

Officer's Report

Application Number	HGY/2023/0733		
Type	Full Planning Permission		
Location	The Grove Lawn Tennis Club, Cascade Avenue, Hornsey, N10		
Proposal	Redevelopment of the site include conversion of existing pavilion into 1. No residential dwelling and the erection of 8. No residential dwellings, associated landscaping and cycle storage.		
Case Officer	Josh Parker		
Valid Date	19/05/2023		
Applicant	ROK Enterprises One Ltd		
Agent	Kate Matthews		

1. SUMMARY OF RECOMMENDATION

- 1.1 The proposed development would result in the permanent loss of a community sports facility and open space which is considered to be important to the social vitality of the area and the applicant has failed to demonstrate that it is not viable to continue the existing use, an alternative community use nor has the applicant sought to re-provide an equivalent quality facility in the locality. The proposal conflicts with London Plan Policies S1 and S5, Local Plan Policies SP15, SP16 and DM49 and paragraphs 92, 93 and 99 of the National Planning Policy Framework.
- 1.2 The proposed development by reason of its siting, scale and bulk would introduce a dominant and discordant form of development, detrimental to the verdant, open and spacious qualities of the site and its spatial relationship with surrounding buildings, overall street scene and the contribution the site makes to the special interest of the Rookfield Conservation Area , contrary to Policies D3 and HC1 of the London Plan 2021, Policy SP11 of Haringey's Local Plan Strategic Policies (2017) and Policies DM1 and DM7 of the Haringey Development Management DPD (2017).
- 1.3 By virtue of the close relationship of the rear windows of the dwelling in the converted pavilion and the rear garden of no.10 The Chine and no.37 Cascade Avenue, the proposed development would result in the actual or perceived overlooking and loss of privacy to the neighbours at no.10 and no.37 and a poor quality living environment for the future occupant of the building contrary to London Plan Polices D3 and D6 and DPD Policies DM1 and DM7.
- 1.4 Due to the scale of the proposed buildings their close relationship with the

flank windows and rear gardens of no.10 The Chine and no. 37 Cascade Avenue and the rear gardens of no. 59 and no 67 Etheldene Avenue, the proposal is considered to result in unacceptable outlook and overbearing impacts on these neighbours contrary to London Plan Policies D3 and D6 and DPD Policies DM1 and DM7.

- 1.5 In the absence of a legal agreement to secure a financial contribution towards the carbon offset fund the development and a S106 monitoring fee would fail to achieve net zero-carbon contrary to London Plan Policy SI2, Local Plan Policy SP4 and DPD Policy DM21.

2. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed development

- 2.1 This is an application for the redevelopment of the tennis club in the Rookfield Estate. This would comprise the conversion of the existing pavilion into a residential dwelling. A terrace of 4 dwellings is proposed fronting Cascade Avenue and a terrace of 4 dwellings is proposed fronting Collins Court. The dwellings include integral cycle stores with no on-site vehicle parking.
- 2.2 The proposed new dwellings are four stories in height including a basement level and rooms in the roof. The new buildings are orientated to front onto The Chine and Cascade Avenue, with ridge lines that reflect the topography of the streets. The dwellings will have modest front gardens and stepped rear gardens. The buildings are of Art's and Craft style, to be constructed in red brick in Flemish bond with lime mortar, plain red clay tiled roof with simply designed chimney stacks. The windows and doors are proposed to be painted timber.

Site and Surroundings

- 2.3 The application site relates to a rectangular shaped plot located between Cascade Avenue and the Chime. It comprises a single storey pavilion building to the northern boundary and three tennis courts. The courts and pavilion are understood to have not been in use since 2007/2011 and are currently in a state of disrepair. The site is enclosed by perimeter fencing and there are several mature trees along the site boundary. The site is accessed via a pedestrian access off Cascade Avenue (a private non-adopted road).
- 2.4 The surrounding area is characterised by two storey, terraced/semi-detached arts and crafts style residential properties. Generally, properties are finished in red brick, with tiled roofs, modest front gardens enclosed by low level brick boundary treatments and deep rear gardens.
- 2.5 The site is located in Rookfield Estate Conservation Area and in an area with a

PTAL rating of 2.

2.6

Relevant Planning and Enforcement history

2.7 None

3. CONSULTATION RESPONSE

3.1 The responses below were received following consultation on the application:

External:

1) Thames Water:

- No objection subject to a condition requiring a piling method statement being attached to the permission and informatives regarding potential need for permits.

2) Revive & Taylor (Heritage):

- The Proposal does not accord with Haringey Development Management Plan Policy DM 9 which requires development to conserve and enhance the significance of heritage assets. The proposal would cause harm to the character and appearance of the Conservation Area by harming its special interest, derived from the garden suburb inspired middle class housing built in early 20th Century. In NPPF terms, this harm would be at the mid to high level of less than substantial harm. As per the framework, this harm should be given great weight and should be assessed against any public benefits.

3) Campbell Reith (Basement Impact Assessment Auditor):

- It is accepted that the development would not impact on the wider hydrogeology of the area, albeit sump pumping may be required to control perched water ingress. Confirmation of the existing drainage scheme for the site is requested. The use of propping to support the walls during construction has not been set out. The outline retaining wall and foundation layout has not been provided. Construction methods for the basement were not known. No Ground Movement Assessment has been submitted to confirm that works can be completed without causing more than Burland Category 1 (very slight) damage to neighbouring properties. Further consideration of the impact of the development on slope stability is required. The proposal does not meet the requirements of LBH guidance on basements. (Officer comment- the applicant has prepared a revised BIA and the remaining issues could be dealt with by condition.

Internal:

1) Carbon Management Team (Pollution):

- No objection subject to conditions securing an energy and sustainability strategy and evidence of the air source heat pump and solar PV array installation along with an appropriately worded legal agreement to secure a £9,975.00 carbon offset contribution.
- 2) Senior Arboricultural Officer (Planning):
- No objection subject to a condition regarding tree protection, landscaping and arboricultural methods.
- 3) Senior Transport Planning Officer:
- No objection subject to condition regarding a construction logistics and management plan, a delivery servicing plan and cycle parking details and a £5,000 contribution towards monitoring the plan.
- 4) Waste Services:
- No details have been submitted with respect to waste storage and collection.
- 5) Flood and Water Management:
- Full calculations for the proposed attenuation systems are required including micro drainage or similar modelling for critical storms for the 1 in 100 year event plus an allowance for climate change, utilising the latest rainfall data. Confirmation of the allowable discharge rate is required from the relevant water authority. A diagram showing overland flow path(s) is also required.
- 6) Ecology/ biodiversity:
- No objection subject to condition requiring further protected species survey, mitigation and management plan.

