
Statement of Case

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Appendix 1- Appeal Decision reference APP/Y5420/W/22/3308350

1. Introduction

- 1.1. This Statement of Case has been prepared by Savills on behalf of the appellant, Greyclyde Investments Ltd, in support of a planning appeal under S78 of the Town and Country Planning Act (as amended) against the London Borough of Haringey Council's decision to refuse planning permission for development proposals at St Matthew's Court, Coppetts Road, London, N10 1NW. The development proposed is described as follows:

"Construction of a new residential building (use class C3), together with landscaping, cycle and car parking, and associated works".

- 1.2. The application was validated on 6th June 2024 and should have been determined by 1st August 2024. An extension of time was agreed with officers to the 15th August 2024 but no feedback on the proposals were provided. Once that was date past, the appellant made numerous attempts to engage with officers and discuss the proposals but to no avail. The appellant considers that the Council did not provide an appropriate level of engagement during the application. The Council ultimately determined to refuse planning permission on 7th February 2025 by decision notice referenced HGY/2023/2653. The decision notice listed 2 reasons for refusal, as follows:

1. *The proposed development by virtue of its design, layout, siting, and scale, would appear cramped and contrived within the constraints of the site, resulting in the loss of garden land and being an overdevelopment that is detrimental to the character and appearance of the area. The scheme would also provide an uninviting front entrance with poor legibility and connection to the existing blocks, undermining the amenities of for (sic) future occupiers. As such, the proposal is contrary to Policies D5 and D6 of the London Plan 2021, Policy SP11 of the Haringey Local Plan 2017, and Policies DM1, DM2, DM7 and DM12 of the Development Management DPD 2017.*
2. *The proposed development by reason of its siting, height and layout in relation to the nearest block on site and adjoining sites would harm conditions of light and outlook and be overbearing and lead to intrusive overlooking and loss of privacy, contrary to Policy D6 of the London Plan 2021, Policy SP11 of the Haringey Local Plan 2017 and Policies DM1, DM7 and DM12 of The Development Management DPD 2017.*

- 1.3. This Statement of Case sets out the Appellant's case against the Council's reasoning for refusal and outlines why the application, in our view, should be granted. In our view, the proposals are a logical but sensitive optimisation of the site, which follow the design-led approach advocated by the London Plan to deliver new homes. The proposals are ones which support national objectives of significantly boosting the supply of homes (NPPF, paragraph 61), making effective use of land to meet identified needs for housing where land supply is constrained (NPPF, paragraph 125).

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- 1.4. This Statement is supported by, and should be read in conjunction with, the originally submitted drawings and application documentation which set out the background information to the site and the proposals, as well as the planning considerations for the scheme. A list of documentation submitted with the application is set out below.

Submitted documents

Document title	Prepared by	Date
Completed application form	Savills	2 nd October 2023
Completed CIL Additional Information Form (Form 1)	Greyclyde Investments Ltd (c/o Savills)	20 th September 2023
Covering Letter	Savills	2 nd October 2023
Daylight and Sunlight Assessment	Herrington Consulting	September 2023
Design and Access Statement (including landscaping details and Urban Greening Factor calculations)	LSI Architecture	September 2023
Planning Statement	Savills	September 2023
Energy and Sustainability Strategy	Cooper Homewood	5 th June 2024

Drawing List

Drawing Title	Drawing Reference
Site Location Plan	20169-LSI-AAA-00-DR-A-1005 S2 P01
Existing Site Plan	20169-LSI-AAA-00-DR-A-1000 SO2 P01
Proposed Site Plan	20169-LSI-AAA-00-DR-A-1001 SO2 P02
Existing Block Plan	20169-LSI-AAA-00-DR-A-1010 S2 P01
Proposed General Arrangement Plan- Lower Ground Floor	20169-LSI-AAA-LG-DR-A-1300 SO P03
Proposed General Arrangement Plan- Upper Ground Floor	20169-LSI-AAA-UG-DR-A-1301 SO P04
Proposed General Arrangement Plan- First Floor	20169-LSI-AAA-01-DR-A-1302 SO P02
Proposed General Arrangement Plan- Second Floor	20169-LSI-AAA-02-DR-A-1303 SO P02
Proposed General Arrangement Plan- Roof Plan	20169-LSI-AAA-RF-DR-A-1315 SO P02
Proposed General Arrangement Elevations- New Build	20169-LSI-AAA-ZZ-DR-A-1350 S2 P03
Proposed General Arrangement Sections- New Build	20169-LSI-AAA-ZZ-DR-A-1370 S1 P01

- 1.5. This Statement focusses solely on the reasoning for refusal and the appellant's case against the Council's concerns of the application. Details relating to the site, surroundings, planning history and planning policy context are set out within the original submission material and are not duplicated in this document.

2. The Appeal Context

- 2.1. Prior to addressing the Council's reasoning for refusal and setting out the Appellant's case, it is considered pertinent to outline the context of the appeal. That context is the pressing and identified need to deliver more housing locally, regionally and nationally following to address chronic undersupply over a number of years which has led to an imbalance of demand and supply in the housing market.
- 2.2. The general thrust of national, regional and local planning policy is to secure sustainable patterns of development and regeneration through the efficient use of land and the concentration of development in accessible locations. This is encapsulated within the presumption in favour of sustainable development set out within the NPPF (paragraph 8) which states that proposals which accord with an up-to-date development plan should be approved without delay.
- 2.3. Section 11 of the NPPF sets out that planning policies and decisions should promote an effective use of land in meeting the need for homes, with paragraph 125 noting support for the development of under-utilised land and buildings, especially if this would meet identified need for housing where land supply is constrained and available sites could be used more effectively.
- 2.4. Paragraph 125 additionally states that planning policies and decisions should "*give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, **proposals for which should be approved unless substantial harm would be caused***" (our emphasis added).
- 2.5. There is a strategic need for increased housing delivery. This is something which has been placed at the forefront of the Labour Government's agenda, with a commitment to building 1.5million new homes by 2030.
- 2.6. The delivery of new homes is also a key priority for the Mayor of London. The London Plan sets out that London's population is expected to increase by 70,000 each year, with the total population reaching some 10.8 million by 2041. In order to accommodate this population increase, ambitious housing targets must be met. The London Plan outlines a ten-year housing target for the Capital of 522,870 new homes. Of these homes, 15,920 are expected to be delivered in London Borough of Haringey (LBH), equating to 1,592 new homes per annum.
- 2.7. London Plan policy H2 goes on to note the substantial contribution small sites (those below 0.25 hectares in size) can make to delivery. The policy outlines support for well-designed new homes on such land, with a strategic London-wide ten-year delivery target of 119,250 new homes. Of these, it is expected that 2,600 will be delivered on such sites in LBH.
- 2.8. At a local level, LBH Local Plan policies commit to maximise the supply of additional homes to meet and exceed the minimum housing target of 19,802 homes over the plan period (equating to 1,502 new homes per annum). Policy DM10 notes that windfall development will be considered acceptable where this complies with the relevant policies of the adopted development plan.

