

Objection to HGY/2023/0521 – Proposal to construct a house on Cornerways garden land, N10 3DD

This is an objection to the HGY/2023/0521 proposed development on the grounds that if built, the house would have a detrimental impact on the amenity for occupants of 12 Cranley Gardens and the neighbourhood streetscene.

The main issues are the effects of the proposed development on harming:

- The living conditions of occupiers of the neighbouring property, 12 Cranley Gardens, with particular regard to the outlook from the rooms with windows on the east-facing side of it
- and
- The character and appearance of the surrounding area and in particular, Cranley Gardens.

The most material planning consideration is that a Planning Inspectorate Appeal Decision for a nearby case of an application to build a new house on former garden land was dismissed. (See APP/Y5420/W/18/3201422 appended at end of this document.) Parallels between that appeal case and this current HGY/2023/0521 application include:

- Proximity of application sites: Both are in the same top stretch of Cranley Gardens
- Corner houses: In both cases the proposals involve creating a new house along Cranley Gardens on former garden land of an existing house on an adjoining road.
- Views of openness: The two proposals are both for new detached houses which would poke up, contrasting with the rhythm of the streetscene and would detract from the openness around corner houses, a pleasant characteristic of this neighbourhood.

The Planning Inspector's reasons for dismissing that APP/Y5420/W/18/3201422 appeal are grounds which apply in this HGY/2023/0521 case too.

The Planning Inspectorate appeal decision should carry a lot of weight and set a precedent for safeguarding this neighbourhood.

On account of its prominent elevated corner site, the adverse impact of the proposed development on visual amenity would be more pronounced than with the APP/Y5420/W/18/3201422 case.

Character and appearance

The planning history of the application site includes an expired permission for construction of a smaller house (HGY/2018/2596). The structures currently on the remaining garden-land site are subservient and ancillary to the main house from which the application site is a subsection.

The HGY/2023/0521 proposal for a bigger house would be more visible and overbearing than the previously approved one. The nominally 'lower ground floor' in the expired HGY/2018/2596 case is named 'basement' in the current plan but in effect the proposal is to build a higher, more out of keeping and more intrusive building than the expired permission was for. In a nutshell, the current application is on a different scale to the previously approved one and would be much more conspicuous and incongruent in the streetscene.

Living conditions

12 Cranley Gardens is the end house in a string of neat and charming 1920s houses, most of which are semi-detached pairs with a shared alley in-between. The design of number 12 reflects that it is the end house and abuts only the garden-land of the first house in Ellington Road, Cornerways. Number 12 has no shared alley. Instead, windows at ground and first floor illuminate interior spaces including the most frequently used reception room, a perfect bright morning room. The first floor window also has a pleasant outlook. Cranley Gardens has a steep gradient and transects the escarpment from the crest of the Northern Heights. This is relevant because the proposed house would immensely harm the outlook from the side of existing 12 Cranley Gardens as well as its direct natural light.

The proposal is contrary to adopted policy DM7 of the Development Management DPD;

- “Safeguard privacy and amenity for adjoining houses and rear gardens.” (Policy DM7, section Bd)
- “Relate appropriately and sensitively to the surrounding area as well as the established street scene.” (Policy DM7, section Ba)

The proposed new house on Cornerways’ garden land would be built closer to the affected windows of 12 Cranley Gardens than the equivalent in the dismissed appeal case. The adverse impact on the living conditions of 12 Cranley Gardens’ occupants by the current HGY/2023/0521 proposal would thereby result in even more harm than in the APP/Y5420/W/18/3201422 case.

HGY/2023/0521 application site

Aside from objections to the material planning issues outlined it appears that the application site is misrepresented.

The proposal is described on the LPA’s webpage as being on “the vacant site south of Cornerways on the corner of Cranley Gardens and Ellington Road”.

The fact that Cornerways is a subdivided site and the application site comprises some the former garden land of the first house in Ellington Road, Cornerways is not clear. Some of the former Cornerways garden land appears to have already been built over.

The HGY/2023/0521 application documents refer to the Parkland Walk, a statutory local nature reserve, perhaps as if the application site adjoins it. Neither the current nor the original site abuts the Parkland Walk.

For clarification, the application site is a sensitive prominent, street-facing site, highly visible from a long stretch of Cranley Gardens. A line of junction abuts the public footway on Cranley Gardens and wraps around the corner with Ellington Road. The remainder of the curtilage of the site abuts 12 Cranley Gardens to the west, and the remainder of the former Cornerways site only.

Conclusion

Grounds exist as outlined for the LPA to justify refusal of this application.

The proposal would impact adversely on the character and appearance of the neighbourhood and on the living conditions of the neighbouring house in Cranley Gardens.



Appeal Decision

Site visit made on 6 August 2018

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 13 September 2018

Appeal Ref: APP/Y5420/W/18/3201422
158 Muswell Hill Road, Hornsey, London N10 3JE

- 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 Geoffrey Simm against the decision of the Council of the London Borough of Haringey.
- The application Ref HGY/2018/0361, dated 29 January 2018, was refused by notice dated 28 March 2018.
- The development proposed is construction of one 2-bed dwelling with associated parking and amenity space.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The revised National Planning Policy Framework (the Framework) was published on 24 July 2018, replacing the version previously published in 2012. The comments of both main parties have been sought on whether the parties consider the content of the revised Framework has any implications for their respective cases. Neither party has responded and I have therefore determined the appeal accordingly.

