

Athlone House – With no application to go to the Court of Appeal, by the 20th November deadline, it looks as if our 17-year old battle is over, at last.

We attended the High Court hearing on October 20th. But first, as my hero Abraham Lincoln used to say, “this reminds me of a little story”, perhaps the first use in Buzz of a Biblical quote. When I left home that morning, Ulysses gave me a good luck lick, and my Underground reading was about the anti-slavery battle in America. In the few pages I read, a quote used by the Abolitionists, from Jeremiah 22:13, leapt out at me: “Woe unto him that buildeth his house by unrighteousness”. What more appropriate premonition could one have?

The judgment, by Bird, J., gave the background; analysed the 2015 Appeal decision, the developers’ main point of attack, in the light of Metropolitan Open Land policy and Heritage considerations; and examined the grounds of appeal, and concluded:

- The Inspector’s interpretation of “replacement building in Metropolitan Open Land” was correct; it *must* be “the building as it is now,” not as when it suited the developers. The Inspector did not, as claimed, misinterpret the 2011 Appeal decision.
- The Inspector did not misunderstand, and therefore misapply, the arguments regarding cost of restoration as against replacement to an “opulent” and “extravagant” specification. He also considered our own evidence correct and reasonable. While the original 2005 scheme was probably not practical, that was no reason for demolishing the house; the purpose of the S.106 Agreement was to secure the restoration of a heritage asset, the loss of which would cause substantial harm to the Conservation Area.
- Finally, he considered the Inspector’s insistence on the importance of observing the S.106 Agreement completely correct.

He therefore rejected the Claim, and refused leave to apply to the Court of Appeal, considering that there was no realistic prospect of success. Regrettably, neither Camden nor the Planning Inspectorate were awarded costs – surely a morning’s pocket money for the claimants, and a fraction of what this has cost the public purse over the years. And, on the subject of legal costs, a public thank-you to the member who responded immediately to our appeal for contributions with a cheque for £1,000, and another who responded with equal alacrity with £100.

The decision undoubtedly has national significance. If it had gone the other way,

- Metropolitan Open Land protection would have been undermined;
- S.106 Agreements would not have been worth the paper they were written on;
- Undesignated heritage assets everywhere, however important, would have been at risk;
- Communities’ ability to protect their heritage would have been undermined.

Our understanding is that Camden will now move to enforce the S.106 Agreement, though this may be a long legal process. But it is clear that the owners have no interest in restoring the house; they should now surely sell to someone who *will* restore it, and allow the whole of north London to give Athlone House Ltd a hearty “good riddance.”

So, huge congratulations to all, past and present, who played a part in this epic 17-year battle, and enormous thanks to the expert witnesses who did so much work for us *pro bono*, and to barrister David Altaras for keeping his hand on the tiller of the good ship AHWG as it braved the stormy planning seas. Hopefully we can now at last say: “Athlone House is saved”.

At the end of the year, thanks are once more due to the whole Planning Group for the immense workload it takes on, and the vast amount of time and expertise its members devote to it; what you read here is a fraction of what it does – not to mention the weekly “Planning Surgery” its members run at 10a on Saturday mornings: a service clearly much valued by the community, from the many people who come to speak to us. To single out names would be invidious, but one must be Planning Group Chair Elspeth Clements, and the Group’s secretary Carolyn Purves, The spectre of the closure of **Pond Square Public Toilets** rises again. The Society fought this back in 2005-6, eventually securing their re-opening; but Camden, aiming to cut costs wherever they can, are now proposing to close public toilets across the Borough, including ours.

Cllr Sally Gimson has ascertained that the justification for closure is because the running cost for 2013/14 was £37,727, while the total number of visits is 70,164, making a “cost per visit” of 54 pence - a

fascinating use of statistics, since the running cost would be the same whether no-one, or a million, used it, used it. Camden propose a “community toilet scheme”, paying local shops to allow the public to use their toilets. Will they welcome 70,000 people using their toilets? Will it even be cheaper than keeping the toilets open?

When closure was last threatened in 2006, Camden gave the annual running cost as £37,000 a year. Zero increase in costs over ten years surely seems rather good value?

This is also an issue for Haringey, since the toilets serve the whole village. We are told that they intend to consult – but remember Ambrose Bierce’s definition of “Consult” in his 1911 *Devil’s Dictionary*: “to seek approval of a course of action which has already been decided upon.” Whether one blames Camden, or the government’s cost-cutting (further cuts of between 25%-40% are anticipated), this is unacceptable. Do you have any spare time to run a campaign to help us fight this?

Residents and traders are urged to write to Leader of the Council, Cllr Sarah Hayward, and lead member for the Environment Cllr. Meric Apak, expressing their concern and rejecting the closure of such essential public amenities anywhere, not just Highgate.

With the works to the Hampstead Heath dams under way, another threat to Heath users looms with Camden due to decide on an application for a huge basemented development at **the Water House, Millfield Lane**. This complex issue has dragged on for four years, but Camden have handled it very unsatisfactorily, disregarding the expert evidence obtained by the Fitzroy Park residents showing that the application documentation is inaccurate, and even managing to “lose” the City of London’s objection.