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- 2.9. The new standard method for calculating local housing need was introduced alongside the publication of the new NPPF in December 2024. For LBH, this shows a need for 2,956 new homes per annum in the borough, significantly higher than that identified within the London Plan and Local Plan.
- 2.10. The latest Housing Delivery Test results show that LBH have delivered on average just 1,344 new homes per annum over the last three years. This represents just 45% of the need identified by the standard method calculation.
- 2.11. Clearly, the borough is failing to meet demand and innovative sources of housing delivery must be explored in order to meet the identified need. The proposed development is one which would sustainably deliver new homes in the borough to contribute towards meeting this need and should be looked upon favourably. Indeed, the Council acknowledge the benefit of the development and confirm that *"the provision of additional dwellings in this location is considered acceptable in principle"* at paragraph 4.6 of their officer delegated report.
- 2.12. The significant benefit that the scheme would deliver in this respect must be weighed in the planning balance as part of this appeal. The determination must also be made in line with paragraph 125 of the NPPF (as referenced above) as brownfield land within a settlement. In this case, the application should be approved unless substantial harm is caused. Despite the application being determined following the revised NPPF being published (which introduced the new paragraph 125), the Council's officer delegated report does not take this into account (and indeed references older versions of the NPPF).
- 2.13. The development is not considered to result in harm and even if the Inspector considers there to be some element of harm, this can in no way be considered to be *"substantial"* which should prevent development from coming forwards.

3. The Appellant's Case

3.1. The following section of the report sets out the appellant's case against the Council's reasoning for refusal listed in their decision notice, and their justification for this set out within their officer delegated report.

3.2. The application was refused for two reasons, listed as follows:

1. *The proposed development by virtue of its design, layout, siting, and scale, would appear cramped and contrived within the constraints of the site, resulting in a loss of garden land and being an overdevelopment that is detrimental to the character and appearance of the area. The scheme would also provide an uninviting front entrance with poor legibility and connection to the existing blocks, undermining the amenities of for future occupiers. As such, the proposal is contrary to Policies D5 and D6 of the London Plan 2021, Policy SP11 of the Haringey Local Plan 2017, and Policies DM1, DM2, DM7 and DM12 of The Development Management DPD 2017.*
2. *The proposed development by reason of its siting, height and layout in relation to the nearest block on site and adjoining sites would harm conditions of light and outlook and be overbearing and lead to intrusive overlooking and loss of privacy; contrary to Policy D6 of the London Plan 2021, Policy SP11 of the Haringey Local Plan 2017 and Policies DM1, DM7 and DM12 of The Development Management DPD 2017.*

3.3. Each of these reasons for refusal are addressed in turn as follows.

Reason for refusal 1- Design, layout, siting and scale

3.4. The Council's first reason for refusal contends that the proposals would be overdevelopment of the site, detrimental to the character and appearance of the area. This is by reason of its siting on what has been considered to be garden land and by reason of providing what officers have considered to be an "uninviting front entrance". There are considered to be two separate matters for consideration here, namely matters relating to garden/infill development, and those separately related to design, appearance and height. Each of these considerations is therefore assessed individually below within the context of reason for refusal 1.

Garden/Infill development

3.5. In their determination of the application, officers have assessed the proposals against policy DM7 of the Local Plan, which relates to development on infill, backland and garden sites. Part A of this policy states that "*there will be a presumption against the loss of garden land unless it represents comprehensive redevelopment of a number of whole land plots*". Part B of the policy goes on to outline criteria that proposals for infill, backland and garden land should meet in order to be acceptable. In their determination of the application, as set out within their delegated report, officers have concluded that the development would be inconsistent with multiple aspects of this policy.

3.6. Firstly, it is not considered that site would fall within the definition of garden land, as set out within Local Plan glossary of terms, which is set out as follows:

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"Garden Land: (including back gardens and private residential gardens) is the area within a defined dwelling curtilage used for amenity purposes from which the public is excluded".

3.7. In this case, the land is not a back garden or a private residential garden associated with a dwellinghouse, rather it is land adjacent to an existing block of flats on the wider site. In this case therefore, part A of policy DM7 is not considered to apply.

3.8. The Local Plan does not provide a definition for infill development, however backland development is defined as follows:

"Backland Development: Development of land-locked sites, such as rear gardens, private open space or old lock up garages, usually within predominantly residential areas".

3.9. Whether the site falls within this definition is a matter for interpretation. It is however acknowledged that the site characteristics could mean that it is considered to fall within this definition. Indeed, this is the Council's view. If this is considered to be the case, part B of policy DM7 would apply. An assessment of the proposals against each of the criteria set out in part B of the policy was carried out within the Planning Statement submitted as part of the original application submission.

3.10. In their determination of the application, officers have considered that the proposal would be contrary to sub-part a, b, d and f of part B of policy DM7. The Council's reasoning for this (outlined within their delegated report) is discussed below, with the appellant's rebuttal case provided for each point in turn.

