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Dear Eunice

Re: HGY/2023/2691 | 29 Milton Park, Hornsey, Haringey, London, N6 5QB.

Norton Taylor Nunn Ltd has been instructed by Mr and Mrs Jordaan, who are neighbours to this proposed development, to consider the planning merits and potential for harm from the above named planning application. This letter raises the concerns our clients have in relation to the planning application, especially with regards to the potential for harm to the Conservation Area stemming from poor design, and our clients' concern regarding neighbouring amenity.

Principle of Development

The starting point for the assessment of a planning application is the adopted Development Plan, which in this case is made up of a number of documents. These are the London Plan 2021, the Haringey Strategic Policies DPD, the Haringey Development Management DPD, the Haringey Site Allocations DPD, the North London Waste Plan, and the Highgate Neighbourhood Plan

This part of Haringey is not an area where large amounts of growth are expected. However, it is in a built up residential area, and the principle of development is therefore conceded. However, an application for planning permission must also be considered having regard to all the other policies in the Development Plan, and any material considerations, per Section 38(6) Planning and Compulsory Purchase Act 2004.

Design

The National Planning Policy Framework (NPPF) provides that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. 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.

Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

In this case, the development has failed to properly address the key design expectations for this site, and the application is consequently deficient in failing to reflect the existing character of the area.

A previous application to develop this site was refused on grounds of harm to the Conservation Area, and the applicant's appeal was dismissed. Despite their redesign, the applicant has not improved their case.

The design is a radical modern departure from the buildings in the area, with little attempt to blend with its surroundings. The Inspector noted, in paragraphs 4 & 5 of the appeal decision, that:

4. The appeal concerns an older style property which is part of the Highgate Conservation Area. The significance of the Conservation Area is mainly derived from the architectural quality of the historic streets and buildings and their physical relationship with each other.

5. The appeal property is a semi-detached dwelling which is situated on the corner of Milton Park and Milton Road. It is architecturally similar to two other pairs of semi-detached dwellings which occupy corner positions in Milton Park. Architectural consistency is also a feature of the surrounding terraced housing. While not every property is identical and some have been subject to modern extensions and alterations, most groups of housing share similar design features. This provides a sense of uniformity which directly contributes to the quality of the Conservation Area in this location.

It is clear that for the Inspector, the significance of the Conservation Area is primarily from the way in which the buildings physically relate to each other, and the consistency in the surrounding terraced housing. It is the "sense of uniformity" that is identified as a key feature of the Conservation Area.

Unfortunately, the proposed development does not really address this point. Extensive arguments about the architectural reasoning for the gap bely the clear truth – that the developer of the Edwardian housing was uninterested in filling in this gap with an additional dwelling, as that would detract from the coherence of the terrace.

As the Planning Inspector noted at Paragraph 8 of the decision letter, the previous scheme would have given the appearance of continuous development wrapping around the corner. He found that, despite a small gap, this appearance was intrinsically harmful to the Conservation Area. Yet this application once again gives the appearance of continuous

development wrapping around the corner. The layout of the proposed development is, consequently, harmful to the Conservation Area.

We concede that the existing modern side extension does create a jarring note for the Conservation Area, as noted in the Conservation Area Appraisal. This does not give the applicant the right to put forward a scheme that would be similarly jarring. There is nothing about the design that would appear to have considered the context of the site and the surrounding development.

At Paragraph 6 of the Decision Letter, the Inspector notes that *“the original side elevation of the main house remains visible because the modern extension is relatively low”*. He notes that this is *“visually consistent with the other pairs of semi-detached dwellings which occupy corner positions in this part of Milton Park. Like the appeal property, the side elevations of these dwellings are mainly open and exposed.”* It is clear from the comments of the Inspector that the ability to see these side elevations are part of the ‘sense of uniformity’ which the Inspector identified was crucial to the quality of the Conservation Area. However, the proposed development would significantly undermine the ability to see these original features, further harming the Conservation Area.

The applicant claims that the proposed design takes reference from other buildings in the area, including from the immediate character area. We strongly dispute this. The choice of brick does not blend with the soft reds used on the Victorian buildings either side, and has nothing in common with the Edwardian houses on Milton Park. The ‘frameless structural glazing’ is shown in renderings as being framed. The significant size of the light wells is much more dominant than for other dwellings in the streetscene.

Whilst the new design is smaller in scale to the original attempt, it still represents an unprecedented infill. The development will still dominate the street scene by means of its uncharacteristic design.

At Paragraph 7 of the Decision Letter, the Inspector notes that *“for the reasons outlined above, the appeal property makes a direct contribution to the significance of the Conservation Area through its predominantly traditional architecture and the maintenance of an open space between the semi-detached houses in Milton Park and the terrace in Milton Road. These features help to provide a sense of coherence to the surroundings”*. It is unclear how, given the direct relationship between the significance of the Conservation Area and this open space, any development which removed that open space would be considered to be appropriate.