The Heath side of Millfield Lane, the rural track running past the Ladies’ and Bird Sanctuary Ponds, used by thousands of Heath users is owned by the City of London, and is Heath Land. The other side is owned by the individual property owners. The only access to the site is from Millfield Lane. While individual landowners must be allowed “reasonable” access, this is not “reasonable.” A trial by the City of London showed that the lane is too narrow for shared use between pedestrians and the nearly 1,000 heavy lorries which will need to access the site over 2-3 years to remove some 20,000 tons of basement spoil and building debris. It also showed that they can only access the site by first reversing into the entrance of the Ladies’ Swimming Pond Enclosure. As a result, Millfield Lane would have to be closed to the public for up to three years, and Heath users diverted round the muddy field on the other side of the ponds – a solution proposed by Camden, without consulting with the City of London. It is no wonder that the City, adjoining residents and local groups are all adamantly opposed to a private development which would oblige part of the Heath to be closed to the public – a course of action which cannot be “reasonable”, and is probably contrary to the 1871 Heath Act.

Finally, the developers claim that the only way to disperse the water flow blocked by the new basement is by a new drain under Millfield Lane, discharging directly into the Bird Sanctuary Pond; understandably, the City of London is completely opposed to this as a major pollution threat to an important wildlife reserve. The developers claim to have consulted with the City and adjoining residents, but both are adamant that they have not. Neither have they carried out an essential assessment of the risk of root compaction to the veteran Heath trees lining the lane by the heavy lorries.

It seems generally agreed that **Haringey’s “rebranding”, and its new logo**, costing £86,000, looks as it was “made by a child”. The Council argues it was needed to show Haringey is “more than just a place. It is an attitude.” With £70 million of cuts impending, including to critical services, that attitude seems clear enough. Certainly, I would have been glad to design something just as bad for half the cost.

However, it is to be welcomed that Haringey are **refurbishing Highgate’s street lamps**, restoring the pleasant old cast iron ones and replacing the deteriorating concrete ones, between October and January; we have been given streets and dates.

The proposals for the former **Richardsons, Archway Road**, were due to be considered by Haringey in November, but were deferred because of concerns expressed by us and residents about certain aspects. While the proposed change of shop use, to a supermarket, is not an issue, there are potential problems for deliveries, and a loading bay is being sought on the north side of Causton Road, to avoid supermarket cages having to be trundled across the street at this potentially dangerous corner.

A big concern is the loss of the workshop units at the rear. Haringey argue that the new space will be better accommodation, but it appears to have no fresh air and virtually no daylight, and air conditioning units would affect neighbours’ amenity and bedrooms in the new scheme. We also believe the actual increase in employment the scheme will generate is considerably lower than claimed. Councillors Morris

and Hare have been of great help in raising these issues.

There are also concerns that, if the new scheme exacerbates parking problems in this area of high parking stress, 8am-8pm parking restrictions may be imposed; yet the developers' Transportation study assumes, incorrectly, that residents can park in the red route bays.

Haringey have, however, refused two potentially damaging advertisements. The first was at **Highgate Station**, where ASDA wanted to install a series of large fixed metal signs down the station access road,. The second application was for a large **LED Billboard** in Baker's Lane, facing main road traffic, which we considered unacceptable at the gateway to the Conservation Area,

There was a, setback, however, in our efforts to work with Haringey to prevent the plague of demolitions and oversize rebuilds, with the obligatory vast basements and underground pools extending into the garden. Haringey have been taking a stronger line in refusing these developments, which are now threatening the Conservation Area status of Sheldon Avenue and Stormont Road in the same way that such roads as Grange, Denewood and View Roads have already been compromised; but this has been undermined by a bad appeal decision, the Inspector clearly failing to understand the character of the area, the cumulative threats to it from demolitions and rebuilds, and the purpose of policies to protect its character; STET allowing an appeal against refusal of permission to demolish one of the more characterful early 20th century buildings in the street, at 18 Stormont Road.

Work at **Witanhurst** continues after five years, and an even longer section of public footway is now cut off, the pedestrian crossing closed, and temporary traffic lights installed at the top of the hill, to add to the disruption this development has already inflicted on Highgate. Cllr Berry has ascertained for us that this is because of works needed to the boundary wall, which was leaning over the public highway (wasn't it only rebuilt three or four years ago?). We are told that penalty charges will apply if the work continues past next April or May, when it is anticipated that they will be completed; but we are not holding our breath.

We monitor all **tree applications**. Most are for normal maintenance work, but a few need to be questioned – not least one where an owner applied to fell a tree “because I may wish to build an extension in the future.”

We send detailed objections to support the Friends of the Parkland Walk's successful fight against a proposed extension and basement at **3 Francis Place**.