DM7 B (a)

3.11. Sub-part a states that development must relate appropriately and sensitively to the surrounding area as well as the established street scene, ensuring good access and where possible, retaining existing through routes. Officers have considered that the development would fail to achieve this as the *"four-storey building would be taller and bulkier than the existing structure/block on site, as such creating a visually dominant form of development that would disrupt the character of the site with equally an awkward spatial relationship between the proposed building and surrounding properties"*.

3.12. As set out within the Planning Statement, the proposed new building has been designed to closely reflect the building form, height, materiality and massing of the other buildings on site, for which consent was granted to allow for their height to increase to four-storeys (reference HGY/2022/1796, granted at planning appeal under reference APP/Y5420/W/22/3308350). This decision is a material consideration in the determination of the current application. For ease, this decision is provided at appendix 1. This permission has now been implemented and works are commencing.

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- 3.13. In this appeal case, the planning inspector noted that whilst a four-storey building would inevitably be an increase in height from the existing three storey buildings on site, such a building would not be dominant. Furthermore, the planning inspector, noting the level changes of the site, acknowledged that *"the ridge height would likely be similar to the adjacent buildings of Creighton Avenue and slightly taller than the opposing semis"*. In concluding therefore, the inspector considered that *"the proposal would not be a dominant addition to the street scene and would not harm the character and appearance of the area"*.
- 3.14. In light of these conclusions, it is difficult to see how it can be concluded that a building of an identical height to that which has been considered acceptable by a planning inspector located directly adjacent and now under construction can be harmful. Furthermore, the proposed new block would be shielded from view by these existing buildings and would not in any way form a visually dominant form of development as the Council have concluded.
- 3.15. The proposed building is a logical addition to the urban grain and would not affect the streetscene - it would largely be invisible from it. It should be noted that there is already a block to the rear of the three blocks fronting the street and the proposal simply continues that form. Furthermore, it is noted that Nelson Mandela Close has a series of blocks to the rear of the main frontage blocks which the proposal in essence seeks to mirror. These existing buildings will be visible on the inspectors site visit.
- 3.16. Taking account of the above, it is considered that the proposal would satisfy the requirements of sub-part a of the policy. Access to the block is provided via a natural continuation of the existing walkway and car park. There are no existing through routes across the site.

DM7 B (b)

- 3.17. Sub-part b of the policy sets out that development should provide a site specific and creative response to the built and natural features of the area. Officers suggest that the proposal fails to achieve this due to *"the loss of a large portion of the communal garden space, which was originally intended to act as a green buffer between buildings, disregards the existing spatial pattern"*. Officers go on to suggest that *"instead of enhancing the areas character, the development intensifies the built form in a way that is inconsistent with the surrounding suburban setting"*.
- 3.18. Firstly, it is unclear how officers have concluded that this small area adjacent to the existing building was originally intended as a green buffer between buildings. No evidence has been provided to justify that conclusion.
- 3.19. Nevertheless, the development is, contrary to officer's conclusions, considered to be a suitable addition to the site which is consistent with the existing spatial pattern and the surrounding suburban setting. On this side of Coppetts Road, there is not a strong typology of houses with back gardens and there is already access and car parking to the rear of the site. As has been noted above, there are existing buildings to the rear of the main frontage blocks at Nelson Mandela Close to the north and the new building broadly aligns with this form.

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- 3.20. The development simply sits adjacent to the existing building and areas around it to the north and south are maintained ensuring functional and logical separation from the single dwellinghouses fronting Creighton Avenue and the blocks on Nelson Mandela Court. The building will therefore have a similar relationship with surrounding properties to that which exists. This shown in plan below, with an indication of the location of the proposed block shown.



Figure 1- Existing site context, with the proposed development site shown in yellow

- 3.21. The small area of the site which is to be developed is not considered to be of any particular merit or serve a purpose in the way that officers have suggested. Large areas of open space between buildings are retained and viewed within the context of the open playing fields to the north-west of the site and the Creighton Avenue Allotments site siting to the rear of properties to the east, is not considered to result in a harmful impact that disrupts spatial patterns or setting. A limited loss of garden land here to accommodate a new block would not damage urban typology or a regular pattern of development and so we do not consider it would have a negative impact on the character of the area or the integrity of the street scene. The proposals would be a natural continuation of the layout of St. Matthew's Court. Passive surveillance and increased security can be met.
- 3.22. The proposal included detailed landscaping proposals, which will enhance the quality of the existing areas around the buildings, offering a creative response to the site, which ultimately results in an overall enhancement in our view. This is shown by the landscape masterplan below.

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Figure 2- Illustrative landscape masterplan

3.23. The landscaping proposals achieve an Urban Greening Factor Score (UGF) of 0.45, in excess of the requirements of London Plan policy G5. The UGF calculation is shown below.