Far from being development which minutely encroaches on the Conservation Area, this is development which would be entirely contrary to the decision from the Inspector’s decision letter.

6. The appeal property has a modern, single storey side extension which is seen from the corner of the street, together with a paved area which is used for parking cars. According to paragraph 7.4.3 of the Conservation Area Appraisal this creates a ‘jarring note’. Yet while these features deviate from the historic design of the property, the

original side elevation of the main house remains visible because the modern extension is relatively low. A space is retained between the side elevation of the appeal property and the neighbouring terrace in Milton Road, maintaining a distinct sense of openness. This is visually consistent with the other pairs of semi-detached dwellings which occupy corner positions in this part of Milton Park. Like the appeal property, the side elevations of these dwellings are mainly open and exposed.

7. I am aware of the appellants argument that housing in this area was not built according to a pre-determined design and I have considered the historical information that has been provided to illustrate this point. However, my own observations lead me to conclude that architectural consistency and uniformity are distinguishing features of the present day Conservation Area. For the reasons outlined above, the appeal property makes a direct contribution to the significance of the Conservation Area through its predominantly traditional architecture and the maintenance of an open space between the semi-detached houses in Milton Park and the terrace in Milton Road. These features help to provide a sense of coherence to the surroundings.

8. The proposed dwelling would be taller and wider than the existing single storey extension and would fill most of the open space between the appeal property and No 29 Milton Road. While a small gap would be retained, it would give the appearance of a continuous line of development that would wrap around the corner of the street, effectively merging the terraced housing in Milton Road with the appeal property in Milton Park. This would undermine the prevailing pattern of development in Milton Park where similar pairs of semi-detached dwellings are clearly separated from the terraced housing.

This application clearly falls foul of Policy D3 of the London Plan, SP11 of the Haringey Local Plan, DM1 and DM7 of the Development Management DPD.

Moreover, it fails to comply with Policy DH1 of the Highgate Neighbourhood Plan, which provides that, where a building or part of a building is demolished within a Conservation Area, any replacement building must be a positive contributor to the Conservation Area. It is not enough for the proposed development to be neutral in the Conservation Area, it must be a positive contribution; we assert that it is, instead, less than substantial harm to the Conservation Area.

Character and Appearance

Planning has long recognised that where you are is an important part of how you feel and who you are. This is the sense of place, and it is important to ensure that planning applications are not merely judged upon the red line boundary, but also on how the finished building will fit with the character of the neighbourhood.

As stated, the proposed development is woefully out of character with its surroundings. The stepped treatment of the roof bears no resemblance to anything in the area, the large plain glass windows have nothing in common with the wood framed sash windows of the area. As noted in paragraph 9 of the appeal decision.

9. Furthermore, the flat roof and relatively low height of the proposed dwelling means that it would appear very different from surrounding properties. Glazed elements to the side of the dwelling and on the roof terrace would contrast sharply with the older style properties that would surround it. This would draw undue attention to the dwelling on a prominent corner site, distracting from the architectural qualities of the street scene in Milton Park and Milton Road. Although the Conservation Area Appraisal supports contemporary buildings, this is only where they are sympathetic to their surroundings.

The patterned brickwork is only found on one house in the area, which belongs to the applicant, and can hardly be described as a local characteristic. Also noted in paragraph 7 of the appeal decision.

7. I am aware of the appellants argument that housing in this area was not built according to a pre-determined design and I have considered the historical information that has been provided to illustrate this point. However, my own observations lead me to conclude that architectural consistency and uniformity are distinguishing features of the present day Conservation Area. For the reasons outlined above, the appeal property makes a direct contribution to the significance of the Conservation Area through its predominantly traditional architecture and the maintenance of an open space between the semi-detached houses in Milton Park and the terrace in Milton Road. These features help to provide a sense of coherence to the surroundings.

Policy HC1 of the London Plan, SP12 of the Haringey Local Plan, DM9 of the Development Management DPD and DH2 of the Highgate Neighbourhood Plan all illustrate that this proposal should be refused.

Residential Amenity

New development should fit into the existing community with as little disruption as possible. Neighbours should not be unduly impacted by the new development and issues of privacy, overlooking, overshadowing, noise, odour, and concerns around a sense of enclosure should be carefully assessed. We do not consider that the impact of this development on neighbouring properties has been adequately addressed, with particular concern regarding the impact of the basement on the transmission of noise.