4. LOCAL REPRESENTATIONS

- 4.1 The application has been publicised by way of letters and site notice. The number of representations received from neighbours, local groups, etc in response to notification and publicity of the application were as follows:

Number of individual responses: 300

Objecting: 293

Neutral: 3

Supporting: 4

- 4.2 Two petitions were received containing names and addresses of 85 and 27 objecting parties but no objection reason(s) was contained in the letter.

- 4.3 The following local groups/societies made representations:

- Hornsey Historical Society
- Muswell Hill and Fortis Green Association
- Rookfield Estate Conservation Advisory Committee
- Woodlands Conservation Area Action Group
- Cascade Avenue Residents Association

4.4 The following Councillors made representations:

- Councillor Cathy Brennan
- Councillor Pippa Connor

4.5 The following issues were raised in representations that are material to the determination of the application and are addressed in the next section of this report:

- The proposal is harmful to the Rookfield Estate Conservation Area
- The proposal results in the loss of a valued open space and community facility
- The owners have excluded residents from the courts, neglected them and let them run down deliberately
- The proposal would have adverse neighbour amenity impacts including loss of light, overlooking, loss of privacy and overshadowing of neighbours
- The proposal will have adverse parking and traffic impacts
- The proposal will cause disruption, noise, dust and pollution during construction
- The proposed basements will increase flooding, harm land stability and increase subsidence risk
- The proposed dwellings are out of keeping with the character of area by virtue of their scale, detailing and uniformity
- The proposal lacks landscaping and fails to contribute positively to the character of the area
- The proposal constitutes overdevelopment of the site
- The proposal would result in the loss of trees of merit
- The proposal will harm protected species and local ecology
- The transport statement is based on old census data and cannot be relied on
- The marketing of the site is flawed by virtue of unreasonable advertised price and lack of response to interested parties
- The piling that will be involved in the construction of the building will result in a disturbing and noisy operation. This may affect the structure of No 12
- There's also no ground water assessment
- The proposed sedum roof may not be maintained by future occupants
- There is interest in utilising and volunteering to support a community use of the site

5. MATERIAL PLANNING CONSIDERATIONS

5.1 The main planning considerations raised by the proposed development are:

1. Principle of development;
2. Affordable Housing
3. Heritage, design, character and appearance;
4. Standard and quality of residential accommodation;
5. Impact on neighbouring amenity;
6. Transport considerations;
7. Basement development;
8. Energy and sustainability;
9. Flood risk and drainage;
10. Arboricultural impacts;
11. Ecology impacts;
12. Waste and recycling;
13. Conclusion and planning balance.

Principle of Development

Loss of sports facility/ recreational open space:

- 5.2 Paragraph 96 of the National Planning Policy Framework sets out that planning policies and decisions should aim to achieve, inclusive and safe places which promote social interaction and enable and support healthy lifestyles. Paragraph 97 advises that planning policies and decisions should guard against unnecessary loss of valued facilities and services. Paragraph 103 states that existing open space, sport and recreational buildings and land should not be built on unless an assessment has been undertaken which has clearly shown the open space or land to be surplus to requirements or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location or the development is for an alternative sport and recreation provision, the benefits of which clearly outweigh the loss of the current or former use.
- 5.3 London Plan Policy S1 states that development proposals that would result in the loss of social infrastructure in an area of defined need will only be permitted where there is a realistic proposal for re-provision that continue to serve the needs of the neighbourhood and wider community or the loss is part of a wider public service transformation plan. The policy continues to set out that redundant social infrastructure should be considered for full or partial use as other forms of social infrastructure before alternative developments are considered, unless the loss is part of a wider public service transformation.

Policy S5 seeks to ensure that there is sufficient supply of good quality sports and recreational facilities by, among other things, retaining existing sports and recreation land and facilities for sports and recreation unless an assessment has been undertaken that clearly shows the sports and recreation land or facilities to be surplus to requirements (for the existing or alternative sports and recreation provision) at the local and sub-regional level or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location or the development is for alternative sport and recreation provision, the benefit of which clearly outweighs the loss of the current or former use.

- 5.4 Local Plan Policy SP13 seeks to protect and enhance existing open space.
- 5.5 Policy DM20 of the Haringey Local Plan Development Management DPD (2017) states that development that protects and enhances Haringey's open space will be supported and requires no net loss in open space. Policy DM 49 seeks to protect existing social and community facilities unless a replacement facility is provided which meets the needs of the community. Paragraph B of Policy DM49 states that where proposals may result in the loss of a community facility, evidence will be required to show the facility is no longer required in its current state; the loss would not result in a shortfall in provision of that use; and the existing facility is not viable in its current use and there is no demand for any other suitable community use on the site. Paragraph C of Policy DM49 adds that the evidence should also provide relevant accounts and marketing information demonstrating that the premises has been marketed for use as a community facility for a reasonable length of time (minimum 12 months) and that no suitable user has been/or is likely to be found. Whether or not the proposal complies with these criteria is assessed below.
- 5.6 The site comprises three outdoor tennis courts and an associated pavilion building, therefore an outdoor sports facility which falls under Use Class F2. The proposal is for the redevelopment of the site to provide 9 residential dwellings, resulting in the loss of the outdoor sports facility and open space. The application states that the site has not been in use or accessible to the public since 2007. In 2014, the application site was listed as an asset of community value, that listing expired in 2019 and was not renewed. It is understood that an asset of community value application was submitted in September 2023 but the site was not designated.
- 5.7 Haringey's Open Space and Biodiversity Study (2014) shows that the site is not located in an area of open space deficiency nor was it specifically identified in the assessment. The assessment recommends that open space improvements are prioritised in spaces in or close to deficiency areas.
- 5.8 The applicant's loss of existing use assessment sets out that there are nine existing tennis clubs/ court facilities within a circa 2 kilometers distance of the

site and at the time the report was written, new members were being accepted at Wood Vale Lawn Tennis Club, Hanley, Georgians, Priory Park, Muswell Hill Methodist, Cherry Wood, Stormont and Coolhurst. The report suggests that there are adequate park, education, healthcare, community centre and place of worship venues in proximity to the application site. The report states that there is no shortage of community facilities/ social infrastructure in the locality and that providing such a facility may jeopardise the ongoing use of these existing facilities and that the costs of conversion to an alternative community use are likely to be prohibitive. The assessment does not include any estimate of demand for tennis court space or alternative community uses at local/regional levels, capacity of existing facilities, the costs of using those facilities and how membership rates compare to local/ regional/ national trends or whether or not those facilities are comparable to that offered by the application site. It is not therefore clear whether the existing facility is surplus to requirements for the existing or alternative sport/ community recreational or other community use provision.

