The Planning Inspectorate

Appeal Decision

Site visit made on 12 January 2016

by Karen Radford BA (Hons), Dip Arch, Dip Arch Cons, IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 03 February 2016

Appeal Ref: APP/Y5420/D/15/3139431
2 Waltheof Avenue, London N17 7PL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Miss Patricia Kerin against the decision of the Council of the London Borough of Haringey.
- The application Ref HGY/2015/2040, dated 10 July 2015, was refused by notice dated 9 September 2015.
- The development proposed is loft conversion with rear dormer extension.

Decision

1. The appeal is dismissed.

Procedural Matters

2. Although, the planning and appeal application forms state that the appellant is Pamala Kerin, and the statement of case refers to Pamela Kerin, written confirmation has now been received that the appellant's name is Patricia Kerin. I have therefore considered the appeal on this basis.

Main Issue

3. The main issue to be considered is whether the proposed development would preserve the character or appearance of the Tower Gardens Conservation Area.

Reasons

Character and appearance

4. The appeal building, a two storey house, dating from the early part of the 20th century, has a traditional pitched roof and is in the Arts and Craft architectural style. The main characteristic of which is pitched roofs, often with asymmetric gables and "cat slide" roofs. Although the appeal building is the end property in a short terrace of ten houses, the whole terrace has been designed to have a composed balanced front elevation with each individual house having a designed relationship to its immediate neighbours, and to the terrace as a whole with the roofs being an important feature.

5. It is located in the Tower Gardens Conservation Area, which is a designated heritage asset and the majority of which, including the appeal site, is controlled by an Article 4 direction imposed in 2007. The area, one of the earliest examples of a garden suburb and an important estate of its type, consists of

954 houses. Despite its age, it has retained a very high degree of visual cohesion with most of the houses not having been subjected to modern inappropriate extensions or alterations. The appeal house is positioned on the principal north-south axis through the estate, making its location relatively important within the hierarchy of the area.

6. The proposed development would be for the creation of a loft conversion with a rear flat roofed dormer and a roof-light in the front roof pitch.

7. There are limited opportunities for viewing the rear or side of the houses from the public domain, because the terraces are quite long with infrequent gaps between the houses. However because the appeal building is an end of terrace house, the south side elevation can be seen from Waltheof Avenue across the rear garden of No 81 Tower Gardens Road, and the rear roofs can be seen from the end of Siward Road, across the rear garden of 97 Siward Road.

8. The proposed front roof-light would be very visible from views up and down Waltheof Avenue, one of the principal axis routes through the estate. Whilst the full extent of the proposed rear roof dormer would be seen from the end of Siward Road and partially seen from the Waltheof Avenue.

9. On my site visit, although I did see some roof-lights on neighbouring properties, these were almost all on rear roof pitches, and to my mind the proposed roof-light would not be a traditional feature on the front roof. In addition because this terrace of houses has a designed architectural composition, with the roofs being one of its most important elements, the proposed roof-light would unbalance and harm the appearance of not only the appeal house, but indirectly the whole terrace.

10. I have considered the appellant's two contradictory comments relating to the visibility of the rear dormer, with one comment stating it would be seen from Siward Road, and the other comment stating it would not be visible from the street scene. However I conclude that the proposed rear dormer would be able to be seen from the street and I have considered the appeal on this basis.

11. I acknowledge that the appellant has provided photographs and copies of planning permissions for existing rear dormers in the area, and on my site visit I did see some of them. Whilst in total eleven rear dormers have been granted planning permission between 1998 and 2013, there are 954 houses in the estate, it therefore follows, the majority of the roofs have remained unaltered, and generally the overall character and appearance of the area has not changed significantly. Therefore, I have considered the rear dormers allowed by the Council, but as they are relatively few I have given them only very limited weight in reaching my conclusion.

12. The appellant has commented that the granting of these dormers proves that the Council allows dormers and does not have an "in principle objection" to rear dormers. Whilst I agree with this, it does not outweigh my findings that overall most roofs have remained unaltered and the overall character and appearance of the area has not been changed significantly by the presence of these relatively few dormers. Moreover, as I set out below, I have identified specific harm in respect of this case.