While Party Wall issues are not relevant to planning, the key issue our clients have, is that the applicant proposes a party wall with their property, for which there has been no consultation, only assumption. Needless to say, our client does not agree to this party wall.

Transport

The use of the internal combustion engine has contributed significantly to climate change and the climate crisis, and should be discouraged wherever possible. The access to public transport is merely adequate, with a PTAL rating of just 3, and surrounded by PTAL 2 areas. Residents are primarily reliant on the private car. Opportunities for cycling are well provided

for. The loss of this plot as private parking will mean that the applicant will have to park on the street, adding to the parking stress in the area.

Our clients are deeply concerned that the parking involved with this 3 bedroom dwellinghouse will interfere with the existing residents, who already struggle to find a space, especially at peak times. The applicants have not considered transport, traffic or parking as part of their application and/or the consideration they have given has been lacking.

Heritage

We also have concerns about the Heritage Statement supplied with the application. Parts 2.6 and 2.7 state that the area is a mix of Victorian and Edwardian buildings, the bemoans the presence of early 20th century buildings, seemingly forgetting that the Edwardian style was still in use into the 30's.

These buildings are approximately 100 years old, and created a new character for the area at the time of construction. They should not be dismissed as 'modern' as the application seems to suggest. Paragraph 3.6 focuses on the 'functional gap', speculating on how it came to be. The gap is clearly there because the two streets were very clearly built by two different developers, hence the different styles. Given that the houses on both streets have gardens, as was desirable at the time, and remains to be, it is safe to assume that the plot was not built upon because there was no space for a garden.

The harm caused to the Conservation Area by development of this site was identified by the planning Inspector in a previous appeal. Nothing in the proposals hereby considered has addressed the issues raised by the Inspector. The proposal will still block views of the end walls of the properties bounding the site, which the Inspector identified as important to the character of the Conservation Area. The proposals will still introduce development which appears to be continuous around the corner, which the Inspector identified as harmful to the Conservation Area. And the development bears little reference to the existing dwellings in the area, introducing a new brick material and unusual design features which are not reflective of the area at all. In short, this proposal will cause a similar level of less than substantial harm as identified in the previous refused application; the public benefits are limited and do not overcome the very significant weight the Council should give to the harm to the Conservation Area.

Critical Drainage & Basement Impact

We have concerns about the excavation for the basement, as the application is very vague about the methods intended to shore up the sides during excavation, to ensure our clients property is not affected.

This part of Haringey is a Critical Drainage Area, and the development of a large basement area poses significant questions for the Local Lead Flood Authority, and for the Environment Agency. The use of SuDS is limited given the area, while the risk of the basement filling with floodwater in the event of a failure is significant.

Other Matters

Paragraph 6.14 mentions that a large tree was cut down in 2015, opening up the corner to view from the street. What it fails to mention is that another tree has been planted on the corner and it's foliage is approaching the height of 29 Milton Park.

Of further concern, is the fact that there is a mains gas pipeline on the outside wall of 29 Milton Road. The designs appear to show that the proposed development ties into the wall where this pipeline runs, meaning it would be inside the development.

The pipeline is the mains supply to flat 3 29 Milton Road, and access is required in the event of a gas leak, or any works to the appliances within flat 3. No mention of this has been made in the submitted plans, nor any explanation given to access by the gas supplier and their engineers.



Planning Balance

We acknowledge that there are some minor benefits to the planning application. The provision of additional housing during a housing crisis will be afforded some medium benefits, although the provision is for just one and the Council can demonstrate a 5.04 year housing land supply, which reduces the weight to one of minor benefit in the balance.

The harm we have identified above should be given substantial weight, and consequently the limited benefits are outweighed by the harm that would be caused by the grant of planning permission. As a result, planning permission should be refused for the reasons set out below.

Reason for Refusal

Poor design contrary to:

Policy D3 of the London Plan

Policy SP11 of the Haringey Local Plan

Policies DM1 and DM7 of the Development Management DPD

Harm to Conservation area contrary to:

Policy HC1 of the London Plan

Policy SP12 of the Haringey Local Plan

Policy DM9 of the Development Management DPD

Policy DH1 & DH2 of the Highgate Neighbourhood Plan

It is very clear to us that the new submission has done little to nothing to address the reasons for the initial refusal, and the subsequent appeal refusal.

“10. Overall, the proposed development would be a more harmful addition than the existing side extension is. It would undermine the significance of the Conservation Area in this location. Although the harm would be less than substantial, the benefits of the proposal would be entirely private in nature and so would not outweigh the harm I have identified.

11. I therefore conclude on this issue that the proposal would not preserve or enhance the character or appearance of the Highgate Conservation Area.”

The matters pointed out by the Inspector still stand. The application should be

refused. Yours sincerely

David Harmon
Assistant Planner