

THE ENVIRONMENT COMMITTEE REPORT

by Michael Hammerson

The Planning Group continues to monitor hundreds of applications, responding in detail to scores of them, as well as commenting on a wide range of planning, environmental and heritage-related consultations. We also give help and support to the many local residents who come to our Saturday morning planning 'surgeries'.

The past quarter has involved us in several critically important issues, and much of this report will focus on these.

The Good News

Most of you will have noticed the demise of the Horse Chestnut by the village bus stand, which was planted in 1986 by our then President, Yehudi Menuhin, for the Society's 20th anniversary. Thanks to the efforts of Allan Rapley, and the generosity of Andrew Sulston (known to many of you for his work renovating our pre-war Red Telephone Boxes), who sponsored the re-planting and a new plaque, a replacement Fastigate Beech was planted on March 5th. Thanks, too, to Camden's arboricultural officer Cameron Brown for obtaining the tree and for organising the actual planting. We hope it will flourish to become a feature of the High Street.

The Former Magistrates Court Site on Archway Road

On 19th January, Haringey's Planning Committee approved Bellway Homes' application for the site between Bishops and Church Roads. The Society supported the principle of development, and had been instrumental in agreeing a planning brief with Haringey, which became official Haringey policy. This specified a maximum of 2-3 storeys, rising to 4-5 on Archway Road. When the scheme was presented to the Society at a pre-application meeting, it had grown to 3-4 storey blocks on Bishops and Church Roads, rising to 5 storeys, with a 7-storey tower on Archway Road which, we were told, would form a "gateway" to Highgate. This is nonsensical developer-speak for packing as much onto the site as possible, as it is manifestly not a "gateway" to anywhere; indeed, in the Neighbourhood Plan, the "gateway" to Highgate has already been identified as the Wellington gyratory area. We were therefore understandably at a loss to comprehend what had happened to the agreed Brief, and objected robustly that it was severe overdevelopment, was against Haringey's own planning brief for the site, and would cause irreparable damage to both the Conservation Area and to Highgate Wood, which it overlooked and from which it would be clearly visible, particularly in winter when all its lights are on.

A "consultation" meeting organised for the local

community proved to be meaningless as it was held after the planning application had been made, signalling that there was no intention to have genuine consultation. On grounds of alleged "viability" the developers were not prepared to reduce the number of units, except by cutting the 28 "affordable" units. Haringey found this politically unacceptable and therefore waved the proposals through, even though manifestly against their own policies.

Elsbeth Clements spoke powerfully for us at Haringey's Planning Committee and a coalition of over 130 local residents was, represented by their own surveyor. The City of London, who own Highgate Wood, objected strongly, pointing out that the proposals were against local and London policies. The residents' group, wishing to verify the developers' "viability" argument, had obtained their viability statement, but it was so heavily redacted as to be meaningless. Our Ward Councillors Bob Hare and Liz Morris spoke, highlighting Haringey's officers' own comments which, when the proposals were first presented, considered them over-development, poorly designed and damaging to the Conservation Area; but by the time the application had come to Haringey Planning Committee, they decided that it was well-designed and would enhance the Conservation Area.

The three committee members from the west of the Borough (including our third Ward Councillor, Clive Carter), voted for refusal, while the four from the east of the Borough voted in favour.

We believe that the developers overpaid for the land, and consequently produced an overdeveloped scheme, where many of the flats will suffer from overlooking and daylighting problems. The "social housing" block, along Church Road, will never get any sunlight as the flats are single aspect and north facing, and any sun which might reach them in summer will be blocked by the important trees being retained along the Church Road frontage. We are angry that the political pressure to provide affordable housing, and housing in general, has resulted in the approval of a substandard scheme which damages the conservation area. The building line will come almost to the edges of the site and, since the heights of buildings elsewhere in the area are mostly 2-3 storeys, it will inevitably set a dangerous precedent leading to similar schemes in Highgate, and particularly Archway Road. It will also signal to developers that Highgate's Conservation Area status is meaningless and that they can interpret Haringey's planning policies to suit their own ambitions. Look forward to more applications for "gateways", "landmarks" and "iconic" buildings, which we will continue to resist, as we would

any bad development.

The Athlone House Public Inquiry

This is the second major issue. Under the 2005 legal agreement, we and our colleagues in Hampstead have, for ten years, sought the restoration of the house. This has been against developers who have been determined to ignore the agreement, to demolish this important “heritage asset”, and to replace it with what has been described as an “Arabian Nightmare” and a “Stalinist Wedding Cake” looming over Hampstead Heath.

We must pay tribute to the Athlone House Working Group team (the Highgate Society, the Heath and Hampstead Society, and the Highgate CAAC), who did months of preparatory work, attended most of the inquiry and reported on the “highlights” of the Inquiry.