We remain active members of the Hampstead Heath and Highgate Wood Consultative Committees and the Ken Wood Landscape Forum, and in monitoring the immensely complex tasks of managing them, including the controversial work now proceeding on the Pond Dams, and now the appearance on the Heath and Ken Wood of the hazardous Oak Processionary Moth. Ken Wood faces difficult times, following the Government's decision that English Heritage, now an independent charity, must be self-financing by 2020; Highgate Wood is seeking outside sponsorship following the Heritage Lottery Fund's rejection of its application for funds to enable the Roman Pottery Kiln to be permanently displayed in the wood.

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With so much going on in Highgate, I am reluctant to use space with my occasional long discourses about the national planning situation; but the Government's assault on the planning system, which it blames for all the country's economic ills and particularly for the housing shortage, is now becoming such a major threat to local economies, local communities and our historic environment, that it would be complacent for anyone to assume that having a strong amenity society and Conservation Area status will keep back the planning tsunami which is hitting us and other communities. Amenity groups and concerned MPs nationally are raising the matter at the highest levels; we have already met with one of our MPs, Catherine West, and are in the process of arranging a meeting with the other, Sir Keir Starmer, to make clear our own serious concerns about the impact the changes are having and will have.

[At the recent AGM of the London Forum of Amenity and Civic Societies (look at their newsletters and information updates, which cover all these issues in much greater detail than I can here - <http://londonforum.org.uk>), their Chairman, Peter Eversden of the Bedford Park Society, warned that the new laws allowing developers to convert offices to housing without the need for planning permission, or contributions towards infrastructure costs, was only providing luxury and investment-standard housing, not the housing needed. Now, bizarrely, launderettes have been added to the list of buildings which may be converted to housing in the same way: surely a blow to the many communities dependent on them. Small businesses are particularly hard hit as they are thrown out to make way for expensive housing. It is having a particularly bad effect on London, where the need for affordable and social housing is greatest, and where it is least likely to be provided under the new permitted development bonanza. Boroughs such as Richmond have lost so much office employment space to housing that they are re-designating housing land for offices; and Barnet has lost much office space too. In our own area, the Archway Tower is already

being converted under the same provisions, and in other cases the new units proposed are substandard and will create the slums of tomorrow; yet there is nothing the local authority can do about it. Read the recent London Councils report on <https://www.londoncouncils.gov.uk/download/file/fid/16326> for the alarming details.]

In Highgate, Camden followed Government recommendations by issuing a number of “Article 4 Directions”, including for the whole of their side of Highgate, withdrawing permitted development rights for converting offices to housing, to ensure that any proposals needed planning permission. Appallingly, the Government have overruled this, except for a short strip of properties along the High Street, which means that any offices in Highgate could be lost to expensive housing – a disgraceful and unwarranted interference with local democracy.

The Government meanwhile continues to blame the Planning System for the housing crisis, disregarding the fact that there are 700,000 vacant housing units nationwide, because VAT is 20% on repair and restoration and zero on new build. There are 400,000 unimplemented permissions for new housing; 270,000 of these are in London, but only 20,000 have been built, because developers are holding them back to prevent prices falling. Addressing this issue alone could solve the short-term housing crisis; but meanwhile the current policy is delivering no affordable housing for London (where an “affordable” rent is 80% of market rent). Worse, 70% of all new housing in inner London, and 60% in parts of outer London, is built for the overseas investment market, driving prices up further while the units lie empty. The only result will be that local economies suffer, the crisis is exacerbated, and Planners’ ability to “plan” has been so weakened that they can no longer provide the housing actually needed.

At the same AGM, the guest speaker, architecture correspondent Rowan Moore, observed that, while there is a lot of building, too much is “not of the highest quality”. and London’s skyline is being compromised, with tall buildings not meeting London Plan design or location criteria. At the same time, the role of planning is being reduced, and developers are using viability assessments (always heavily redacted for the public) to browbeat planners into allowing oversized developments – if they don’t get permission for a bigger scheme, they won’t provide any affordable housing. All this is destroying what remains of planners’ powers.

He said that the cost of housing is excessive, the renting situation is farcical, and proposals to force Housing Associations to sell their stock, and Boroughs to sell housing in expensive areas, will force low-rent tenants out of their houses merely because prices have gone up. The tradition of public involvement in shaping the city is dead (see his Guardian article for 28th June, 2015 - “London: the City that Ate Itself” arguing that London is ruled by money, what makes it special – markets, pubs, high streets and communities – is vanishing, and the criterion of what should be developed is simply property value. Offices being converted to residential are damaging community life, small businesses are being pushed out and have nowhere else to go. It is all happening quickly, and the scale of what is happening gives rise to most concern. Some change has been good, but some truly shocking things are also happening, and things will only get worse. All this is rendering localism meaningless.

The situation will be worsened if the current Housing and Planning Bill, aimed at driving through all these, and more, changes, is passed unaltered. The London Forum have issued a briefing on its implications: we will be happy to e-mail a copy to anyone interested.

As this goes to press, we learn that the Government has announced a review of Community Infrastructure Levy “which will come forward with proposed measures to ensure that developers are meeting their contribution to improve local infrastructure”. Yet, the new permitted development rules, allowing offices to be converted to residential without the need for planning permission, specifically exempt developers from having to make any contribution towards infrastructure, our most notorious example locally being the Archway Tower.