- 5.9 A marketing letter, by Savills, has been submitted the application. The report sets out that the site was marketed between the 23rd of March 2021 and the 6th of June 2022 as a class E use which is not the current lawful use of the site. It is not clear how long the site was erroneously marketed and no assessment of how the error impacted on marketing success has been included in the application. It appears that the site was only marketed by Savills, on their website. A sales board was not erected at the site. There is no evidence of marketing on sports websites or magazines. The site appears to have been marketed for lease only. The submission fails to demonstrate that the site has been actively marketed for at least 1 year prior to the submission of this application. Despite the limited marketing campaign, interest was registered by 3 parties. Limited information has been provided in the report as to why this interest was discounted.
- 5.10 The report sets out that the site is not a suitable location for tennis courts or other outdoor sports facilities due to its proximity to existing residential development, making it inappropriate to make improvements to the facility such as the installation of flood lighting. The submitted Rookfield Tennis Club appraisal also suggests that the site's courts are substandard in size. Based on measurements of the submitted plans, the existing tennis courts appear to be standard size (36 feet wide and 76 feet long). No substantive evidence has been provided to demonstrate that the proximity of the site to existing neighbouring properties would perturb the continued use of the tennis facility or an alternative outdoor sport/ community use. The location, nature and size of the site show it could serve as a tennis court or alternative community sport use. The nature and level of interested party comments on the application, suggest that a continued tennis use or alternative community/ sports use could be well received.
- 5.11 Based on the limited information provided, insufficient information has been

submitted to demonstrate that the site has been actively marketed for at least 1 year prior to the date the application was submitted and that there is no market demand for continuing the existing tennis club use of the site or an alternative sport or community use. Nor has the application demonstrated that the existing site is surplus to requirements or that there would be adequate local reprovision of the existing use.

- 5.12 For the reasons set out above, the proposal conflicts with London Plan Policies S1 and S5, Local Plan Policies SP13, SP15, SP16, DM20 and DM49 and paragraphs 96 and 103 of the National Planning Policy Framework.

Provision of housing:

- 5.13 London Plan Policy H1 states that boroughs should optimise the potential for housing delivery on all suitable brownfield sites. Table 4.1 identify the overall housing targets for Boroughs (Haringey's 10-year target – 15,920). In addition, London Plan Policy H2 sets out a presumption in favour of development proposals for small sites (below 0.25 hectares in size) and in Table 4.2 a minimum target for housing delivery on small sites is identified for Boroughs (Haringey's 10-year target is 2,600). Policy D6 seeks to ensure the development potential of sites is optimised having regard to the local context, design principles and transport accessibility.
- 5.14 Local Plan Policy SP1 states that the Council will maximise the supply of additional housing by supporting development in areas identified as suitable for growth. Local Plan Policy SP2 seeks to ensure development provides homes to meet and exceed Haringey's housing needs.
- 5.15 At the time of writing, the Council is unable to fully evidence its 5 year supply of housing land. The 'presumption in favour of sustainable development' and paragraph 11(d) of the NPPF should be treated as a material consideration when determining this application, which for decision-taking means granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusal or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole. Nevertheless, decisions must still be made in accordance with the development plan (relevant policies summarised in this report) unless material considerations indicate otherwise (of which the NPPF is a significant material consideration).
- 5.16 This scheme would deliver 9 new dwellings on the site. As such, this proposal would make a minor contribution to the overall housing target for the Borough, as well as the housing delivery target for small sites.

- 5.17 Whilst the general principle of providing new housing in Haringey is supported by national, regional and local policy, the proposal would result in the permanent loss of a community sports facility and open space, a facility that is considered important to the local environment and social vitality of the area, whereby insufficient evidence has been submitted to demonstrate the existing use is no longer required, its loss would not result in shortfall of provision, that the existing facility is not viable and that there is no demand for any other suitable community or sport use on the site. The principle of development is therefore not supported. The proposal conflicts with London Plan Policies S1 and S5, Local Plan Policies SP15, SP16, DM20 and DM49 and paragraphs 96 and 103 of the National Planning Policy Framework.

Affordable Housing

- 5.18 Policy SP2 of the Local Plan requires developments of more than 10 units to provide a proportion of affordable housing subject to viability to meet an overall borough target of 40%
- 5.19 Whilst the proposed development is for 9 dwellings and therefore does not meet the 10 dwelling threshold for mandatory affordable housing provision, the proposal includes a 1 bedroomed shared ownership unit. However, in the No legal agreement has been provided to secure the shared ownership unit. Notwithstanding this, there would be no conflict with Local Plan Policy SP2 and the absence of a legal agreement to secure the shared ownership would not form a reason for refusal in this instance.

Heritage, Design, Character and Appearance

- 5.20 The National Planning Policy Framework makes beauty and placemaking a strategic national policy with the emphasis on granting permission for well designed development and refusing permission for poor quality schemes, especially where it fails to reflect local design policies and design guidance.
- 5.21 London Plan Policy D3 requires all new development to make the best use of land by following a design-led approach that optimises the capacity of sites. The policy also notes that proposals should enhance local context by delivering buildings that positively respond to local distinctiveness, through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions. Developments should respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality. Policy
- 5.22 In line with Local Plan Policy SP11, proposals should be of the highest standard of design that respects local context, character and historic

significance, to contribute to Haringey's sense of place. Development should relate positively to the locality having regard to prevailing building heights, form, scale, massing, urban grain, plot widths and architectural styles, detailing and materials, in line with DPD Policy DM1.