First to acknowledge is our Counsel, David Altaras, a member of the Heath and Hampstead Society, who steered us through this and the previous inquiry. David did a vast amount of pro bono work for us, attending many meetings, providing advice and guidance whenever needed, advising our witnesses on their statements, and attending the inquiry for four days. While his clerk required him to charge a fee for three days’ absence from his chambers, that fee was extremely modest, and the value of professional expertise we received from him was many times the cost of what we were charged. Those present on the final day agreed that his closing statement was by far the best of those made; it can be read on the Society’s website.

Secondly, Jon Avent, our expert witness on the restoration of Athlone House. A director of Mann Williams, a Bath-based firm of engineers specialising in the restoration of historic buildings, he read about our battle to save the house, and was so angered that he contacted us, offering his services pro bono. He agreed to be an expert witness, made a special visit to London to inspect the house, prepared first-class professional objections to Camden and the Inquiry, and came to London to speak at the inquiry and affirm the soundness of the house and the practicability of its restoration, contrary to the developers’ claims. We were indeed fortunate to have support of this calibre from out of the blue.

Third was Professor Joseph Rykwert, renowned architectural historian, and the first to be awarded the RIBA Gold Medal, in 2014. Joseph, who had represented us at the 2011 Inquiry, agreed to take the witness stand once again, pro bono, and once again made clear his low opinion of the proposed architecture and the dubious basis on which it was predicated.

Our other expert witnesses were home-grown, but no less effective and willing to put their heads in the lion’s mouth by speaking at the Inquiry. Planning Group member Gail Waldman spoke on the importance of Athlone House and its architect. Her evidence was prepared jointly with Susan Rose, producing a great

deal of information on the importance of the house and its architect. She stood her ground firmly against the developers’ QC’s cross-questioning. Deborah Wolton, author of two books on Hampstead Heath, made a persuasive case for the critical importance of the house to the Heath landscape and the immense value placed on it by Londoners, citing the 1,000+ objections to Camden and the 5,200-signature petition urging Camden to enforce the S.106 Agreement to restore the house.

An honourable mention, too, for Gordon Maclean of the H&HS, whose many days’ work on detailed calculations showed that the proposed house was materially larger than the existing one and therefore fell at the first legal hurdle, despite the developers’ efforts to show the contrary. It transpired that our calculations coincided so closely with Camden’s that it would be merely duplicating their evidence; this was likely to annoy the Inspector, and it was therefore decided not to present his evidence at the inquiry. Gordon’s work was not wasted, as it enabled us to support Camden and satisfy ourselves that Camden’s calculations could not be refuted by the developers. Nevertheless they tried to do so, taking as their arbitrary baseline the house as it was back in 2003 to “prove” that their building was actually smaller.

We considered many of the developers’ arguments put forward by the appellants to be unsound, contradictory and even irrelevant. For example, at the beginning of the inquiry, the developers circulated a letter, refuting accusations that they were speculative developers and maintaining that they had a genuine client who “just wanted to build themselves a family home”, and that they were “very important people – or at least they think they are” who demanded a house to meet their exceptional requirements - quite irrelevant in planning terms; yet they contradicted themselves by trying to claim that that restoration was unviable because the resultant house would not appeal to the type of market at which they are aiming! The identity of this “family” was not revealed, so we were expected to take the word of people who have already disregarded a solemn legal agreement from which they have profited enormously and which required them to “act in good faith”.

We were incensed when the project architect, Robert Adam, told the Inspector that their proposals had been arrived at following “discussions with the local planning authority and local community members”, since AHWG have had no discussions with them since before the 2011 inquiry, as David Altaras made clear in his closing statement.

The Inspector was Colin Ball, who presided over the key 2014 Smithfield Market Inquiry and who seemed to be weighing up all the issues. Despite Camden’s declining to refuse on grounds of demolition of the house, we asked him if we could argue that the house should be retained, and he made clear that we could. Then, just before the start of the inquiry, he sent a

message to all parties noting that a major source of objections had been the disregarding of the S.106 Agreement to restore the building, yet he had noted that the parties at the inquiry had not addressed this, and was therefore asking them to provide him with a position statement; this we were only too glad to provide, and we are hopeful that he may regard the failure to observe the S.106 Agreement as within his remit.

The developers argued that, although objectors had made much of the damaging impact on Heath views of their new building, in light-coloured Bath stone, a cleaned red-brick building would be equally jarring visually. We were able to contradict that on two points: firstly, that the newly-cleaned 1860s red brick Highgate School buildings at the top of Hampstead Lane, far from being obtrusive, simply looked beautiful and complemented the Conservation Area, of which they were an integral part; and, secondly, we produced a photograph of Athlone House, in strong low winter sunlight, with the white walls and reflecting windows of Highpoint, several hundred yards away, shouting its presence to Heath users – how much more would a Bath stone building on the site?