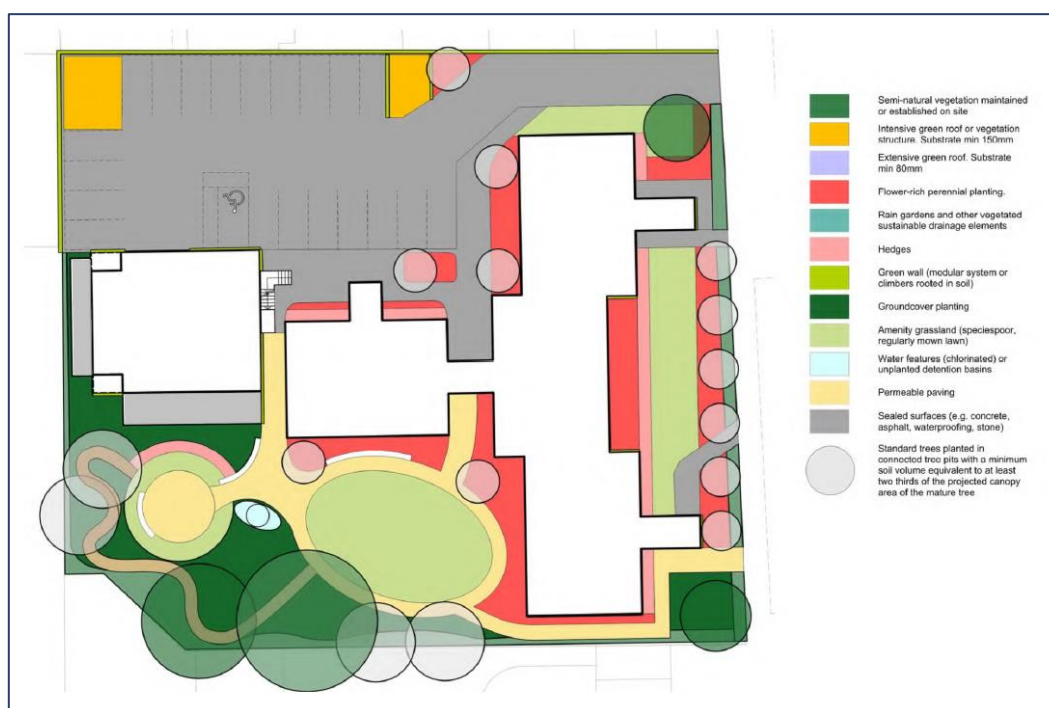


Figure 3- Urban Greening Factor calculation plan

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- 3.24. In our view, taking account of the above, we consider that the development provides a site specific and creative response to the site and its context within the area and represents a suitable and sustainable form of development to deliver new homes.

DM7 B (d)

- 3.25. Sub-part d of the policy sets out that development should safeguard privacy, amenity and ensure no loss of security for adjoining houses and rear gardens. Officers suggest that the new building would compromise the privacy and amenity to occupiers of no.52 Creighton Avenue. This concern has translated into reason for refusal 2 and is explained in further detail within their justification for that reason for refusal, however in short officers have considered that the building would create significant overlooking which would “radically” affect the nearest garden and those further westward. This is due to balconies and windows being proposed on this western flank elevation.
- 3.26. It is appreciated that the construction of a new building in this location would bring a form of development closer to the neighbouring garden, however this is adjacent to the very rear of the garden only. It is located a significant distance from the main dwellinghouse and main garden area which would experience limited to no change. There is a distance of some 28m between the backs of the houses on Creighton Avenue and the south elevation of the new building facing them.
- 3.27. The proposed balconies are inset within the built form of the new building and can be provided with privacy screens, if required, particularly on the west elevation. Similarly, the windows on the west elevation of the new building could be obscurely glazed, fully or partially. They serve kitchen/dining/living rooms which have their main windows facing either south or north and so the room would not be compromised if the side windows were opaque. This would mean there is no direct overlooking into gardens to the west.
- 3.28. The resultant relationship between the building and this neighbouring garden area is not one which is considered to be uncommon or atypical in an urban context such as this and it is not considered that the development would result in a loss of security for neighbouring properties.
- 3.29. Taking account of the above, it is considered that the proposal ensures no materially harmful impact on neighbouring amenity. This matter is discussed in further detail in relation to reason for refusal 2 below.

DM7 B (f)

- 3.30. Sub-part f of the policy states that development should incorporate at least one street frontage or be ancillary to the host dwelling and the adjacent houses/terraces. In their determination, officers have considered that the development would be contrary to this element of the policy as it does not incorporate a street frontage nor does it function as an ancillary development to the host dwelling or adjacent houses. The delegated report goes on again to allege that the area “*was originally intended as a garden and buffer with the neighbouring suburban development*” (a claim which is not substantiated) and is “*as such at odds with the character and pattern of development to the surrounding neighbourhood*”.

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- 3.31. It is correct that the development would not have a street frontage due to its nature and location, however a frontage is provided to the communal car park area. This is not dissimilar to the frontage of the existing block located to the rear of the three existing blocks which front Coppetts Road. The building is designed as a logical ancillary addition to the site and those existing frontage blocks and will be aligned in height and design with those buildings, as discussed above.
- 3.32. The Council's justification to the policy recognises that in order to meet the Borough's housing needs, optimising existing built sites may be necessary in certain circumstances. This is a site where this can be done without creating a gated community nor having a negative impact on the character of the area and the integrity of the street scene. The proposed building design is considered to be wholly appropriate for the site and its context, ensuring that the site is sustainably optimised whilst ensuring no adverse impact. There are no drainage or flood issues arising and ecological enhancements can be offered through urban greening factors.
- 3.33. Taking account of the above, it is considered that the proposal is aligned with the objectives of sub-part f of the policy and will be a logical ancillary addition to the site.

Summary

- 3.34. In summarising their consideration of the development within the context of policy DM7 officers have set out that they consider the development to be *"inconsistent with multiple aspects of Policy DM7"*. For the reasons discussed above, the appellant would challenge this conclusion.

Design and appearance

- 3.35. The second strand to the Council's first reason for refusal relates to the overall design and appearance of the development. Whilst some of these matters overlap with those discussed in relation to policy DM7, in this respect the Council suggest that the proposed layout, siting and scale of the development would be unacceptable *"with it viewed to result in a cramped and contrived development in the context of the constraints of the site, with the loss of garden space, thus representing an overdevelopment of this site, detrimental to the character and appearance of this area"*.
- 3.36. Within their delegated officer report, officers make reference to policy D3 of the London Plan, Policy LP11 of the Local Plan and Policy DM1 of the Development Management DPD in their justification. The decision notice additionally lists London Plan policies D5 and D6 of the London Plan and policies DM2 and DM12 of the Development Management DPD in respect of this reason for refusal.
- 3.37. Within their officer delegated report, officer set out that the *"introduction of this new block into what is currently a communal garden areas has material implications for landscaping and the character of the site"*. In relation to this point, officers again suggest that the area of development *"was originally design to provide separation and transition between the flatted blocks and the neighbouring suburban housing to the rear, to in effect reinforce the area's established spatial development patter of large gardens and space between buildings"*. As has been set out above, this claim is unjustified and unsubstantiated.