Main Issues

3. The main issues are the effects of the proposed development on:
 - The character and appearance of the surrounding area; and
 - The living conditions of occupiers of neighbouring properties, with particular regard to outlook.

Reasons

Character and appearance

4. The appeal site lies in a predominantly residential area. Muswell Hill Road is a pleasant, tree lined road with a number of residential streets heading off it at right angles. Those streets, such as Cranley Gardens, Church Crescent and Woodland Rise, amongst others, are similarly tree lined. Together with the extensive wooded areas that lie just beyond Muswell Hill Road, the area has a pleasingly verdant, sylvan feel.
5. Where those streets encounter Muswell Hill Road there exist useful visual buffers between the rear elevations of properties on the latter and the gable

elevations of properties on the former. Although typically enclosed by substantial walls and fences, the absence of significant built structures ensures that the openness is retained and further views to the greenery of the interior of the street blocks are possible.

6. In this regard, the appeal site is no different. I have noted the differing opinions, status and descriptions that the main parties ascribe to the appeal site and its relationship with the residential property at 158 Muswell Hill Road. However, the rear garden area of No. 158 and the relatively low-line structure of the detached building within the appeal site together afford an open buffer between buildings on Muswell Hill Road and Cranley Gardens. This gap affords views across, and towards, the wooded rear gardens typical of properties in the surrounding streets. I saw that such gaps and views are commonplace in the surrounding streets and they contribute significantly to the charm and character of the area around the appeal site.
7. The appellant describes the proposal as 'infill' development. The proposed dwelling would indeed occupy the majority of the gap between the outrigger at the rear of No. 158 and the gable elevation of 2 Cranley Gardens. In itself this would significantly alter the composition, character and appearance of the area around the appeal site. I accept that there is already a building within the appeal site; a detached double garage structure used for storage purposes that are, I am advised, unrelated to the residential occupation of No. 158 and has been for some time. It is, however, a low-line structure and is clearly a visually subordinate structure within the street when compared with the greater scale and bulk of the nearby buildings, and one which maintains the open feel between Nos. 2 and 158.
8. The proposed dwelling would also stand significantly forward of the façade of the adjacent terrace on the southern side of Cranley Terrace. Despite that façade being broken by the depth of the chamfered bays of those properties it is a consistent façade and one with a pleasing sense of rhythm along its length. In contrast, the proposed dwelling would be sited in a manner incongruously at odds with those properties in Cranley Gardens. Standing forward of that terrace, and indeed forward of the flank elevation of No. 158, the proposal's contemporary design and mono-pitch roof would jar with the faces and angles of the buildings around it. Nor would its overall proportions or fenestration respond positively to the chamfered two storey bays and double fronted dwellings that prevail along Cranley Gardens.
9. The dwelling is described as 'respecting local architectural style' but it is not explained how or why, nor am I persuaded that it does so. Nor would the proposal relate appropriately or sensitively to the surrounding area in terms of the established street scene or pattern of built development. The existing structure within the site may lack the architectural quality of surrounding properties, but its position within the site and the nature of the boundary treatment around the site render it a discrete structure and largely hidden within the overall street scene. Thus the replacement of the existing structure and the redevelopment of the site does not weigh heavily in support of the proposal and, for the reasons I have set out, the proposal would fail to make a positive contribution to the character, quality or appearance of the surrounding area. It would therefore fail to accord with policies DM1 and DM7 of Haringey's Local Plan Development Management Development Plan Document (DPD) or with policy SP11 of Haringey's Local Plan Strategic Policies (LP).

Living conditions

10. The falling ground levels from Muswell Hill Road to Cranley Gardens are such that the proposed dwelling would sit at a lower ground level than No. 158. The rear of the dwelling would, because of its siting towards the front of the plot, also terminate just short of the two storey rear outrigger at that property meaning that it would be offset slightly from the rear facing windows on the outrigger at the rear of No. 158. Furthermore, the mono-pitch of the roof would ensure that the lowest element of the building would be at the rear.
11. Thus, the direct outlook from these windows would not be obscured by the proposed dwelling and the closest part of it would be the lowest. However, despite the slight offset between these windows and the proposed dwelling, it would nonetheless be sited very close not just to the boundary between the appeal site and No. 158 but also to the rear windows on the outrigger. I have not been directed towards any policy or guidance that sets out minimum separation distances between building faces or from dwelling to boundary, but the proposed dwelling would nonetheless have a significant, imposing and somewhat overpowering presence close to the rear garden boundary of No. 158 and the rear facing outrigger windows. Moreover, and notwithstanding the nearby example cited by the appellant, it would result in an overpowering and enclosing presence that is not a common feature of the surrounding area.
12. The dwelling would therefore be a prominent and dominating presence in the outlook from those ground and first floor windows, and one that would, in the context of the current breathing space between the rear of No. 158 and the gable of No. 2, be harmfully overbearing upon the outlook from No. 158. The proposal would fail to ensure a high standard of amenity for occupiers of neighbouring properties, particularly those of No. 158, and the proposal is therefore contrary to DPD policies DM1 and DM7, LP policy SP11 and London Plan policies 7.4 and 7.6.
13. It might be that the submitted proposal is smaller or lower than that previously submitted for the purposes of pre-application discussions. I do not, however, have the details of that iteration of the scheme before me, and I have to consider the proposal on the basis of the submitted scheme, and the evidence before me. I therefore give that matter limited weight in my consideration of the current proposal.

Conclusion

14. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Graeme Robbie

INSPECTOR