Westminster will not have pre-application discussions with developers unless they can show meaningful discussions with the community beforehand. We need to persuade Haringey that we have a good grasp of the planning system and can be of material help to them; not only did we obtain an amendment to the Localism Act to enable Neighbourhood Forums to be cross-boundary, but we were selected to be one of 36 out of 44,000 respondents to the Planning White Paper consultation to be invited to give oral evidence to the Select Committee inquiry and were quoted several times in the Committee's report. We were also encouraged to learn that they wish to end the practice of planners still working from home, which has brought many disadvantages, not least a failure to visit even important sites.

Other areas of agreement were in relation to the planners' approach to Freedom of Information Act requests. A positive note was that Haringey would welcome a revised Neighbourhood Plan, which they asked the Society, through the Highgate Neighbourhood Forum, to undertake. We emphasised our concerns about the proposed Wellington Gyrotory housing development and repeated our urgent request for an Article 4 direction, particularly in relation to Archway Road and Highgate High Street commercial premises. We understand that Low Traffic Neighbourhoods will not be proposed for Highgate in the foreseeable future.

Townsend Yard remains an active concern. We have written yet again to Dana Carlin, Haringey's Cabinet Member for Housing Services, requesting an urgent meeting to discuss her press comment on September 22, to which we responded pointing out that her assertion that Haringey were unable to withdraw planning permission despite new fire brigade concerns is incorrect, since legislation is clear that they "may revoke or modify the permission to such extent as they consider expedient" and the permission must be modified to enable the London Fire Brigade (LFB) to tackle a fire in Shepherds Cottage. LFB were clear that dropping one houses from the overdeveloped scheme would address this, inspector Simon Dredge saying the "Should this [present fire] access be removed, the provision for firefighting would be reduced below that of modern standards.... Once the buildings have been constructed, the house will be surrounded on all sides, making [firefighting] difficult".

While the work appears to have paused, we and local residents remain very concerned about the outstanding fire safety aspects of the development and have written to Haringey Building Control and the relevant Approved Inspectors, pointing out the dangers and possible solutions. We still await even an acknowledgement from Cllr. Carlin.

In summary, our major concerns are that we believe the LFB's initial acceptance of the scheme was based on flawed information; indeed, they have now come back saying they are unhappy with the proposals on two counts. **Firstly**, the original permission was based on diagrams indicating that fire engines could turn in the north end of the site to exit in forward direction, as required by law; but this will be impossible once the works are complete, and a **trial run** proved that a fire tender could not make a turn. **Secondly**, Shepherds Cottage will then be entirely surrounded and the only access will be from a long passageway 730mm wide, which the LFB will not be able to use. They have suggested the removal of one house to enable this. We have also raised the issue with Haringey's Building Control Department but, again, have as yet had no response.

We also remain highly concerned about Haringey's proposed development of mainly affordable housing on the **Wellington Gyrotory site** at the top of Archway Road. It is not, of course, the affordable housing to which we object, but to the concept of placing such housing on a highly polluted, dangerous and traffic-surrounded site where acceptable living standards will be unachievable. Haringey has no policy on air pollution around developments, and we have asked that they commission an air quality impact assessment as the site is within an area of sub-standard air quality where

nitrogen dioxide levels exceed the EU legal limit. Yet none has been made, and Haringey are taking their proposals to Planning Committee for outline pre-application approval in November, at a hearing where the public will have no right to speak.

Highgate School have ambitious development plans and last month Haringey held an online Development Management Forum at which the school and its consultants presented its 10-year development programme. While these Forums are a normal procedure for presenting major proposals to the community, they take place only after the applicant and the local authority have gone through the pre-application process and, in effect, agreeing all the design and policy elements at that stage, leaving the community will find itself unable to have any meaningful input before the application finally goes in – as those less tactful might put it, “stitched up”. Once again, Haringey’s processes for meaningful community consultation are totally absent and in breach of National Policy. To summarise:

- Dyne House has a new front elevation treatment, though the building will remain significantly out of scale, probably for reasons of cost; refurbishment has a lower carbon footprint than new build, and would also be less disruptive for neighbours. The most significant changes are extensive new buildings at the rear, raising neighbours’ concerns about possible overlooking and noise.