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- 3.38. Even if this was the original design intention, it does not and should not preclude any form of development coming forward in future, particularly given the constraints on land supply, housing demand and in light of the strong support for development of such land in the NPPF. Whilst the neighbouring playing fields associated with the Coldfall School is designated as Metropolitan Open Land (MOL), the area of development is not included within this designation and is not protected from development in a similar way. The neighbouring playing field and openness that this provides will be unaltered and unharmed in any way.
- 3.39. Officers have set out that they consider the insertion of a new residential block within this space to disregard the established character of the area and would disrupt the existing spatial buffer. For the reasons which have been set out in relation to policy DM7 B above, this is not considered to be the case, particularly given the presence of other development to the north on Nelson Mandela Close. The proposal simply aligns with this form and this is considered to be wholly suitable taking account of the character of the area. The spatial buffer created by the designated MOL to the east is maintained and unharmed.
- 3.40. The proposal is designed in such a way as to limit the amount of garden area lost to that nearest the car park. A substantial amount of the current garden area can remain and this can be enhanced through improved biodiversity. Whilst there is a reduction in overall garden space, a large garden to the rear remains that is considered to be generous and sufficient for residents. The loss of garden area is mitigated by creating a better quality space for existing residents alongside improving the front garden areas as well as increasing urban greening across the site.
- 3.41. In respect of height, officers set out that *"while it is noted there is an extant scheme permitting an additional floor on the existing street facing block, it has not been implemented. As a result, this proposed block's height to the rear would exceed that of the surrounding buildings, as such exacerbating its visual dominance within the site"*. Officers go on to state that *"the additional built form would increase the visual dominance of St Matthew's Court in relation neighbouring dwellings and gardens"* which they consider results in *"a scheme that appears overdeveloped, intrusive, and incongruous within its context"*.
- 3.42. It should be noted that works have now commenced to implement the extant consent for the additional storey to the existing building. This is clearly a material consideration in this case. The new building will align with the height of this neighbouring block and therefore the height is wholly appropriate within the existing context. The building is located to the rear of the site and due to the presence of the existing buildings fronting the street would not be particularly visible. There are a number of factors which support proposals for a further block here. A further block of similar height and scale would not dominate, as the Council allege. Due to the topography and existing built form in Coppetts Road and Creighton Avenue, a new block will not be readily visible in the street scene and so has minimal impact on townscape. Even if it can be seen, it will fit in with the varied urban character including Nelson Mandela Close with its frontage and rear building pattern of development. The area is not a designated conservation area which would be more sensitive to change. It is an area of varied built form and architecture and in our view can accommodate changes to the urban fabric without it being degraded to an unacceptable degree. The new building is well designed and can fit in well with its surroundings.

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- 3.43. The planning inspector's conclusions in relation to the consented extensions to the existing block are also key material considerations in this case. As has been set out above, the inspector noted that the ridge height would be similar to adjacent buildings and would not result in a dominant building in the street scene and not harm the character and appearance of the area. In light of these conclusions, development of a building to a height that has already been considered acceptable in this location cannot be considered to be harmful.
- 3.44. Officers go on to discuss landscaping at paragraph 4.21 of their delegated report. Here they state that *"while the current rear garden is not extensively landscaped the spatial changes to the site do represent a substantial reduction in soft landscaping, replaced with some hard surfaces and the footprint of the new building"*. They go on to state that *"this transformation would harm the garden setting and sense of openness as the rear (sic) of the existing blocks and reduce the overall green buffer between buildings"*.
- 3.45. It appears that officer's fundamental concerns relate to the construction of a building on what is as existing an area of green space adjacent to the existing buildings. As has been set out above, the fact that the development does result in a reduction in this green space is not disputed, but simply concluding that any loss would be harmful (as the Council do so) is not considered to be an appropriate response to this site. This minor reduction must be considered within the context of the wider site and in relation to the wider benefits of the development, which do include significant enhancement to the landscaping around the building.
- 3.46. The existing area where development is to take place is not well-used and is of no particular quality. An image of the existing area is shown below.



Figure 4- Image showing the area in which development will take place

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- 3.47. Following development, large areas of landscaping around the existing and proposed buildings will be maintained. Not only this, as part of the proposals, significant enhancements to the quality of the landscape around the building are proposed. Details of this are set out within the proposed landscaping details submitted as part of the submission documents. The illustrative landscape masterplan is shown at figure 2 above.
- 3.48. The benefits of this detailed, high-quality landscaping scheme should be weighed in favour of the proposals. This will result in an overall improvement, to the benefit of residents of the existing buildings and those future residents of the new properties. Whilst the small overall reduction in green space around the building is not considered to result in harm (as the Council suggest), any harm attributed to this would be significantly and demonstrably outweighed by the benefits of the landscaping scheme.
- 3.49. Planning conditions can be used to secure the final details of the landscaping scheme and ensure that these are delivered and maintained.
- 3.50. It should be noted, as has been set out above, large areas of green space will be maintained around the buildings ensuring appropriate separation between the built form of St Matthew's Court and properties to the north and south. The existing large area of green, open space to the east associated with Coldfall Primary School (designated as Metropolitan Open Land) is not harmed and this provides an area of openness in the locality.
- 3.51. In addition to the matters listed above, feeding into reason for refusal 1, officers have raised "significant issues regarding access and integration". Access to the building has been designed to be taken from two separate points taking account of the topography of the site. An access is available at upper ground floor level via an external staircase, or alternatively via the undercroft area. Officers have considered that the external access staircase *"would create a convoluted and poorly defined access arrangement"*. Whilst the level access via the undercroft area is acknowledged, they suggest that this would not be clear or welcoming, resulting in poor legibility and an unsafe and unwelcoming approach for future occupants.
- 3.52. The reasoning for the external staircase to upper ground floor is to overcome the topography of the site, with the access via the undercroft area allowing for direct access from occupiers arriving by vehicle. These two access points are considered to provide suitable and appropriate access for future occupiers and residents will be fully aware of the access points when arriving at the site. The access point allows for the utilisation of established access routes across the site which follow a variable topography.
- 3.53. The access via the undercroft area allows for inclusive access for future residents and is considered a suitable solution to delivering this noting the constraints of the site. The proposals are in full conformity with the expectations of policy D5 of the London Plan in this respect, ensuring that all occupiers can enter and exit the building via step free means, with dignity. It has been confirmed by officers that internally, the building is acceptable in terms of inclusive design, and it is confirmed that the requirements of policy D7 of the London Plan to provide accessible/adaptable homes will be met by the proposals. There is therefore no conflict with policy D7 of the London Plan despite the Council listing this within the reasoning for refusal.