There was vastly more evidence from the developers, some of it very dangerous. We, Camden and the City of London did our best to convince the Inspector that it was flawed. Now, all we can do is to endure the wait until the decision is announced, some time before 15th June, so the next 10 or 12 weeks will be an anxious time for us. There is no doubt that the decision will have national significance. If the appeal is allowed, no undesignated heritage asset anywhere, however important, will be safe from ruthless developers with wily lawyers, and no Section 106 Agreement will be worth the paper it is written on, even though it is a legal obligation.

The Highgate Garden Centre

Despite the generous response of members to our appeal to help us fight the Garden Centre Inquiry, which enabled us to cover our costs, our appeal to fight the equally important – and equally costly – Athlone House inquiry brought a disappointing response.

Following the decisive dismissal of the Highgate Garden Centre appeal, we have now established a separate charitable trust, approved by the Charity Commission, to raise funds to buy the site for the community. We are encouraged by Haringey's recognition of our aspirations and we have now taken over and around the Highgate Bowl land on two occasions; they are now fully persuaded of the importance of the land and are formalising its designation as public open space in their local planning documents.

The Archway Bridge

Over a year ago, we were called to a meeting with Haringey and Transport for London to discuss the revival of proposals to install anti-suicide measures at

Archway Bridge. That proved to be less a consultation than a notice that proposals had now been decided upon, and extremely clumsy and inept they were. We were promised further meetings, which never happened, and in December an application was submitted for permission to implement them. Though all support the intention, these proposed measures were neither well-designed nor effective and have attracted criticism from English Heritage, the Victorian Society and several local groups, as well as from Haringey and Islington's planners and conservation officers. After a useful meeting with both boroughs, it has been agreed that Transport for London will be invited to submit a far less damaging, and probably more effective, scheme along the lines of one commissioned some years ago by the Hornsey Lane Association. These came from the architect who designed similar measures for the Clifton Suspension Bridge.

The "Bishops" Area,

The pressure continues for major developments in the area between Compton Avenue and Stormont Road. These involve demolition of the houses for which it was designated as part of the Conservation Area, and their replacement with larger and often ostentatiously-designed mansions, with large basements with potential to cause problems for neighbours and trees. The can take up 50% or more of the large gardens which are an essential feature of the area formerly known as the "Fringes of the Heath Area of Special Character". Several roads, including View Road and Denewood Road, have already been seriously damaged by poor planning decisions granting permission for excessive and ugly developments – though a victory was scored during 2014: we succeeded in getting a vulgarly ostentatious pastiche Jacobean Mansion, intended to replace the elegant Edwardian house on the site at 21 Broadlands Road, dismissed on appeal. We object to most of them and a growing number of longer-term residents in those streets are beginning to appreciate the threat to their area from this new form of development – much of which speculative – and are working with us to oppose them.

The Hampstead Ponds Dams

Finally, as you will be aware, the Heath and Hampstead Society's efforts to halt the work to the Hampstead Ponds Dams through a judicial review unfortunately failed. The judge decided that the Reservoirs Act, under which the work is being done, allowed a single government-appointed engineer to exercise his own discretion as to what works were necessary and to order them to be implemented. A judicial review is an expensive business, but the Heath Society managed to raise the £100,000 necessary to meet its costs through an appeal to its membership. Efforts to persuade Camden Planning Committee to refuse the application were unsuccessful and an approach to the Minister to intervene brought the reply that she had no power to do so – which the Heath Society believe is not correct and will be pursuing. In the meantime, clearance works have started, notably tree felling in advance of the bird nesting season, and we and the other local

groups on the various Heath and Dam committees will continue to work with the City to ensure that damage and disturbance are minimised.

More Good News

I will end on two more cheerful bits of news. Many of you will have noticed that the pavement shop canopy at 62 High Street, demolished by a lorry, has now been replaced. At our request, this was modelled closely on the canopy as it existed in early 20th century photographs, and not on the clumsy version installed by the previous owner in the 1980s when it was last hit, by a bus. The rather faux inscription put there by the same owner, announcing "The Old Butcher's Shop", has thankfully also been omitted. The second piece of good news concerns the huge ancient hedgerow oak at 32 Hampstead Lane. We were all saddened when the tree had to be cut down last year because of major decay. Happily, the householder has agreed to replace it, understandably further from the house, with a tree of the same species, which will hopefully become a feature for future generations.

I hope to see a few of you at my next Highgate Wood Historical Walk, which starts from the Wood Information hut at 6.00 on Wednesday April 22nd.