- 5.23 In regard to proposals in conservation areas, the Local Planning Authority has a statutory duty to ensure that the historic significance of these heritage assets is preserved or enhanced. London Plan Policy HC1 requires developments to conserve the significance of heritage assets by being sympathetic to the assets significance and appreciation within the surroundings. Local Plan Policy SP12 and DPD Policy DM9 note that proposals should ensure the conservation of the historic significance of heritage assets and their setting. The preservation of the historic form, function and character of conservation areas should be secured, in accordance with DPD Policy DM9.
- 5.24 Paragraph 202 of the NPPF states that where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.
- 5.25 Paragraph 208 of the revised NPPF sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 5.26 The Legal Position on the impact of heritage assets is as follows. Section 72(1) of the Listed Buildings and Conservation Areas Act 1990 provides: "In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area." Among the provisions referred to in subsection (2) are "the planning Acts".
- 5.27 The judgment in the case of the Queen (on the application of The Forge Field Society) v Sevenoaks District Council says that the duties in Sections 66 and 72 of the Listed Buildings Act do not allow a Local Planning Authority to treat the desirability of preserving listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. If there was any doubt about this before the decision in Barnwell, it has now been firmly dispelled. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area or a Historic Park, it must give that harm considerable importance and weight.
- 5.28 The authority's assessment of likely harm to the setting of a listed building or to a conservation area remains a matter for its own planning judgment but

subject to giving such harm the appropriate level of weight and consideration. As the Court of Appeal emphasised in *Barnwell*, a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one, but it is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. An authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the strong statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering.

- 5.29 In short, there is a requirement that the impact of the proposal on the heritage assets be very carefully considered, that is to say that any harm or benefit needs to be assessed individually in order to assess and come to a conclusion on the overall heritage position. If the overall heritage assessment concludes that the proposal is harmful then that should be given "considerable importance and weight" in the final balancing exercise having regard to other material considerations which would need to carry greater weight in order to prevail.
- 5.30 The application site is located in Rookfield Garden Estate. It comprises three tennis courts and associated pavilion building which have not been in use for a number of years and are currently in a state of disrepair. Despite the current condition of the site, it remains a defining aspect of the original intention of the suburban estate and subsequently the special interest and character of the conservation area. There is soft landscaping to the boundaries and the site provides a visual break in its suburban built context.
- 5.31 The area is residential in character, comprising low density housing, communal open spaces and unadopted private gated roads with grass verges and mature trees, developed by the notable Collins family. The area forms part of Rookfield Conservation Area. The buildings are in English Domestic style, heavily influenced by the Arts and Crafts movement. The materials palette comprises brick and tile, timber sash windows and doors with a few houses incorporating pebbledash. The properties have landscaped front gardens, in behind low level brick boundary treatments. Properties in the area generally rely on on-street car parking. The landscaped front gardens and open spaces make a positive contribution to the special interest of the conservation area. The roof line cascades with the topography, creating visual interest. There is little space between adjoining plots but the curving street alignment, cascading roof line and soft landscaping creates a suburban character. Generally, properties two storeys in height with pitched roofs, albeit many have rear dormers.
- 5.32 The application site is one of the main communal areas in the Rookfield Garden Estate. The tennis courts were designed into the estate representing the fashionable nature of British sport amongst the middle class during C20. The

community use of the site, the sense of openness the site provides and its landscaping contributes positively to the underlying garden city ethos of the estate and thus the special interest of the conservation area.

- 5.33 The proposed development would result in the loss of the community tennis use and the loss of openness the site currently provides. In its place would be two rows of 4 storey terraced dwellings (including basement and rooms in the roof) with limited front gardens and landscaping along with the conversion of the existing pavilion to residential use.
- 5.34 The façade treatments are in keeping with the Free English Domestic Style of the rest of the estate but the four storey scale of the proposed new buildings is incongruous. The development would completely infill the site, creating a harmful sense of enclosure to the street and the dormer windows and rooflights accentuate the scale of the buildings. The discordant nature of the proposed dwellings is further emphasised by the lack of ability of the front and rear gardens to provide any meaningful soft landscaping. The proposed development is built form and hard surface dominated, conflicting with the garden suburb principles, on which the wider estate is founded.
- 5.35 It is considered that the loss of the tennis courts and associated pavilion undermines the original intention of the estate to provide middle class housing, based on garden suburb principles including the provision of sports facilities for use by its residents. The applicant's submission suggests that the condition of the site is such that it harms the character of the conservation area. Whilst the current condition of the site is regrettable, it appears to be the result of deliberate neglect.
- 5.36 Despite the architectural treatments being in keeping with prevailing character of the estate, the scale of the proposed buildings are incongruous, exacerbated by a proliferation of street facing dormer windows and roof lights. The Council's Heritage Expert considers that the proposed development would result in mid – high level of less than substantial harm to the special interest of the Rookfield Conservation Area. Officers agree with this assessment of harm.
- 5.37 As such, taking full account of the Council's statutory duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, paras 202 and 208 of the NPPF this harm has been given significant weight and requires a balancing exercise against public benefit.
- 5.38 The applicant's planning statement does not set out what the applicant considers to be the public benefits of the proposed scheme. However, paragraph 6.4 of the statement which could be considered as benefits arising from the development. That list contains the following:

- Provision of 9 energy efficient dwellings with associated amenity space, cycle storage and refuse and recycling storage This includes a 1 bed shared ownership dwelling, albeit with no mechanism presented to secure the shared ownership dwelling
- Retention of existing trees and additional tree and hedge planting

5.39 Having carefully considered the less than substantial harm to the Rookfield Conservation Area and the public benefits of the proposed development, it is considered that the public benefits that the scheme delivers do not outweigh the less than substantial harm to Rookfield Conservation Area. The proposal fails to preserve or enhance the character or appearance of the Rookfield Conservation Area. The proposed development conflicts London Plan Policies D3 and HC1, Local Plan Policies SP 11 and SP 12, DMDPD Policies DM 1 and DM 9 and S.72 of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 (as amended). This provides a clear reason for refusal in the context of paragraph 11 of the NPPF.

Neighbouring Amenity

- 5.40** London Plan Policies D3 and D6 outlines that design must not be detrimental to the amenity of surrounding housing, in specific stating that proposals should provide sufficient daylight and sunlight to surrounding housing that is appropriate for its context, while also minimising overshadowing. London Plan Policy D14 requires development proposals to reduce, manage and mitigate noise impacts.
- 5.41** DPD Policy DM1 'Delivering High Quality Design' states that development proposals must ensure a high standard of privacy and amenity for a development's users and neighbours. Specifically, proposals are required to provide appropriate sunlight, daylight and aspects to adjacent buildings and land, and to provide an appropriate amount of privacy to neighbouring properties to avoid overlooking and loss of privacy and detriment to amenity of neighbouring residents. Policy DM7 sets out that the development proposals for infill development must safeguard privacy, amenity and ensure no loss of security.
- 5.42** Owing to their close proximity to the application site and proposed new dwellings, the most affected neighbours would be no.10 The Chine, no. 37 Cascade Avenue, no's 57 – 69 Etheldene Avenue and no's 13 – 19 The Chine, with the main amenity concerns being loss of light, privacy, outlook and overbearing impacts.
- 5.43** A Daylight, Sunlight & Overshadowing Assessment (by T16 Design) was submitted with the application. The assessment was carried out in accordance

with the 2011 BRE good practice guidance rather than the latest BRE good practice guidance. The report outlines the results of the assessment in relation to the relevant windows on neighbouring properties, notably the flank windows of no.10 The Chine and no.37 Cascade Avenue and the principal elevation windows of no's 13 – 19 The Chine.