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- 3.54. Overall, for the reasons set out above we challenge the officer's conclusions that the scheme would be cramped and contrived, instead considering that the scheme would represent successful and appropriate optimisation of the site to deliver new homes in a sustainable location. This is something which is strongly supported and should be viewed favourably.
- 3.55. In relation to this point we would reiterate the principle set out in paragraph 125 of the NPPF which sets out that development of sites such as this should only be refused if substantial harm would be caused. In our view the development causes no harm, however if any harm is considered to be attributed to the proposals this cannot in any way be considered to be "substantial" which would warrant a refusal of permission. Any harm must also be weighed against the benefits in the planning balance. The benefits in this case are considered to weigh heavily in favour of development. This is considered in further detail in subsequent parts of this statement.

Reason for refusal 2- Neighbouring amenity impact

- 3.56. The Council's second reason for refusal relates to the development impact on the amenities of neighbours, with officers concluding that the development would harm conditions of light and outlook and be overbearing and lead to intrusive overlooking and loss of privacy to properties within the existing block on site and those on adjoining sites.
- 3.57. Firstly, in relation to daylight and sunlight conditions, officers note within their delegated report that the proposal would comply with BRE numerical daylight standards. In light of this, it is not clear how refusal on this basis can be justified, particularly in light of paragraph 130 (c) of the NPPF which states that *"authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)"*.
- 3.58. The Daylight and Sunlight Assessment submitted with the application demonstrates that the resultant scheme would provide acceptable living conditions in both existing properties and within the new dwellings. This is acknowledged by officers within their delegated report and refusal on this ground is not warranted nor justified.
- 3.59. Turning to outlook, officers suggest that the development's siting in relation to Block D's nearest front and side windows would result in an overbearing impact. Officers state that *"the outlook and aspect from Block D's nearest front windows, which have been well-established and enjoyed for many years, will be affected—resulting in harm to residential amenity"*, going on to state that *"given that these conditions are long-standing and currently enjoyed by residents, their protection is considered important"*. The length of time that certain windows have been in situ is not a material consideration in the determination of this application. It is only for the planning system to consider whether or not harm would be caused, and if there is such harm whether this would be so substantial as to warrant refusal of an application. The same weight of assessment is applied regardless of any established (or non-established) nature.

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- 3.60. Notwithstanding this, in our view, the development will not result in any such impact to Block D as the Council suggest. The closest windows on the flank wall are secondary windows that all serve rooms that have their main windows looking due south (which are unaffected by the development). The building has been positioned such that light will still access these rooms via these windows regardless. These rooms will continue to maintain good levels of outlook from the principal, south facing windows.
- 3.61. Whilst the new block is set slightly forward of Block D in a northerly direction, it would only be appreciable in oblique views from north facing windows. These rooms will continue to benefit from good open outlook across the car park towards Nelson Mandela Close and it is not considered that the oblique visibility of the new block would cause the level of harm that is suggested by officers.
- 3.62. In respect of No.52 Creighton Avenue, officers suggest that *"the development imposes a significant change on the amenity"* of occupiers of this property with the introduction of a large building with associated balconies considered to create *"significant overlooking, radically affecting the nearest garden and those further westward"*. This matter has been considered above in relation to DM7 B, sub-part d.
- 3.63. As has been set out in response to this matter above, whilst it is appreciated that the construction of a new building in this location would bring a form of development closer to the neighbouring garden, this is adjacent to the very rear of the garden only. The main proportion of the garden (and the area which is likely to be most used) closest to the dwellinghouse would remain unaffected due to the distance. Privacy screens could be added to the inset balconies and flank windows of the new building could also be obscurely glazed if required. Residents of this property would therefore continue to benefit from good amenity conditions within this space.
- 3.64. As has further been highlighted above, the relationship between the site and this neighbouring garden is heavily shielded by mature trees located between the two areas. This further mitigates/prevents any harm that would be caused.
- 3.65. Taking this into account, the impact of the new building on this neighbouring property is not considered to be harmful and is certainly not one that would be "radical" as officers have suggested in their delegated report.
- 3.66. Regarding the properties at Nelson Mandela Close to the north, officers acknowledge that impacts would be limited and direct overlooking would be prevented. Despite concluding this, officers suggest that due to the building's height, it would have a negative impact on privacy. They go on to suggest that *"a four-storey building would be expected to be positioned further from such a boundary, which is also a clear concern for No.52 at the rear"*. This conclusion however completely ignores the fact that the extant consent for the existing buildings up to this height has been considered acceptable. This consent allows for a four-storey building which would be closer to the nearest properties at Nelson Mandela Close and also to those properties to the south. It cannot therefore be concluded that the proposed building to an identical height would cause unacceptable harm warranting refusal. The nearest building on Nelson Mandela Court to the proposal faces east, west and has a blank flank wall facing St. Matthew's Court.

