The Planning Inspectorate

# Appeal Decision

Site visit made on 27 September 2016

**by Jason Whitfield BA (Hons) DipTP MRTPI**

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

**Decision date: 04 November 2016**

**Appeal Ref: APP/Y5420/W/16/3153672**
**Land to the Rear of 29 Haringey Park, London N8 9JD**

- 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 Mr and Mrs Pierre and Ally Carboni against the decision of the Council of the London Borough of Haringey.
- The application Ref HGY/2016/0637, dated 29 February 2016, was refused by notice dated 27 June 2016.
- The development proposed is described as "the site falls within a conservation area and the existing hardstanding will need to be removed to create a single family dwelling at the ground and basement levels."

## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are:

   - Whether the proposal would preserve or enhance the character or appearance of the Crouch End Conservation Area.
   - The effect of the proposal on the living conditions of the occupiers of 29 Haringey Park and Ravensdale Mansions with particular regard to light pollution and noise.

## Reasons

*Conservation Area*

3. The appeal site comprises an area of land to the rear of 29 Haringey Park. It is within the Crouch End Conservation Area. The land has been fenced off from the rear garden of No 29 and was previously used as a builder's yard and storage area up until 2008. The site is accessed via Abbots Terrace which is a narrow lane that runs between Haringey Park and Cecile Park, both of which are, primarily, linear residential streets.

4. The Crouch End Conservation Area encompasses several different zones of architectural development. The Council's Crouch End Conservation Area Character Appraisal 2010 (CA) divides it into eight sub areas. Whilst each of these has its own identity, the different sub areas are united by the historic street layout. The significance of the conservation area largely derives from this clearly defined historic street layout.

5. The Haringey Park Sub Area is centred on the residential street that was laid out in the 1860s, including its rear gardens. The stretch of Abbots Terrace adjacent to the appeal site is located in the Weston Park to Cecile Park Sub Area. Like the Haringey Park Sub Area, it is designated to protect the character and appearance of the historic residential streets. Haringey Park and Cecile Park are wide, linear streets characterised by large properties set on open and spacious plots. The streets have active frontages and an established linear street pattern. This is broadly reflected throughout the conservation area.

6. Abbots Terrace is a narrow lane with an informal surface which mainly provides access to the garages and car parking areas to the rear of some of the properties on Haringey Park and Cecile Park. Otherwise, the rear gardens which back onto Abbots Terrace are large and generally free of built form. There is a significant level of vegetation along the lane, with only a small terrace of mews-style housing on Abbots Lane close to the junction with Crouch Hill. As a result, the character of Abbots Lane is distinctly suburban and not mixed 'industrial and semi-rural' as suggested by the appellant. It is not a primary residential frontage and lies in contrast to the wide and open linear residential streets which characterise the conservation area.

7. Abbots Terraces is described in the Crouch End CA as being of old world charm, with a somewhat neglected and overgrown appearance that exposes long views of the rears of nearby properties. This overgrown appearance, in my view, contributes to the leafy and suburban 'back lane' character of Abbots Lane.

8. The proposal would result in the creation of a new dwelling which would front onto Abbots Terrace. The appeal site has an extensive history, culminating in proposals for a dwelling on the land being dismissed on appeal in 2008[1] and 2009[2]. On both occasions, it was found that the proposals would not preserve or enhance the character or appearance of the conservation area.

9. This appeal proposal seeks to address those concerns by proposing a design which is significantly different to the aforementioned schemes. Indeed, I recognise improvements in the design of the proposed property from previous appeal schemes. The proposed dwelling would comprise a concrete and glass structure with subtle external treatment and simple detailing. I also note the proposal would redevelop a site which is currently in relatively poor condition.

10. However, the plot size would be significantly constrained with limited garden area and boundaries drawn tightly, close to the dwelling. The dwelling would occupy a considerable proportion of the site. This would be in stark contrast to the open and spacious plots which characterise the conservation area. Moreover, the proposed dwelling would face out onto what is, essentially, a back lane with very little active frontage. Whilst I note there are garages on Abbots Terrace, these are ancillary to the dwellings of Haringey Park and Cecile Terrace. In contrast, the proposal would appear somewhat sporadic and detached from the suburban form and pattern of the surrounding streets. As a result, I consider the proposal would fail to positively respond to the established layout and characteristics of the surrounding area.

[1] APP/Y5420/E/07/2059771
[2] APP/Y5420/E/09/2101589

11. I recognise that views from within the public realm would be limited to some extent. Nevertheless, the dwelling would be clearly visible from surrounding gardens, from Abbots Lane itself (which is a public right of way) and in occasional glimpses in the gaps between surrounding properties. Whilst the excavated basement, planted roof and single storey height of the dwelling would limit the visual impact, the presence of built form in this location would, in my view, be readily apparent.

12. I have considered the appeal proposal on its own merits. Nevertheless, I agree with local residents that development which fails to positively respond to the established pattern of an area would undermine the character of that area and set an undesirable precedent for future development.