- 5.44 The VSC test results show that 20/22 of the windows tested meet the BRE requirements (VSC's above 27% and above 80% of existing values) with a ground floor flank (kitchen) window at both no. 10 The Chine and no.37 Cascade Avenue failing to meet the BRE requirement, achieving 15.67% and 18.64% (41.53 and 51.17% of the existing VSC respectively). However, the NSL test for the failing window at no.10 reveals that window would achieve more than the BRE target of 80% of its existing area within the no sky line and therefore meets the BRE guidance. The report assumes that the layout of no.37 is similar to that of no.10 and therefore its VSC failing window would also meet the NSL BRE target. This is considered to be a reasonable assumption. In respect to sunlight impacts, the 5 south facing windows receive greater than 25% of the annual sunlight hours and more than 5% of winter sunlight hours and therefore meets BRE guidance.
- 5.45 In terms of loss of sunlight to neighbouring gardens, the report includes the results of a sunlight hours test on the 31st of March for both the rear gardens of no.10 The Chine and no. 37 Cascade Avenue, both of which receive greater than 80% of their existing garden areas receiving more than 2 hours of sunlight on the 31st of March.
- 5.46 The findings of the Daylight/ Sunlight report confirms that the proposal would not give rise to unacceptable daylight or sunlight impacts to neighbouring windows or rear gardens.
- 5.47 The proposed development includes the conversion of the existing single storey tennis pavilion into a single storey dwelling. The pavilion has existing obscure glazed and non-opening windows that directly adjoin the rear gardens of no.10 The Chine and no.37 Cascade Avenue. These openings are proposed for retention and form secondary bedroom and bathroom windows. In the interest of preserving neighbour privacy, a planning condition could be imposed requiring these windows to be suitably obscure glazed and non-opening. However, such a condition would not be sufficient to address the perceived overlooking and loss of privacy resulting from independent residential windows being sited in the rear gardens of no.10 The Chine and no.37 Cascade Avenue. In addition, the proposed condition would create an oppressive living environment for the future occupant of the converted pavilion building. It is considered that the proposed development would have an unacceptable neighbour amenity impact.

- 5.48 The proposed terraces include first and second floor windows in the flank elevations. These windows directly face the shared boundaries with the neighbouring properties at no. 10 The Chine, no. 35 Cascade Avenue and numbers 57 & 59 and no 67 & 69 Etheldene Avenue. These windows serve the communal stair cores and are set back approximately 1.7 metres from the shared boundaries from no.10 The Chine and no. 37 Cascade Avenue and between 3.2 and 3.8 metres from the shared boundary with no 57 & 59 and no.67 and no. 69 Etheldene Avenue. The rear elevation of the properties fronting Etheldene Avenue is between 17.5 and 19 metres from the proposed flank windows. The proposal would introduce an opportunity for overlooking of flank windows and rear gardens that does not currently exist, to the detriment of neighbour amenity.
- 5.49 The proposal would introduce 3 storey built form in close proximity to the southern and northern boundaries of the site, the flank windows of no.10 The Chine and no. 37 Cascade Avenue, their rear gardens and the rear gardens of no. 59 and 67 Etheldene Avenue, due to the close proximity, scale and siting of the proposed buildings, they are considered to have an unacceptable overbearing and outlook impact on these neighbours.
- 5.50 The submitted energy statement suggests that the proposal will incorporate air source heat pumps. These will be located centrally on the roof and would not be readily visible from public vantage points. Air source heat pumps have the potential to create harmful noise and disturbance if not appropriately specified and/or enclosed. Insufficient information has been submitted with the application to demonstrate that the proposed air source heat pumps would not harm amenity, contrary to DPD Policies DM1 and DM7 however this can be dealt with through a condition controlling the noise levels from the ASHPs.
- 5.51 In summary, by virtue of the close relationship between the converted pavilion dwelling and its windows being within the rear gardens of no.10 The Chine and no.37 Cascade Avenue, it is considered even if the windows were obscure glazed and fixed closed, the windows would result in a perceived loss of privacy which would harm the amenity of these neighbouring properties. Due to the scale of the scale and proximity of the proposed new buildings to the rear gardens and flank windows of no.10 The Chine and no. 37 Cascade Avenue and the rear gardens of no.59 and no. 67 Etheldene Avenue, the proposal is considered to result in an unacceptable loss of outlook and have an overbearing impact on these neighbours. The proposal conflicts with London Plan Policies D3, D6 and D14 and DPD Policies DM1 and DM7.

Standard and quality of residential accommodation

- 5.52 London Plan Policy D6 requires housing developments to be of high quality design, providing comfortable and functional layouts, benefiting from sufficient daylight and sunlight, maximising the provision of dual aspect units and

providing adequate and easily accessible storage space as well as outdoor amenity space. Table 3.1 sets out the internal minimum space standards for new developments, while Table 3.2 of the London Plan provides qualitative design aspects that should be addressed in housing developments.

- 5.53 Local Plan Policy DM1 requires new development to achieve a high standard of privacy and amenity for the development's users.
- 5.54 The proposed dwellings have been designed to meet the Nationally Described Minimum Space Standards. With the exception of the 1 bedroomed dwelling in the converted pavilion, all properties have access to private amenity space. Given that the proposed pavilion dwelling is not a family dwelling and there is public amenity space in reasonable proximity to the application site, the living quality is considered to be acceptable in relation to internal and external space.