- We generally welcome the proposed rear extension of the Science Block, subject to resolving issues of daylighting, overlooking to the almshouses. While it would be visible from the public realm, the design is acceptable.

- The design for the new Richards Music Centre in Bishopswood Road is disappointing, more reminiscent of a large car showroom than an exciting academic institution. While the existing building is not suitable for modern needs, its design is far more in keeping with the area and should be acknowledged in the new building.

- Also in Bishopswood Road there are plans to improve the Mallinson Sports Centre, including a two storey classroom block well beyond the building line on Broadlands Road. Solar panels on the roof are a positive, but behind it are proposed a sunken series of five courts, and a sunken playing field for the Orchard, intended to double as a sump to hold future flooding events. We are very worried that this will endanger the ancient hedgerow, the last survivor of rural Highgate, with its important veteran oaks.

The full schemes can be seen on the school website, <https://www.highgateschool.org.uk/buildingprojects/> and our full commentary, which will inform our full response, is on our own website.

Another ongoing major concern is the submission of a completely revised application for the gigantic care home proposed for **44-6 Hampstead Lane** – one again, without any pre-application public consultation, in breach of National policy. The scale and, indeed, the principle of demolition of original houses, breaches Haringey’s own Policy, and there is no demonstrable public benefit to justify overriding Conservation Area policy. Both Highgate School and English Heritage have objected on grounds of impact of the massive basement on the hydrology of the playing field and the Kenwood North Wood SSSI. Yet Haringey did not even notify English Heritage, who were only aware of it because we did. This is yet another failure of Haringey’s consultation processes, all the more worrying since experience has shown that Haringey cannot be relied on to uphold their own policies. However, we have recently been made aware of a landmark appeal decision at Albert Road, Barnet, where the Inspector was clear that, despite the contribution the development would make to housing need (and 44-6 makes none), “Overall, I consider that the sheer scale of the proposed development would cause a dislocation within the area, inserting an alien typology of larger mass and scale and disrupting any sense of continuity between the areas to the west and east of the site.” We will cite this in our objection and can only hope that Haringey will not make the same terrible mistake they did at Mary Feilding House; in both cases, it is incomprehensible why they would even contemplate permitting such gross overdevelopments so totally against policy and providing no commensurate public benefit.

It was thus with a sense of some relief, and surprise, that Haringey refused an extension to the Listed **15 View Road**, on the grounds that it would, “by reason of its scale and siting would erode the spatial relationship of the original building to its garden to the detriment of the character, appearance and setting of this listed building and this part of the conservation area” cause “harm to the significance of such heritage assets *in which there would be no public benefit to outweigh such harm, contrary to national, London and local policy.*” [our emphasis]

At **103-7 North Hill**, the former **Mary Feilding home**, the outstanding planning conditions have now been approved, so there is nothing stopping redevelopment of the disastrous new 70-bedroom care home which we fought so hard. But the list of conditions to be followed covers 25 pages of small print; can Haringey possibly monitor that all the conditions will be observed?

Haringey remain inexplicably resistant to giving the **Victoria Pub in North Hill** Asset of Community Value status. While a key test is that the building has been used for the social well-being of the local community within the last 12 months, this is rather difficult when the owners have kept it closed for several years and made no attempt, until this

summer, to advertise it as a pub. The Society has even had two enquiries from potential pub users, one of whom says he has had difficulty in getting any information from Haringey or the developer; a third person is interested in running it as a bar and restaurant, and another pub operator told us that he would have registered interest had it been advertised. Haringey's own permission was conditional upon the pub use being retained, so their resistance, in the face of the evidence, is all the more illogical, since it is clear that it is of interest both to the community and the trade. Many of us recall that, under a previous tenant, it was always busy and popular. A local resident has offered to gather signatures for a petition to support a new application; if you are interested in helping, please let us know. We have asked Haringey to ascertain what steps the owners have taken to secure a pub operator, and whether they have been in discussions with the interested parties whom we referred to Haringey and the developer.

