

**TOWN AND COUNTRY
PLANNING ACT 1990**

**Planning, Heritage, Design and
Access Statement**

**Erection of external balustrade
around existing rear balcony**

**Flat 3
50 Coolhurst Road
London
N8 8EU**

August 2023

**Statement on behalf of
Ms J Gnezdilova**

**Prepared by
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1. INTRODUCTION

- 1.1 My name is Hayden Todd and I am an Associate Director with Aitchison Raffety, Chartered Town Planning Consultants. I have a Bachelor's Degree in Environmental and Resource Planning (Hons) and am a Member of the Royal Town Planning Institute.
- 1.2 This Planning, Heritage, Design and Access Statement has been prepared in support of an application for the erection of an external balustrade around a balcony at Flat 3, 50 Coolhurst Road, London N8 8EU.
- 1.3 The proposal is a resubmission of a recently refused retrospective application for a similar form of development. This revised application has reduced the size of the balustrade in accordance with officer advice to address the previous amenity concerns.
- 1.4 This Statement demonstrates why the revised development is acceptable having regard to local and national planning policies and guidance.

2. SITE DESCRIPTION AND SURROUNDINGS

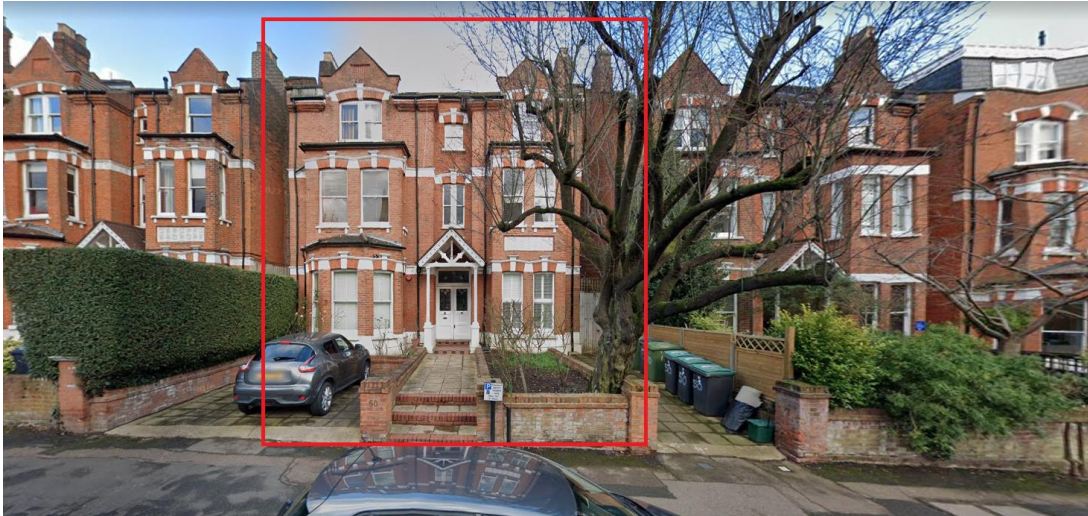
- 2.1 The application site is a large rectangular shaped residential plot located on the east side of Coolhurst Road, in Crouch End. The site lies within the Crouch End Conservation Area.



Approximate extent of the application site outlined in red

- 2.2 The application site is a first floor flat in a former Victorian villa. The building has been converted into six flats and has four levels of accommodation. It is attractively designed with double storey front bays, second floor gable features, porch, white stringcourses and decorative keystones above the windows. The rear elevation comprises a part single, part two storey projection with first floor balconies. Linked balconies have also been constructed at second floor level. The building is constructed in red brick with a tiled roof.

- 2.3 The building is setback from the highway with a single parking space on the frontage. The flats are all accessed via a shared front entrance and landing.