Transport considerations

- 5.55 London Plan Policy T1 requires all development to make the most effective use of land, reflecting its connectivity and accessibility by existing and future public transport, walking and cycling routes, and to ensure that any impacts on London's transport networks and supporting infrastructure are mitigated. Policies T4, T5 and T6 set out key principles for the assessment of development impacts on the highway network in terms of trip generation, parking demand and cycling provision.
- 5.56 Local Plan Policy SP7 'Transport' states that the Council aims to tackle climate change, improve local place shaping and public realm, and environmental and transport quality and safety by promoting public transport, walking and cycling and seeking to locate major trip generating developments in locations with good access to public transport. This is supported by DPD Policy DM31 'Sustainable Transport'.
- 5.57 The application site is accessed by private residential roads, is within a PTAL 2 area and is approximately 1.4 km from Highgate Underground Station. The site is also within walking distance of a number of bus connections. The proposal is for 9 dwellings and 24 cycle parking spaces. No on-site car parking is proposed.
- 5.58 The transport statement submitted with the application includes the results of a parking survey between 05:00 and 21:00 on Tuesday 23rd February 2021. The survey identified 328 parking spaces within a 200 metre distance from the site including 184 unrestricted spaces and 144 spaces located on private roads (Cascade Avenue, The Chine, Rookfield Avenue and Cranmore Way). The survey concluded that there was capacity for at least 33 additional cars on the private roads. Based on the 2011 Census, residences in the area average 1.17 cars per household (10 cars for the proposed dwellings). Based on London Plan requirements, the proposed 9 dwellings (1 x 1 bed and 8 x 5 bed)

would generate a parking demand of 8 spaces. The survey suggests there would be adequate on street capacity to accommodate the parking demand generated by the proposal.

- 5.59 The report estimates that the site will generate 41 AM peak and 43 PM peak trips per day, approximately 28 more AM and 33 more PM peak trips above the estimated existing tennis use but a net increase of 2 vehicle trips in the AM and PM peaks. The proposed level of movement would not have a material impact on the transport network.
- 5.60 Cycle parking details have been outlined on the plans. No refuse details have been submitted. If the application was to be consented, the cycle and bin storage details would be secured through suitably worded conditions.
- 5.61 Whilst the Highways Officer has questioned the use of 2011 census data rather than 2021 data for the transport impact assessment, the Officer has not objected to the development subject to conditions relating to the submission of a Construction Logistics Management Plan, Delivery Servicing Plan and Cycle Parking and a £5,000 financial contribution, to be secured by legal agreement. However such an obligation is not in line with the Council's Planning Obligations SPD so does not form a reason for refusal.

Basement development

- 5.62 DPD policy DM18 ('Residential Basement Development and Light Wells') requires proposals for basement development to demonstrate that they will not adversely affect the structural stability of the application site and neighbouring buildings; does not increase flood risk to nearby properties; avoids harm to the established character of the surrounding area and does not adversely impact the amenity of adjoining properties. Policy DM24 reiterates the requirement of new development to manage and reduce surface water runoff.
- 5.63 London Plan 2021 policy relates more specifically to large-scale basement development but in paragraph 3.10.6 it is recognised and outlined that small-scale basement excavations, where they are appropriately designed and constructed, can contribute to the efficient use of land, and provide extra living space. Paragraph 3.10.5 equally highlights the need to manage sensitively through the planning application process potential impact on the local environment and residential amenity. Although Haringey does not have formally adopted basement development guidance, the approach taken to-date is similar to that of other councils.
- 5.64 As outlined above the scheme is to construct two rows of 4 terraced dwellings with a single storey basement/ lower ground floor (between 3 and 4 metres below ground level).

- 5.65 The site is not within an area at risk from flooding as defined by the Environmental Agency. The site is within North of Hornsey High Street and West of Mainline Railway Hornsey Critical Drainage Area (CDA), as defined in Policy DM26, which requires that all proposals for new development within a CDA to incorporate measures to reduce the overall level of flood risk.
- 5.66 The site is underlain by London Clay Formation, an unproductive strata with low permeability that has negligible significance for water flow. As outlined with in the reports submitted there are no water courses close to the site. The BIA outlines that site investigation included excavation of one borehole to a maximum depth of 6.0m below ground level has been carried out, with groundwater not encountered at the time the borehole was made but was encountered during subsequent monitoring. The report outlines that the contractor should allow for dewatering measures during excavation and construction.
- 5.67 A flood risk assessment and SuDs statement has been submitted with the application which suggests a restricted discharge to the public sewer system. No measures have been identified in the BIA to reduce flood risk nor has any assessment been made with respect to the hydrogeological impacts of the proposed development.
- 5.68 Harringey's independent Basement Impact Assessment Consultant Campbell Reith undertook a review of the submitted Basement Impact Assessment. Their comments will be summarised as follows:
- It is accepted that the development would not impact on the wider hydrogeology of the area, albeit sump pumping may be required to control perched water ingress.
 - No details of the existing drainage scheme has been provided.
 - The use of propping to support the walls during construction has not been set out.
 - The outline retaining wall and foundation layout has not been provided. Construction methods for the basement were not known.
 - No Ground Movement Assessment has been submitted to confirm that works can be completed without causing more than Burland Category 1 (very slight) damage to neighbouring properties.
 - Further consideration of the impact of the development on slope stability is required.
 - It cannot be confirmed that the proposal meet the requirements of LBH guidance on basements for the reasons set out here and in appendix 2 of the Audit Report.
- 5.69 The applicant has discussed these matters and prepared a revised BIA which has not yet been received by the Council. Given these matters can be resolved through the provision of further information and condition officers are satisfied

that the proposed excavation would not cause unacceptable harm to neighbouring properties or the surrounding area in line with DPD Policy DM18 and DM 24.

Energy and sustainability

- 5.70 The London Plan sets out detailed policies in relation to energy efficiency, renewable energy, climate change and water resources. London Plan Policy SI2 sets out that major development should be net zero-carbon within the energy hierarchy and a minimum on site reduction of at least 35% of which 10% should be achieved through energy efficient measures. The GLA Energy Assessment Guidance (2022) sets out that energy assessments should demonstrate how the net zero carbon target for new residential development will be met, with at least a 35% on-site carbon reduction beyond Part L 2021. The policy also sets out that where there is a shortfall in achieving the zero carbon target, the shortfall should be provided either through a cash in lieu contribution to the carbon offset fund or provided offsite. Local Plan Policy SP4 promotes and requires all new developments to take measures to reduce energy use and carbon emissions during design, construction and occupation. Low- and zero-carbon energy generation are required with all new development, specifically to achieve a reduction in predicted carbon dioxide emissions through on-site renewable energy generation.
- 5.71 DPD Policy DM21 also requires new development to consider and implement sustainable design, layout and construction techniques, with proposals required to apply the energy hierarchy to minimise energy use in order to meet/exceed, minimum carbon dioxide reduction requirements.
- 5.72 A sustainability statement has been submitted to support the application. It outlines that the site could achieve a 84% reduction in regulated CO2 emissions, over the Part L (2021) baseline. The report outlines that Solar PV and air source heat pump (ASHP), would be suitable renewable technology for the proposed scheme. The statement confirms that the proposal will meet the higher water efficiency building regulation requirement.
- 5.73 In the absence of a legal agreement to secure the carbon offset fund contribution, the proposal fails to accord with London Plan Policy SI2, Local Plan Policy SP4 and DPD Policy DM21.