13. I conclude, therefore, that the proposal would not preserve or enhance the character or appearance of the Crouch End Conservation Area. Consequently, it would conflict with Policies 3.5, 7.4 and 7.6 of the London Plan[3] which state that housing developments should be of the highest quality in relation to their context, that development should have regard to the form, function and structure of an area, and that architecture should make a positive contribution to a coherent public realm and streetscape. It would also conflict with the aims for high quality design and the conservation of the Borough's historic significance as set out Policies SP11 and SP12 of the Haringey Local Plan (LP)[4]. Additionally, the proposal would conflict with Saved Policy UD3 of the Haringey UDP[5] which states that development proposals should complement the character of the local area.

14. The proposal would also conflict with the design and historic environment aims of policies DM1, DM2, DM7 and DM9 of the emerging Haringey Development Management DPD Pre-Submission Version 2016 which has undergone examination in public. With regard to Paragraph 216 of the National Planning Policy Framework (the Framework), those policies are a consideration which can be afforded weight. Nevertheless, the plan is still to be adopted and thus cannot carry the full weight of development plan policy.

15. In finding harm in respect of the significance of heritage assets, paragraph 134 of the Framework sets out that where a view is taken that the harm to the designated heritage asset would be less than substantial, this harm should be weighed against the public benefits of the proposal. In this instance, the degree of harm would be less than substantial in the context of paragraph 134. Such a conclusion of the degree of harm to the conservation area does not equate to a less than substantial objection to the grant of planning permission. There is nothing contradictory in such a stance. Nevertheless, a balance must be struck and this will be returned to in the decision.

*Living Conditions*

16. The previous appeals on the site found that the appeal site is isolated from the public highway and that pedestrian access to the appeal site along Abbots Lane would provide unsatisfactory arrangements for refuse collection and would not make for a safe and attractive route for residents at night. To that end, it is

[3] The London Plan, The Spatial Development Strategy for London Consolidated with Alterations Since 2011, 2016
[4] Haringey's Local Plan Strategic Policies 2013-2026 March 2013
[5] Haringey Unitary Development Plan Saved Policies (Post Local Plan Adoption) July 2006, Saved March 2013

proposed to provide pedestrian access to the appeal site from Haringey Park through an extended footpath between No 29 and Ravensdale Mansions.

17. I note that the installation of external illumination along the footpath would result in light spillage close to adjacent properties. I also note that the movement of pedestrians would result in some level of background noise in proximity to the side elevations and garden areas of No 29 and the flats within Ravesndale Mansions.

18. However, no lighting has been proposed and I agree with the appellant that the use of carefully designed lighting could be secured by condition. Such lighting would, in my view, ensure that adjacent properties are not subject to harmful levels of light spillage. Furthermore, the comings and goings associated with a single dwelling would likely be relatively low. As a result, the proposal is unlikely to result in significant, harmful levels of light pollution or noise.

19. I conclude, therefore, that the proposal would not have a harmful effect on the living conditions of the occupiers of 29 Haringey Park and Ravensdale Mansions with particular regard to light pollution and noise. The proposal would, consequently, comply with Policy 7.6 of the London Plan and Policy SP11 of the LP in so far as they relate to the effect on the amenity of surrounding land and buildings. It would also accord with Saved Policy UD3 of the UDP in so far as it states there should be no significant adverse impact on residential amenity.

20. Nevertheless, I have found that the proposal would fail to preserve or enhance the character or appearance of the Crouch End Conservation Area. That harm and the conflict with Policies 3.5, 7.4 and 7.6 of the London Plan, Policies SP11 and SP12 of the Haringey Local Plan and Saved Policy UD3 of the Haringey UDP is the prevailing consideration in this instance.

**Other Matters**

21. I appreciate that that the appellant received pre-application advice from the Council. However, the Council are not duty bound to accept such advice and consequently, I am unable to afford this matter more than limited weight.

22. The appellant has also referred to several examples of dwellings which have been granted planning permission. However, I do not have the full details of those cases or the policy context within which they were determined. I cannot, therefore, be sure they represent comparable circumstances to this appeal. In any case, I have dealt with this appeal on its own merits and the presence of similar dwellings in the area would not necessarily justify the harm arising from this proposal. I can, therefore, afford only limited weight to such matters.

23. I note that the proposal would not have harmful effects on highway safety, trees, the living conditions of neighbouring residents with regard to outlook, privacy or daylight, and would provide a satisfactory standard of accommodation for future occupiers. However, the lack of harm in respect of those matters would be neutral factors of the proposal rather than benefits, and do not justify the harm I have identified.

**Planning Balance and Conclusions**

24. The appeal proposal would make a modest contribution towards housing delivery within the Borough. It would also provide housing within a relatively sustainable location having regard to access to services, facilities and public

transport. These are factors of some importance. However, the harm identified to the significance of heritage assets in this instance weighs more heavily than the limited benefits of providing a scheme of a single new dwelling.

25. Therefore, for the reasons given above and having considered all other matters, I conclude that the appeal should be dismissed.

*Jason Whitfield*

**INSPECTOR**