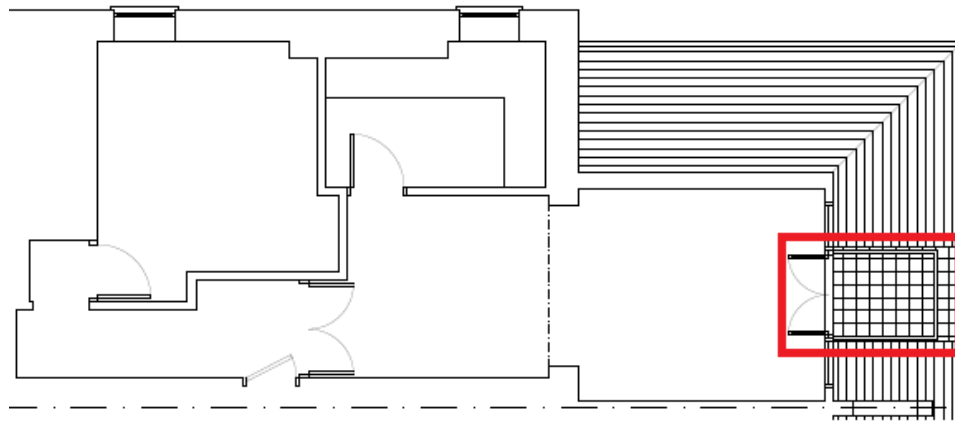


Streetview of the application site and adjoining development

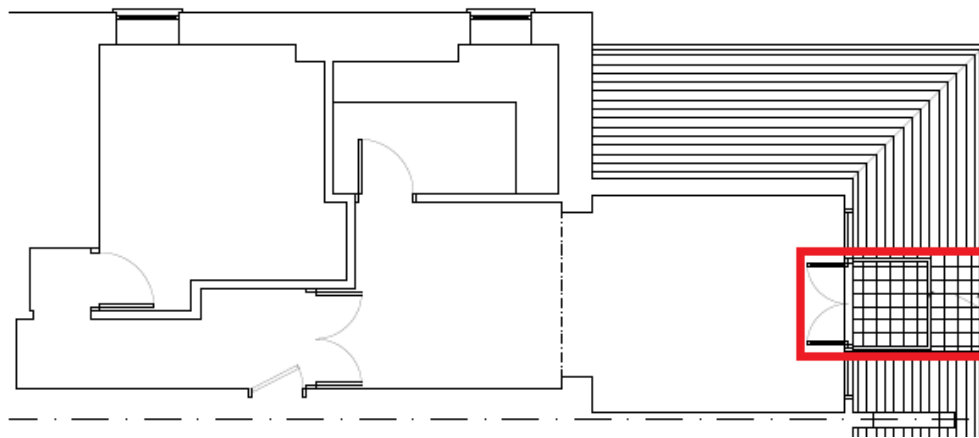
- 2.4 The surrounding area comprises predominately of late Victorian buildings, many of which have been constructed in similar architectural styles, resulting in consistent and attractive street scenes.
- 2.5 The site is in Flood Zone 1 where it is at a low risk of flooding. Ground levels rise from south to north.

3. PROPOSED DEVELOPMENT

- 3.1 Planning permission is sought for the erection of a balustrade around an existing rear balcony.
- 3.2 The proposed balustrade would replace the existing unauthorised railings and enclose a smaller section of the existing balcony, which was created on the roof of the rear projection. The balcony is accessed via double rear doors and appears to have been formed when the dwelling was converted into six flats. The adjacent flat has an identical arrangement and the second-floor flats have larger linked balconies with railings.
- 3.3 This proposal is a resubmission of a recently refused application for the existing balustrade which was erected without planning permission. The main difference between the applications is that the revised proposal has set the balustrade in 0.7 metres from the rear elevation to address privacy concerns.