Flood Risk, Drainage and Waste Water

- 5.74 Development proposals must comply with the NPPF and its associated technical guidance around flood risk management. London Plan Policy SI12 requires development proposals to ensure that flood risk is minimised and mitigated and that residual risk is addressed.
- 5.75 London Plan Policy SI13 and Local Policy SP5 expect development to utilise

Sustainable Urban Drainage Systems (SUDS).

- 5.76 Policies DM24, 25, and 29 continue the NPPF and London Plan approach to flood risk management and SUDS to ensure that all proposals do not increase the risk of flooding. DM27 seeks to protect and improve the quality of groundwater.
- 5.77 The site is located in Flood Zone 1 and has a low probability of flooding from tidal and fluvial sources. The site is located in a Critical Drainage Area.
- 5.78 The existing site comprises of an existing pavilion building alongside hard and soft landscaped areas.
- 5.79 A surface water and SuDs assessment has been submitted with the application authored by Baseenergy. The SuDs assessment sets out that the proposal will result in a reduction in impermeable surfacing on the site and provide a betterment in terms of surface water management. The report considers the SuDs hierarchy and concludes that controlled discharge to the public waste water network is the most appropriate drainage solution, alongside the provision of water butts. This comprises permeable hard surfacing and a 42.7 sqm attenuation tank with restricted discharge of 2.7 l/s to the public waste water network. The strategy does not appear to take into account the impacts of climate change and a buffer for peak rainfall intensity.
- 5.80 Whilst the Council as Lead Local Flood Authority has not objected to the proposed drainage arrangements, they have requested full calculations to be submitted for the storage requirement calculation along with Micro drainage modelling or similar simulating storms and critical storms in the 1 in 1 year storm, 1 in 30 year storm and 1 in 100 year storm with allowance for climate change, in order to demonstrate that there would be no surcharging of the drainage system in those events. The Flood Authority have also requested a Thames Water Asset location search and/or confirmation from Thames Water of the allowable rate and point of discharge as these have an impact on the overall drainage design. The Authority has also requested diagrammatic indication of the overland flow routes and demonstration that this do not pose a risk to properties. None of the aforementioned information has been provided, as such the proposal has failed to demonstrate that the proposal incorporates a suitable SuDs system and would not increase flood risk in the locality.
- 5.81 The proposal conflicts with London Plan Policy SI 13, Local Plan Policy SP5 and DPD Policies DM24, DM25 and DM29 but given this could be dealt with by condition this does not form a reason for refusal.

Arboricultural Impacts

- 5.82 The NPPF (Para. 136) stresses the importance of trees and makes clear that planning decisions should ensure that new streets are tree-lined. London Plan Policy G7 makes clear that development should seek to retain and protect trees of value and replace these where lost.
- 5.83 The application is supported by an Arboricultural Impact Assessment and Method Statement, authored by Crown Tree Consultancy. The survey identified 15 trees on and immediately adjacent to the site. Of these, 6 are Category B and 9 are Category C. The report recommends removal of ivy from a semi-mature ash on 3rd party land and the removal of ivy from an early mature horse chestnut and a climbed inspection to assess its health. Pruning of trees 1-13 is required to facilitate the development. The report advises that the root protection area of T4, T9 and T11 will be affected by the proposed development, the report recommends sympathetic foundation design and methodology to minimise impacts. According to the report, Tree T3 and T4 are subject to tree preservation orders.
- 5.84 The arboricultural method statement sets out suitable methods and protection measures to ensure tree health would not be adversely affected by the development. Subject to compliance with the submitted details, the proposal would not give rise to any adverse arboricultural impacts. The Arboricultural Officer raised no objection to the proposal subject to conditions relating to tree protection, arboricultural method statement and landscaping details with associated aftercare program. These conditions could be imposed if planning permission was to be forthcoming. The proposal accords with London Plan Policy G7.

Ecological Impacts

- 5.85 London Plan Policy G5 sets out the concept and defines Urban Greening Factor (UGF) as a tool used to evaluate and quantify the quality of urban greening provided by a development and aims to accelerate greening of the built environment, ensuring a greener London as it grows. It calls on boroughs to develop their own UGF targets, tailored to local circumstances, but recommends an interim target score of 0.40 for proposed development that is predominantly residential.
- 5.86 London Plan Policy G6 calls for development proposals to manage impacts on biodiversity and to aim to secure net biodiversity gain.
- 5.87 Local Plan Policy SP13 states that all development must protect and improve sites of biodiversity and nature conservation. In addition, Policy DM19 makes clear that development on sites adjacent to internationally designated sites should protect and enhance their ecological value and Policy DM20 supports the implementation of the All London Green Grid.
- 5.88 The submission is accompanied by a preliminary ecological appraisal and two bat emergence and re-entry surveys, authored by arbtech. The appraisal sets out the findings of a phase 1 habitat survey that concludes the site is dominated by hard

surfacing, buildings and trees. The report identified the presence of Jersey Cudweed. The proposal would result in the loss of potential reptile, bird and hedgehog habitat. However, a precautionary working method is considered to be sufficient to avoid unacceptable impacts. The existing pavilion building was identified as having potential for roosting bats. The reports recommend increasing tree planting, relocation of Jersey Cudweed, provision of reptile/ amphibian refugia and the planting of native scrub, fruit trees and grassland, installation of bird and bat boxes and a sensitive lighting scheme.

- 5.89 The submitted Jersey Cudweed Population Assessment, Mitigation and Enhancement Plan recommends re-locating the population to brown/ biodiverse roofs and the transfer of plants under license to the Millenium seed bank. The relocated population will require post relocation monitoring.
- 5.90 The submitted Landscape Design and Biodiversity statement sets out that the proposal will achieve an urban greening factor score of 0.038 which is just below the expectations of the London Plan so on balance is acceptable. The submitted Biodiversity Net Gain Assessment sets out that the site has a baseline habitat value of 5.4 units. The post development habitat value of the site is estimated to be 6.05 units comprising green walls, ornamental hedgerow, green roofing of bin stores, vegetated gardens and additional tree planting, resulting in an estimated net gain of 12.22%.
- 5.91 To ensure that the proposed mitigation remains appropriate and suitably managed, if planning permission was to be forthcoming, a condition requiring further protected species survey, mitigation and management plan would be recommended. The proposal is considered to accord with London Plan Policies G5 and G6 along with Local Plan Policies SP13 and DM19.