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- 3.67. Overall, taking account of the above, the technical assessments included within the submission and discussion within the submitted planning statement, it is our view that the development would not bring rise to a harmful amenity impact as is suggested by officers in refusing the application. The proposals have been carefully designed to ensure no amenity impacts and whilst naturally the development will be a change, it is not one which is considered to amount to harm. Residents of the new properties within the building will benefit from good quality amenity conditions, whilst neighbours will continue to maintain such conditions.

4. The Planning Balance

- 4.1. For the reasons which have been set out above in response to the Council's reasoning for refusal, and those set out within the original submission, it is our view that the development would not result in any harm in respect of design, character and appearance, nor amenity. The development is, in our view, well considered and is suitable for its context, complementing and integrating into the existing site.
- 4.2. Notwithstanding this, if any harm can be attributed to the proposals this must be considered in view of paragraph 125 of the NPPF which states that proposals should be approved unless substantial harm would be caused. It is clear in our view that the proposals would in no way cause substantial harm.
- 4.3. The benefits of the development proposals must also be considered and taken into account in the balancing exercise. The principle of this exercise is to weigh any attributed harm against the benefits of the scheme.
- 4.4. Whilst we do not consider there to be any material harm arising from the proposals, in this case, the benefits are substantial. These are set out within the original submission and are referred to above, however are summarised below:
- The optimisation of an under-utilised brownfield site for the delivery of 6no. new homes in an area where demand is high and supply is constrained;
 - Comprehensive landscaping improvements, to the benefit of residents of the existing flats at St Matthew's Court and future residents, achieving an Urban Greening Factor score of 0.45;
 - Construction of a highly sustainable building which supports the transition to a low carbon future;
 - Provision of high-quality cycle parking provision to meet the demands of the existing building and the new building;
 - Contribution to the local economy by providing new homes, introducing new residents who will increase net spend in local shops and services;
 - Contribution to the local economy through the construction process by providing local job opportunities;
 - The development will be liable for the Community Infrastructure Levy (CIL) which will contribute towards the improvement of local services in the borough.;
 - Environmental benefits through the use of sustainable technologies through the building.
- 4.5. Taking account of the above, we consider the balance to weigh heavily in favour of development at this site. It is our strong view that the development represents sustainable development and is something which should be supported, in line with the NPPF.

5. Conclusions

- 5.1. This Statement of Case has been prepared by Savills on behalf of the appellant in support of a planning appeal against the decision of the London Borough of Haringey to refuse planning permission for proposals to construct a new residential building on currently underutilised brownfield land adjacent to existing buildings at St Matthew's Court, Coppetts Road, London, N10 1NW. The proposals will deliver 6no. new residential flats, incorporate a detailed landscaping scheme and provide associated car and cycle parking to support the development.
- 5.2. The proposals were refused by officers on grounds relating to design and impacts to neighbouring amenity. In our view, we consider the officers conclusions on the development to be unjustified. We reach an alternative view to officers, summarising that the proposals are ones which represent a sustainable form of development, optimising the site for the delivery of new homes in a location where demand is high and supply is constrained, with significant identified needs for new homes to be brought forward.
- 5.3. The application must be considered within the context of the NPPF. This document sets out support for proposals which boost the supply of homes (paragraph 61) and outlines objectives to make effective use of land to meet identified needs for housing where land supply is constrained (section 11). Of particular relevance to this application is paragraph 125 of the NPPF which sets out that development of brownfield sites such as this should be approved unless substantial harm would be caused. In our view, material harm cannot be attributed to the proposals, however even if the inspector considers there to be some harm, in no way can this considered to be substantial which would warrant a refusal of permission.
- 5.4. The proposals are a form of development which is strongly supported by all levels of planning policy and represent sustainable development, for which there is a presumption in favour, as set out within the NPPF. The development delivers a number of planning benefits all of which weigh strongly in favour of the proposal in the planning balance. Taking account of this, for the reasons set out above, as well as the justification set out within the original planning submission, we consider the proposals to be an acceptable form of development which aligns with the adopted development plan and all other material considerations. It is for these reasons that we consider the appeal should be allowed and planning permission granted, in order to allow the benefits of the scheme to be brought forward.

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Appendix 1- Appeal Decision reference APP/Y5420/W/22/3308350



Appeal Decision

Site visit made on 12 April 2023

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd May 2023

Appeal Ref: APP/Y5420/W/22/3308350

St Matthew's Court 7b, Coppetts Road, Hornsey, Haringey, London N10 1NW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Greyclide Investments Ltd against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2022/1796, dated 16 June 2022, was refused by notice dated 11 August 2022.
 - The development proposed is described as 'the construction of one additional storey of residential floorspace immediately above the top floor of the principal part of the building (taken as the whole roof). The proposed additional storey will deliver eight new dwellings, comprised of 4 x 1b/1p and 4 x 1b/2p above St Matthews Court'.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Schedule 2, Part 20, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) for the construction of one additional storey of residential floorspace immediately above the top floor of the principal part of the building (taken as the whole roof). The proposed additional storey will deliver eight new dwellings, comprised of 4 x 1b/1p and 4 x 1b/2p above St Matthews Court at St Matthew's Court 7b, Coppetts Road, Hornsey, Haringey, London N10 1NW in accordance with terms of application Ref HGY/2022/1796, dated 16 June 2022 and the plans submitted with it, subject to the conditions set out in Paragraph A.2 of Schedule 2, Part 20, Class A of the GPDO and the following additional conditions:

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans and supporting information:

20169-LSI-AAA-00-DR-A-1000 - Existing Site Plan
20169-LSI-AAA-00-DR-A-1010 - Existing Block Plan
20169-LSI-AAA-XX-DR-A-1014 - Existing Typical Floor Plan
20169-LSI-AAA-ZZ-DR-A-1020 - Existing Elevations- Sheet 1
20169-LSI-AAA-ZZ-DR-A-1021 - Existing Elevations- Sheet 2
20169-LSI-AAA-00-DR-A-1001 - Proposed Site Plan
20169-LSI-AAA-LG-DR-A-1011 - Proposed Block Plan
20169-LSI-AAA-03-DR-A-1015 - Proposed Third Floor Plan
20169-LSI-AAA-ZZ-DR-A-1025 - Proposed Elevations Sheet 1
20169-LSI-AAA-ZZ-DR-A-1026 - Proposed Elevations Sheet 2

20169-LSI-AAA-ZZ-DR-A-1030 - Compliance Drawing

- 2) No construction of any additional storey shall take place until a sample panel of the materials to be used in the construction of the external surfaces shall have been prepared on site for inspection and approved in writing by the local planning authority. The sample panel shall be at least 1 metre x 1 metre and show the proposed material, bond, pointing technique and palette of materials (including roofing, cladding and render) to be used in the development. The development shall be constructed in accordance with the approved sample, which shall not be removed from the site until completion of the development.