Recently refused balustrade



Proposed balustrade setback from the rear elevation

- 3.4 The existing balustrade was erected to improve safety and it was the applicant's understanding that this minor form of development would not require planning permission. It is noted that the applicant purchased the property in 2004 and at that time the doors and balcony already existed. The balcony, similar to an identical arrangement on the adjoining flat, forms a pleasant outdoor amenity area. The existing balustrade was installed in 2021 when the applicant's elderly mother was living in the flat due to accessibility issues and safety concerns. Prior to erecting the balustrade, the applicant consulted the downstairs neighbour who raised no concerns with improving the safety of the balcony. Following the passing of the applicant's mother, the flat is now rented out and it is my understanding that the tenants continue to use the terrace and have not received any complaints. As noted above, the balustrade would be replaced with new railings set-in from the rear elevation, reducing any potential concerns with overlooking.

4. RELEVANT PLANNING HISTORY

Application site

Retrospective balustrade (HGY/2023/0489)

- 4.1 A planning application for erection of an external balustrade around the existing rear balcony (retrospective) was refused on 12 July 2023 for the following reason:

- 1. The proposed development by reason of an increased sense of overlooking and loss of privacy would be detrimental to the amenities of the private amenity space of the ground floor flats to the detriment of the living conditions of these neighbours. As such, this development is contrary to Policy DM1 of The Development Management DPD 2017 and Policies SP0 and SP11 of the Haringey Local Plan 2013 and, is, inconsistent with guidance in the National Planning Policy Framework*

Residential Conversion (1988/0273)

- 4.2 A planning application for conversion of an existing single four storey dwelling into six 2 bedroomed self-contained apartments and the provision of three off-street parking spaces to the front of the property, was granted conditional permission on 28 January 1988. Drawings of the conversion are not available on the Council's website. However, it is likely that the balcony was formed as part of this development.

Other relevant nearby developments

Rear balcony at Flat 2, 60 Coolhurst Road (HGY/2021/0774)

- 4.3 A planning application for a new first floor rear balcony and external staircase and associated alterations to the rear fenestration was granted conditional permission on 23 April 2021. This application is relevant as it approved a larger balcony on a similar nearby first-floor flat.

Extensions and balcony at 12 Coolhurst Road (HGY/2021/1640)

- 4.4 A planning application for a single storey lower ground floor rear extension and balcony above, was granted conditional permission on 17 August 2020. This application is relevant as it approved a rear balcony over the amenity area of a basement flat.

Extensions and balcony at 20 Coolhurst Road (HGY/2091/1757)

- 4.5 A planning application for a rear extension with balcony above was granted conditional permission on 23 August 2019. This application is relevant as it approved a larger rear balcony serving a first-floor flat that has a similar relationship to a ground-floor flat and surrounding properties as the proposed development.

5. PLANNING POLICY FRAMEWORK

Local Planning Policy

Development Plan

- 5.1 The starting point for assessing development proposals is always the Development Plan. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states:

if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise

- 5.2 The Development Plan relevant to the assessment of this application consists of the London Plan, Haringey Local Plan Strategic Policies Development Plan Document (DPD) and Development Management DPD. The National Planning Policy Framework (NPPF) and other various guidance is also an important material planning consideration.

London Plan (2021)

- 5.3 The London Plan is the Spatial Development Strategy for Greater London. It sets out a framework for how London will develop over the Plan period. The following policies are relevant:

Policy D1	London's form, character and capacity for growth
Policy D4	Delivering good design
Policy HC1	Heritage conservation and growth

Haringey Local Plan Strategic Policies DPD

- 5.4 Haringey Local Plan Strategic Policies DPD was adopted in 2017 and sets out the long-term vision and strategic context for managing and accommodating growth. The following policies are relevant:

Policy SP0	Presumption in Favour of Sustainable Development
Policy SP11	Design
Policy SP12	Conservation

Development Management DPD

- 5.5 The Development Management DPD was adopted in 2017 and sets out the detailed policies for managing development in the Borough. The following policies are relevant:

Policy DM1	Delivering High Quality Design
Policy DM9	Management of the Historic Environment

Other relevant policies and guidance

Planning Practice Guidance (PPG)
The National Design Code

National Planning Policy Framework (2021)