Waste and Recycling

- 5.92 London Plan Policy SI7 calls for development to have adequate, flexible, and easily accessible storage space and collection systems that support the separate collection of dry recyclables and food. Local Plan Policy SP6 and Policy DM4 require development proposals make adequate provision for waste and recycling storage and collection.
- 5.93 The proposed landscaping plan shows bin stores in the rear gardens of the properties but detailed drawings of the stores have not been provided. The future residents will be entitled to a bi-weekly kerb side waste collection service and a weekly recycling and food waste collection service. Standard storage requirements are 1 x 240 litre waste bin and 1 x 240 litre recycling bin and a 23 litre food waste container. The design of the waste storage and collection arrangement should take into account the guidance contained within Haringey's Sustainable Design and Construction SPD. These details could be secured by condition if planning permission was to be forthcoming.

Conclusion and Planning Balance

- 5.94 The Council cannot evidence a five year housing land supply which means for the purposes of paragraph 11d) the Council's development Plan is out of date. However, the tilted balance does not apply in this instance. Para 11 d) of the NPPF sets out that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. This includes policies in the NPPF (rather than those in development plans) relating to designated heritage assets.
- 5.95 The proposal would result harm to Rookfield Conservation Area that is not outweighed by public benefits. The proposal is contrary to the NPPF, providing a clear reason for refusing planning permission for the development.
- 5.96 The proposed development would result in the loss of the existing community sports facility and open space. The marketing and need information submitted with the application is insufficient to demonstrate that the existing facility is not viable in its current use and there is no demand for any other suitable community facility on the site not has it been appropriately actively marketed for at least 12 months. As such the proposal is not supported in principle and conflicts with London Plan Policies SP1 and SP5 and Local Plan Policies SP15, SP16 and DPD Policy DM49 and paragraph 93 and 99 of the NPPF.
- 5.97 The proposal result in the loss of an existing sports facility and open space that forms part of the integral offer of the garden suburb inspired estate. The scale of the proposed new buildings make them appear incongruous in their context, resulting in a mid- high level of less than substantial harm to the Rookfield Estate Conservation Area. The public benefits of the development are not considered to outweigh the less than substantial harm identified. The proposal conflicts with London Plan Policies D3 and HC1, Local Plan Policies SP11 and SP12 and DPD Policy DM 9.
- 5.98 Owing to the close relationship between the rear bathroom and bedroom window and the rear gardens of no.10 The Chine and no.37 Cascade Avenue, the proposal is considered to result in harm to the amenity of these neighbours by way of actual and perceived overlooking and loss of privacy contrary to London Plan Policies D3 and D6 and DPD Policies DM1 and DM7.
- 5.99 Due to the scale of the proposed buildings their close relationship with the flank windows and rear gardens of no.10 The Chine and no. 37 Cascade Avenue and the rear gardens of no. 59 and no 67 Etheldene Avenue, the proposal is considered to result in unacceptable outlook and overbearing impacts on these neighbours contrary to London Plan Policies D3 and D6 and

DPD Policies DM1 and DM7.

5.100 In the absence of a legal agreement to secure a suitable carbon offset fund contribution, the proposal would fail to achieve carbon net zero contrary to London Plan Policy SI2, Local Plan Policy SP4 and DPD Policy DM21.

5.101 The modest public benefits arising from the development in respect to the provision of 9 energy and water efficient dwellings, including 1 affordable home, retention of trees and additional planting does not outweigh the harms identified above. The applicant has stated that they also propose to upgrade the surrounding private roads but there is no mechanism to secure this provided so this cannot be given any weight in the planning balance.

5.102 For the reasons set out above, the proposed development is considered to conflict with the adopted development plan. There are no material considerations that indicate that the proposed development should be determined in anything but in accordance with the adopted development plan. It is therefore recommended that planning permission is refused.

5.103 All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be refused for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.

6. CIL APPLICABLE

6.1 Based on the information given on the plans, the Mayoral CIL charge would be $\pounds 69.27 \times 1,922.5\text{sqm} = \pounds 133,171.5$ and the Haringey CIL charge would be : $\pounds 422.45 \text{ (western)} \times 1,922.5\text{sqm} = \pounds 812,160.12$. This would be collected by Haringey should the scheme be allowed on appeal.

7. RECOMMENDATION

REFUSE PERMISSION for the following reasons:

1. The proposed development would result in the permanent loss of a community sports facility and open space which is considered to be important to the social vitality of the area and the applicant has failed to demonstrate that it is not viable to continue the existing use, an alternative community use nor has the applicant sought to re-provide an equivalent quality facility in the locality. The proposal conflicts with London Plan Policies S1 and S5, Local Plan Policies SP15, SP16 and DM49 and paragraphs 92, 93 and 99 of the National Planning Policy Framework.
2. The proposed development by reason of its siting, scale and bulk would introduce a dominant and discordant form of development, detrimental to the verdant, open and spacious qualities of the site and its spatial relationship with surrounding buildings, overall street scene and the

contribution the site makes to the special interest of the Rookfield Conservation Area , contrary to Policies D3 and HC1 of the London Plan 2021, Policy SP11 of Haringey's Local Plan Strategic Policies (2017) and Policies DM1 and DM7 of the Haringey Development Management DPD (2017).

3. By virtue of the close relationship of the rear windows of the dwelling in the converted pavilion and the rear garden of no.10 The Chine and no.37 Cascade Avenue, the proposed development would result in the actual or perceived overlooking and loss of privacy to the neighbours at no.10 and no.37 and a poor quality living environment for the future occupant of the building contrary to London Plan Policies D3 and D6 and DPD Policies DM1 and DM7.
4. Due to the scale of the proposed buildings their close relationship with the flank windows and rear gardens of no.10 The Chine and no. 37 Cascade Avenue and the rear gardens of no. 59 and no 67 Etheldene Avenue, the proposal is considered to result in unacceptable outlook and overbearing impacts on these neighbours contrary to London Plan Policies D3 and D6 and DPD Policies DM1 and DM7.
5. In the absence of a legal agreement to secure a financial contribution towards the carbon offset fund and a S106 monitoring fee the development would fail to achieve net zero-carbon contrary to London Plan Policy SI2, Local Plan Policy SP4 and DPD Policy DM21.