Preliminary Matters

2. The description of development in the banner heading and my formal decision is based on that used on the appeal form (and the Council's decision notice before that) as a description of development was not provided in the planning application form.
3. Schedule 2, Part 20, Paragraph B.(15)(b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) requires this particular prior approval application to be determined with regard to the National Planning Policy Framework (the Framework). The provisions of the GPDO do not require regard be had to the development plan in this case, and these have not been referenced in the reason for refusal.
4. Schedule 2, Part 20, Class A of the GPDO permits development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a building which is a purpose-built, detached block of flats, as well as certain associated works. While the principle of development is established by the provisions of the GPDO, it is subject to limitations and is contingent upon the grant of prior approval for a specific proposal.
5. The Council was satisfied that the proposed development complied with the limitations set out in Paragraph A.1. I see no reason to disagree with that conclusion.
6. There were numerous objections to the proposal submitted by interested parties. Among the conditions set out in Paragraph A.2 of Schedule 2, Part 20, Class A of the GPDO is the requirement to seek prior approval of various matters. These include transport and highways impacts of the development, the external appearance of the building, the provision of adequate natural light in all habitable rooms of the new dwellinghouses and the impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light, among other things.
7. The Council assessed these matters as part of the prior approval application. Of these considerations, the application was refused based on the impact of the scheme on the external appearance of the building and the character and appearance of the area. Other conditions as given in paragraph A.2 of the GPDO were not considered to be of substantive concern to justify refusal. Based on all that I have seen and read I see no reason to disagree. Other issues raised in objections, such as construction noise and structural concerns

do not require assessment within this method of prior approval and as such, I have not considered these matters further.

Main Issue

8. Based on the above, the main issue is the effect of the proposal on the external appearance of the building and the character and appearance of the area.

Reasons

9. St. Matthew's Court comprises four three-storey apartment blocks with pitched roofs, vehicle parking and communal grassed areas. Three of the blocks are attached to one another and front Coppetts Road while a further block is to the rear adjacent the car park. The proposal would see a further storey added to all four blocks with a total height increase of 2.55m creating eight additional dwellings.
10. I understand that following a refused planning application¹ and dismissed appeal² for two additional storeys, the scheme was amended to reduce the overall scale to one additional storey. Much of the discussion in the officer report and interested party's objections centre around the increased height of the proposal and whether this would dominate the street scene.
11. The proposed fourth storey would be aligned with the building below and finished in brickwork to match the host building. Moreover, the plans indicate the design and spread of windows would also mirror the existing blocks and overall, I find that the materials, vertical rhythm, fenestration and storey heights would be sympathetic to the host building and not harm its external appearance.
12. The local area is residential and largely characterised by two-storey buildings of varying architectural styles and ages. The topography rises north-south aligned with Coppetts Road, and the houses of Nelson Mandela Close (NMC) to the north sit lower than the appeal buildings and houses fronting Creighton Avenue to the south. The appeal buildings are three storey and already appear taller in the street scene than the properties of NMC although due to the rise in level to the south along the road, they appear a similar height to the semi-detached dwellings on the opposite site of Coppetts Road and lower in level than those of Creighton Avenue.
13. An additional storey would inevitably lead to an increase in height, and this is to be expected in developments of this type. However, the increase is minimal at 2.55m and due to the reduction from the previously rejected scheme, the proposal would no longer appear dominant in the street scene to a detrimental degree. Its height would appear larger than the houses of NMC when viewed from this vantage point as it already does, but it would not be dominant. Moreover, the ridge height would likely be similar to the adjacent buildings of Creighton Avenue and slightly taller than the opposing semis. Taken together, the proposal would not be a dominant addition to the street scene and would not harm the character and appearance of the area.
14. I therefore conclude that the external appearance of the building and the impact on the character and appearance of the area would be acceptable, and

¹ HGY/2021/0949

² APP/Y5420/W/21/3278847

would not result in harm within the context of Schedule 2, Part 20, Class A, Paragraph A.2(1)(e) of the GPDO. I also find that there would be no conflict with paragraph 130 of the Framework, which seeks development which is sympathetic to local character.

Other Matters

15. Reference is made in the Council's officer report to a lack of compliance with prescribed space standards as set out in the 2016 'Technical housing standards - nationally described space standard'. However, this is not assessed in their report nor is it given as a reason for refusal in the decision notice. As such I have nothing before me to substantiate this concern and I have not considered it further.

Conditions

16. Planning permission granted for development under Article 3(1) and Schedule 2, Part 20, Class A of the GPDO is subject to conditions set out in paragraph A.2. Schedule 2, Part 20, Paragraph B.(18) of the GPDO also allows for the imposition of conditions reasonably related to the subject matter of the prior approval. In the interests of certainty, a condition setting out the approved plans is included.
17. For the same reason, and also in the interest of protecting the external appearance of the host building and the character and appearance of the area, a condition requiring the agreement prior to commencement of construction for the facing materials of the additional storey is also necessary. In accordance with section 100ZA(5) of the Town and Country Planning Act 1990, the appellant has provided written agreement to the pre-commencement aspect of this condition in their evidence.

Conclusion

18. For the reasons given above the appeal is allowed, and prior approval granted subject to conditions.

C McDonagh

INSPECTOR