- 5.6 Central Government advice relevant to this application is contained within the National Planning Policy Framework. The most relevant aspects of the Framework are summarised below.
- 5.7 The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 5.8 Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. Paragraph 8 identifies the three dimensions to sustainable development which are economic, social and environmental.
- 5.9 Section 4 requires Local Planning Authorities to approach decisions on proposed development in a positive and creative way. Paragraph 38 states that decisionmakers should seek to approve applications for sustainable development where possible.
- 5.10 Section 12 'Achieving well-designed places', at paragraph 126 states that the creation of high quality, beautiful and sustainable buildings and places, is fundamental to what the planning and development process should achieve. It notes that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 5.11 Section 16 'Conserving and enhancing the historic environment' at paragraph 189 confirms heritage assets should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Paragraph 199 notes, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

6. PLANNING APPRAISAL

- 6.1 The main issues to consider in the assessment of this minor form of development is the impact on character and appearance and amenity.

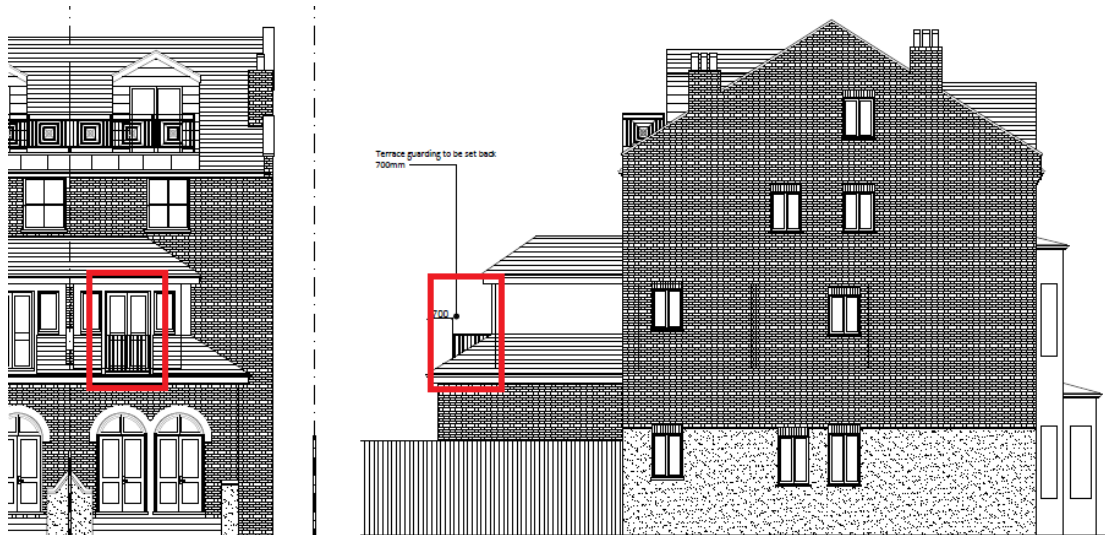
Character and appearance

- 6.2 The main legislative framework for development affecting heritage assets is set out in Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and requires special attention to be paid to the desirability of preserving Listed Buildings and Conservation Areas.