We have objected to an application for yet another new wall, railings and sets of gates at **23 Stormont Road**. Under a previous permission, not only was no demolition of the boundary wall sought, but the applicants even stated that "The streets within the Bishops Area are an excellent example of high quality residential development of the early 20th Century... There are traditionally low boundary enclosures... and gap views between buildings to rear gardens which together with mature street trees are valuable contributors to the green character of the streets." They further stated: "The negative factors throughout the sub-area and Stormont Road are attributed to the loss of features, and the somewhat unsympathetic remodelling or complete demolition and rebuilding of houses. The erection of high front walls and gates creates an enclosed effect in an otherwise open streetscape...." - echoing our own words to Haringey on so many occasions. Why, then, this *volte-face*?

The Highgate Neighbourhood Plan states: "New boundary walls... and gated developments will not be permitted if they have a detrimental impact on the open character of the street-scene... or would result in a loss of visual permeability where this contributes to the local character." This application falls squarely into this category. The few exceptions allowed in Stormont Road through Haringey Planners' failure to uphold their own policies must not be used to justify this damaging application.

Despite 43 objections, Haringey granted an application for a basement at **14 Woodside Avenue**, despite their own Basement Policy requiring evidence that the works will not affect neighbouring properties. In a previous application, subsequently withdrawn, a former Ward Councillor said that, having seen the extent of damage caused to another house in the Avenue by similar works, this should not be allowed to happen again.

We received a number of complaints from the public about the painting of the stonework at 345 Archway Road a garish shade of blue. We deplore painting stonework and brickwork, not least because it is irreversible. Unfortunately it is permitted development, even in a Conservation Area, and our repeated urgings that Haringey introduce an Article 4 Direction on painting brickwork have been continually rejected.

We objected to an application at **373 Archway Road** for retrospective planning consent for a new shopfront and windows. Haringey have presided over the degradation of much of the Archway Road Conservation Area over the years, despite its Conservation Area status and our continued efforts to get them to uphold their own policies. Thankfully, this one has been refused, on grounds that the design and materials are detrimental to the original building design, would detract from the parade, fail to preserve and enhance the character and appearance of the buildings and be harmful to the Conservation Area.

Our help was sought by neighbours concerned about proposals for a 2-storey side extension at **129 North Hill**. This would fill the gap between it and its Listed neighbour, No.131, part of an early 19th Century terrace, and transform it from an end- to mid- terrace building. The infilling of the gap also breaches local policy, and the application did not consider impact on the sunlight and daylight of 131. We were therefore glad to hear that the plans have been abandoned.

We objected to a second application for a large rear extension and a large two-storey building in the rear garden, at **32 Holmesdale Road**, almost identical to one approved in July 2022. All our previous objections remain, not least that it would turn an early Victorian cottage, part of an original terrace, into a much larger modern house and contravene Haringey's own policy requiring rear extensions to be subordinate in scale to the original. Inexplicably, the case officer concluded that "the proposed extensions have both been reduced and are now considered to adhere to the requirement of being subordinate in nature", even though it "represents slightly more development compared to that which was recently approved", and making similar comments about the separate garden building. However, having already granted the first application, there was no likelihood that it would be refused.

We, and many other people locally, have long been worried by the disastrous condition of **37 North Road**, part of the fine mid-19th century Listed terrace of Ashburton Cottages. We were therefore encouraged to learn from Haringey's Enforcement Officer that a repairs notice had been served, they have at last managed to make contact with the owner and will now determine the next steps.

After Camden, we learn that Islington have now issued an Article 4 Direction to withdraw Permitted Development Rights under the new, much-contested Government relaxation of rules to allow shops and other commercial premises to be changed to residential without the need for planning consent. This makes Haringey's prevarication even more unacceptable, and we will continue to press them to being in the same rules on their side of the High Street – and also on the equally vulnerably Archway Road – in order to protect our retail centres.