13. Therefore, I have found the proposed development would be seen from the adjoining streets and would appear as a modern discordant feature, altering

the appearance of the roofs and thus would fail to preserve the character and appearance of the Tower Gardens Conservation Area, as anticipated by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 the desirability of which I am required to give special attention.

14. In addition, the development would not meet the expectations of paragraph 132 with the National Planning Policy Framework (the Framework), which anticipates, amongst other things, that great weight shall be given to the conservation of designated heritage assets.

15. The appellant has referred to the Council's Tower Gardens Design Guide (1982) which says that dormers should not be built where they can be seen from the street. However, since I have found that the proposed dormer would be seen from the street, it follows that the development would not comply with this Design Guide.

16. The development would not be in accordance with The Tower Gardens SPG 3.1, Saved Policies UD3 and CSV5 of the Haringey Unitary Development Plan 2006 or Policies SP11 and SP12 of the Haringey Local Plan 2013, or Policies 7.4, 7.6 and 7.8 of the London Plan 2015; which seek, amongst other things, to ensure new development preserves or enhances the significance and character of the conservation area, complements and respects the character and historic significance of an area, conserves Haringey's heritage assets, and be informed by the surrounding historic environment.

17. Turning to the appellant's comments regarding Policy 7.6 of the London Plan in the refusal reasons, I acknowledge that the Council consider the impact of the rear dormer on the amenity of the adjoining occupiers to be acceptable because it would be modest in scale and bulk. However, it would still be visible and harm the character and appearance of the Conservation Area and in this respect would not comply with Policy 7.6 (B) c of the London Plan 2015, which seeks to ensure, amongst other things, that development complements the local character of an area.

18. I have considered that the appellant's comments regarding paragraphs 9, 17, 126, and 131 of the Framework. However, paragraph 9 would only applicable when a development would be assessed to be sustainable, including fulfilling an acceptable environmental role. In this particular case, because the development would harm the conservation area the environmental role would be not fulfilled, making the proposal unsustainable and paragraph 9 irrelevant.

19. Paragraphs 17 and 131 remain relevant, and seek to ensure, amongst other things, that new development takes account of the different roles and character of different areas and makes a positive contribution to local character and distinctiveness. However because the appeal development would fail to conserve the character and appearance of the conservation area, then it would not comply with paragraphs 17, 131 and 132 of the Framework.

20. Turning to paragraph 126 which also remains relevant, the Council demonstrated a positive strategy for preserving and enhancing the Tower Gardens Conservation Area when an Article 4 direction was imposed in 2007 and more recently by the adoption of Policy SP12 in the Haringey Local Plan 2013. However I have found that the development would not comply with policy SP12 and therefore indirectly fails to comply with the Framework.

21. I have considered the appellant's other comments regarding the Framework, in particular the view that Chapter 12 does not restrict dormer alterations in conservation areas and article 4 direction areas, but promotes sensitively designed alterations. Although I agree with this general comment on Chapter 12, because the proposal would harm the area I do not consider it to be a sensitively designed alteration.

Other Matters

22. I have also considered the appellant's comments regarding the planning application process and the content of the Planning Officer's report. There is nothing before me to corroborate the view that the application or appeal has not been dealt with in accordance with the correct procedures, and in any event, these are all matters for the Council.

23. I acknowledge the appellant's other points regarding the personal need for an extra bedroom for a child, the need for three bedroom houses in the area, the presence of other rear extensions and satellite dishes in the area and that no objections were received from neighbours during the consultation exercise.

Planning balance and conclusion

24. I have concluded the proposals would fail to preserve the character or appearance of the conservation area and would conflict with the objectives of paragraph 132 of the Framework. However, when viewed in the context of the conservation area as a whole, in accordance with paragraphs 134 and 135 of the Framework, I conclude the magnitude of the harm resulting can be considered less than substantial.

25. In such circumstances the Framework anticipates that the identified harm be balanced against any public benefits the development may bring. Although the appellant does not define the positive attributes identified above as 'public benefits', I accept that the provision of an additional bedroom to create a three bedroom dwelling, thus adding to the diversity of local housing stock, may be considered such a benefit. However, such a benefit would inevitably be very modest, and not sufficient to outweigh the measure of harm identified and the resultant failure to preserve the conservation area, a matter once again that I am required to apportion significant importance and weight to.

26. For the reasons given above, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Karen Radford

INSPECTOR