- 6.3 The National Planning Policy Framework seeks to achieve a high quality of design and that new development is sympathetic to local character, while not preventing appropriate innovation or change. In terms of the historic context, the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. It notes that significance can be harmed or lost through alterations or destruction of the heritage asset or development within its setting.
- 6.4 Policy D3 of the London Plan requires all development to make the best possible use of land by following a design-led approach. Policy HC1 of the London Plan notes that proposals affecting heritage assets and their settings, should conserve their significance by being sympathetic to the assets' significance and appreciation within their surroundings.
- 6.5 Policy SP11 of the Local Plan Strategic Policies DPD (Local Plan) and Policy DM1 of the Development Management DPD seek to achieve a high standard of design and that new development respects the local context. Policy SP12 of the Local Plan and Policy DM9 of the Development Management DPD seek to conserve or enhance the significance of heritage assets and their wider historical setting.
- 6.6 Coolhurst Road and this part of the Conservation Area consists predominantly of formally arranged Victorian dwellings that have been converted into flats. The buildings are attractively designed in similar architectural styles and constructed from a limited range of materials. The significance of the buildings and area as heritage assets, is largely derived from the historic interest and architectural quality of the well-preserved and consistently designed facades, which create attractive street scenes with a distinctive character. The secondary rear elevations are plainer in design and have been subject to greater change, including various extensions, alterations and balconies, giving this aspect of the area a more diverse character and providing a flexible environment for further appropriate changes.
- 6.7 The application site conforms to the general character of the area and consists of a late 19th Century detached dwelling with an attractively detailed front elevation that repeats the arrangement of the adjoining buildings. The property has been converted into flats and the rear elevation enlarged and altered in various ways.
- 6.8 The proposal is for the installation of a revised balustrade around an existing balcony which has been formed in the roof of a rear projection. The proposed balustrade respects and responds appropriately to the host building and local context.

Appropriate size and scale

- 6.9 The revised balustrade only encloses a very small section of the rear elevation of this substantial Victorian villa. The modest size and scale of the proposed balustrade, combined with its position enclosing a partly recessed balcony, reduces the visual prominence and ensures it represents a minor and insignificant addition to this building. The open nature of the balustrade reduces its visual prominence and ensures the proposal preserves the character and appearance of the building and wider historic context.



The proposed railings represent a very minor form of development

Compatible with the character of the area

- 6.10 The position of the proposed balustrade on the rear elevation, ensures the proposal would not have any implications on the attractively designed façade or street scene, conserving the significance of the building and area as heritage assets.
- 6.11 The proposed balustrade would be read and understood in the context of the diverse rear aspect of these properties, which have already been subject to various extensions and alterations. The upper floor flats in this building already have a similar styled balustrade extending across their linked balconies, ensuring the proposal would have a cohesive and sympathetic appearance. Many of the surrounding buildings also have similar types of balconies with railings, which now form part of the local character.
- 6.12 Furthermore, the Council recognised the concealed location and diverse rear character and raised no design concerns with the previously proposed balustrade, which enclosed a larger area. With reference to this, the Council made the following comments:

The balcony is confined to the rear of the property and is not subject to public views. It is acknowledged that there are various extensions and roof dormers at the rear of these properties. As such, apart from the main buildings, there is no particular uniformed style with the adjoining or Page 4 of 5 HGY/2023/0489 surrounding properties. Given the variety and the appearance of these structures, and of other existing balconies/terraces in the area that lack any formal cohesion, it can be considered that the balustrade would not have an unacceptable effect on the character and appearance of the surrounding area and/or of the Crouch End Conservation Area. It is also acknowledged that the character of this area is largely formed from the appearance of the groups of main buildings, and the consistent appearance of the front elevations of these terraced dwellinghouses in design terms.



Balustrades on the host building (blue) and adjoining properties, which form part of the local character



Various balconies and diverse rear elevations of other properties on Coolhurst Road

High quality design

- 6.13 The proposed balustrade has a simple and traditional design that respects the character and appearance of the host building and surrounding area. It is noted that the balustrade is similar in design and style to the existing railings on the host building at second-floor level and on the surrounding balconies. Additionally, they are finished in an appropriate colour which helps integrate and blend this minor structure into the host building and wider setting. A high quality design has been achieved.