Haringey are consulting on a new Parks and Green Spaces strategy. We will respond and encourage members to do likewise. The consultation is on <https://www.haringey.gov.uk/libraries-sport-and-leisure/parks-and-open-spaces/parks-and-greenspaces-strategy-consultation>

Much continues at Hampstead Heath. We will be sorry to lose Richard Gentry, Head of the Heath Constabulary, with whom we have worked closely over the years, who has started a new role at the Guildhall. His replacement will not be in post until Spring, when the City's Management Review is complete.

The controversial **Murphy's Yard** development has been withdrawn in the light of overwhelming objections, including from the Society, and a new one will be worked on, this time involving the local community and the City of London, who were concerned about its impact on the Heath.

It is hoped that Sheep will be grazed again on the Heath in 2023, to help increase its biodiversity by improving meadow flora. The site chosen is populated with anthills, where keeping the grass short is essential but cannot be achieved by mechanical mowing. There will be five ewes from Mudchute Farm on the Isle of Dogs, of the rare breeds Norfolk Horn and Oxford Down.. Volunteers who will look after them and explain the project to the public.

The recreation of "Constable's Pond" below Judge's Walk took place during the dry weather, and some water had been retained after the rain; it may be seasonal.

As a part of a London-wide rewilding scheme, the Heath and Hampstead Society asked local people to report sightings of Hedgehogs, now scarce in the region. The response was encouraging, with 20% of the 150 respondents saying they had seen some, and the next phase will focus on how to revive populations.

The City will consider ecological improvements in the Lido area to relieve waterlogging. Another proposal is for a visitor centre at the Parliament Hill Cafe, with involvement of local groups..

Under the Queen's Green Canopy initiative, 33 new trees will be planted to revive ancient hedges, and there will be additional planting on the Broadwalk.

It is proposed to cap the number of licenses for professional dog walkers at around 90.

We joined objectors to English Heritage's application for a license to hold an unlimited number of events for under 10,000 people at **Kenwood**, but Camden Planning Committee nevertheless granted the licence, so the impact of this possibly unlimited number of large events must be carefully monitored, both for its effect on the estate and its ecology, and on public access. However, local pressure was probably a factor in English Heritage's decision to stop the concerts for audiences of over 10,000. English Heritage held six consultation meetings on their proposed master plan for Kenwood during September.

We questioned Camden's notification that they would no longer be consulting on tree applications except when felling within a Conservation Area was proposed, but their reply did not enlighten us, merely repeating that they had not changed the consultation process, and that while they maintain there is no legal requirement to consult on tree works, even in Conservation Area or where covered by a Tree Preservation Order (TPO), they consult when the works involve the complete removal of a tree and that, while all applications appear on the weekly lists, consultation only happens for notifications to fell. We pointed out that in the past we simply commented on applications which we feel need them, as is done in Haringey. We also questioned why the process relates only to applications to fell trees, since many works involve inept efforts at pruning and the impact on the streetscape can be almost as damaging as felling. We felt that our local knowledge of, and familiarity with, trees, and ability to visit the sites to assess the proposals, could be of considerable help to Camden, particularly as case officers are still working from home and not visiting sites. We asked that we be allowed continue to submit comments on tree applications, but await a reply.

We have commented on a number of tree applications; in all cases, our questions to Haringey remain unanswered.

One involved reducing the spread of an Ash tree by "up to 3m" at 1 Kenwood Road, a fine and important tree and a major feature in the landscape, which should be protected by a TPO. We felt that the scale of pruning was too drastic and could also make it more liable to infection by the currently spreading Ash Dieback, and have asked that a TPO be imposed as soon as possible, to enable them to have some control over any works.

An application to fell a Lombardy Poplar at 12 North Grove is another example of poor validation by Haringey, since the tree report referred not to a Lombardy Poplar, but to an Oak, and there seemed no reason to fell the important poplar. They nevertheless granted permission, without citing any reasons; the consent states Lombardy Poplar, but it is unclear what will be felled, and the case officer appears not to have consulted his own Tree Officer, even though the tree is protected by a TPO.