Amenity

- 6.14 The NPPF requires high quality design and a good standard of amenity for all existing and future occupiers. This key principle is reflected in Policy DM1 of the Development Management DPD which seeks to ensure a high standard of privacy and amenity for the occupiers and neighbours.
- 6.15 The previous balustrade (as erected) was refused due to its proximity to the below patio and increased sense of overlooking. The revised balustrade has been setback from the rear elevation, increasing the separation distance to the below patio. The considerable setback distance would mitigate any potential privacy issues and has successfully addressed the previous reason for refusal. Additionally, the position of the revised balustrade would reduce the number of people that could use this small balcony, adding to the case this minor alteration would not harm the amenity or living conditions of the adjoining occupiers.
- 6.16 It is important to note that the proposed balustrade has not resulted in any additional overlooking when compared to the pre-existing arrangement, which consisted of an open balcony with direct access from the main living area. Whilst an Enforcement Notice appears to have been served requiring the removal of a balustrade almost 25 years ago after the original conversion works, no condition was imposed preventing the use of this raised platform for outdoor amenity. The balcony is accessed via the authorised double doors and would continue to be used, with or without the balustrade, as demonstrated in the pre-existing photos and similar arrangement on the adjacent flat. This constitutes the fall-back position and adds to the case the proposal would not result in any additional harm.



The balcony was designed and always used for outdoor amenity space (pre-existing)



An old photograph showing a chair on the first floor balcony

- 6.17 The other flats in this converted dwelling have balconies and the majority have similar views over the adjoining amenity areas. As such, there is already a degree of mutual overlooking in this area and the proposal would not result in any additional harm. Furthermore, most modern flatted developments have projecting balconies and ground-floor private terrace gardens. This type of arrangement is generally considered the best way to achieve appropriate standards of amenity in flatted schemes. The proposal repeats this common and generally accepted arrangement.



Existing balconies and windows that result in a degree of mutual overlooking at the application site

- 6.18 The set-in distance, existing projection and associated roof form, combined with the restricted sight lines and size of the balcony, prevent views back towards the rear windows in the adjacent building. Additionally, as noted above, a balcony already existed in this area and the introduction of the proposed balustrade would not result in any additional harm.
- 6.19 Balconies are a common feature in this area and many have been approved in similar positions above ground-floor flats. With reference to this point, in the assessment of a larger balcony to the first-floor flat nearby at 60 Coolhurst Road, the Council stated the following:

The proposed terrace would not project out at such an excessive depth as to provide significant vantage points toward neighbouring habitable rooms or garden areas that would result in an unacceptable loss of privacy. Given the limited depth of 1.2m and chamfered design of the balcony, the views toward windows within No. 58 Coolhurst Road would be sufficiently oblique. It is noted that there is a rooflight to the top of the ground floor rear extension at No. 58, but this looks on to a stairwell.

Given that the host property and No. 58 have both been subdivided into self contained flats, there is an existing level of mutual overlooking to garden areas from upper floor windows.

- 6.21 Furthermore, the balustrade provides an important safety feature that improves the residential environment of the occupiers. Given the authorised arrangement of the flat with existing access to the open balcony, this outdoor amenity area will almost certainly continue to be used with or without the balustrade by existing and future occupiers. Removal of this safety feature could result in serious injury or loss of life and these consequences need to be carefully considered in the assessment of the application.

7. CONCLUSION

- 7.1 The proposal is for a revised balustrade around an existing balcony.
- 7.2 The proposed balustrade is modest in size and its open nature reduces visual prominence and any potential harm. The balustrade is concealed from the public realm and is viewed in the context of similar structures on the rear elevations of surrounding properties, ensuring the proposal preserves the character and appearance of the host building and surrounding Conservation Area.
- 7.3 The proposed balustrade is of a style and design that is compatible with the character and appearance of the host building and surrounding area.
- 7.4 The revised balustrade would not harm the amenity or living conditions of the adjoining occupiers, as it would not result in any additional overlooking or loss of privacy, particularly when compared to the pre-existing situation. The reduction in size has addressed all previous concerns.
- 7.5 This balcony will continue to be used with or without the proposed balustrade. The proposal provides a safer residential environment for existing and future occupiers of this flat. Refusing this safety feature would be inappropriate when taking into account the fallback position.
- 7.6 For the reasons outlined above, this revised proposal represents a sustainable form of development in accordance with the Development Plan and the National Planning Policy Framework.