Despite an application to fell a Rowan at 18 Stanhope Gardens on the grounds that it was 80% dead, it appeared, from the photographs supplied, to be in good health and simply suppressed by dense ivy growth. It is very suitable tree for its location and needs little more than the removal of the ivy.

We objected to an application to fell a protected Lombardy Poplar at **Sproughton, Courtenay Avenue**, claimed to be "causing significant structural damage" to the property. The application confirms that the tree is not diseased or liable to break or fall, and the accompanying photographs appear to show only cracking and shifting of paving stones. This again calls into question Haringey's validation processes:-

- (i) the question asking whether alleged damage to property is a reason for felling is ticked "No", contradicting the reason given for felling;
- (ii) although "the application MUST be accompanied by the necessary evidence to support your proposals" if the reasons for felling include "alleged damage to property", no formal report was supplied;
- (iii) the question asking "are you wishing to carry out works to a tree in a Conservation Area" is incorrectly ticked "No".

We have demanded that Haringey's arboriculturist visit the site and determine whether felling is really necessary.

Finally, an application to reduce two 20m-tall Lime trees at 16 Milton Avenue by up to 6m sounds drastic. A reduction of that magnitude, in one step, would make them liable to fungal attack, and possibly prejudice their survival through the shock of such a sudden major reduction. We have asked that TPO be imposed urgently so their arboriculturist can advise on the proper course of action.

In the wider world, it has long been of widespread concern that, whereas a developer can appeal any planning refusal, even when it followed national and local policy, a third party or community have no right of appeal against a demonstrably bad planning approval made against policy, other than through the unaffordable process of Judicial Review. What is now widely considered a major injustice must be remedied through the introduction of a Third Party Right of Appeal, and we have been working through the London Forum to get one enshrined in the current Levelling-up and Regeneration Bill.xxx

Such a right would undoubtedly be open to abuse if not carefully circumscribed, so we have propose safeguards – namely, that any person or party – including the refuse applications themselves - must submit their case to a Tribunal or Independent Assessor, administered by a professional body or the Planning Inspectorate, who will decide whether the case has sufficient merit may then go forward.

This would have multiple benefits. It would redress a manifest injustice in the current system. It would help restore public confidence in Government and in the planning system; a recent survey revealed that, when it comes to planning decisions, 95% of communities have no confidence in their local authorities, and this figure rises to 98% for developers. This was underscored by the overwhelmingly adverse reaction to the Planning White Paper, at which, you may recall, the Society was invited to give Oral evidence to the House of Commons select Committee inquiry

We also believe that it will actually lead to both better, and more, development: **better**, in that developers will be deterred from making patently poor applications and, if they do and are refused, will be deterred from wasting public time and money in making vexatious appeals, thereby reducing the workload on the Planning Inspectorate and planning officers; **better**, in that the current appeal system is costly, time-consuming, and inconsistent. Our proposals would lead to better outcomes, reduce costs, reduce the burden on the Planning Inspectorate and boost public confidence in the fairness, impartiality and effectiveness of the planning system; **more**, in that developers will be obliged to carry out genuine community consultation before submitting their applications; this will improve public understanding of the issues in individual cases and increase the likelihood that applications will go forward with public support, thereby reducing the burden on local authority planners.

Most local communities appreciate the need for good new development – particularly housing – and can bring their own local knowledge and expertise to the process, if asked. There are examples of such positive community-developer-local authority working, but this procedure should be mandatory.

An amendment proposing a Third Party Right of Appeal was submitted by several MPs, including Theresa Villers (Chipping Barnet). While it was not well presented, despite our detailed supporting statement, and rejected by the

Government on spurious grounds, it is proposed to pursue it through the Bill's next stage in the House of Lords. Any readers with contacts in the Upper House are urged to put us in contact with them in order that we can brief them.