

Planning Objection

The Grove Lawn Tennis Club, Cascade Avenue, N10 3PS

The Chine and Cascade Avenue Residents Association

September 2023



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Contents

1. Introduction
2. Site and area description
3. Legislation and guidance
4. Development plan policy
5. Other material considerations
6. Relevant planning decisions
7. Key planning objections
8. Conclusions

Appendices

- A. Heritage Assessment, prepared by Built Heritage Consultancy
- B. Residents Association comments and history of efforts (Appx's (1)ACV application, (2) draft HoTs, (3) Commentary on marketing by Savills in 2021, (4) Draft HoTs 2022)
- C. Residents Association History of the tennis courts and clubhouse club
- D. Former Chair: IM Hall statement - Initial refurbishment (1986)
- E. Residents' community brochure from 2016
- F. Outline plan for tennis club
- G. Resident note on Rookfield private roads
- H. Residents Association comment on BS5837 Arboricultural Report
- I. Residents Association comment on the Statement of Community Involvement
- J. Residents Association comment on CityDesigner Heritage
- K. Comparisons to the Great Wall at Hampstead Garden Suburb

1.0 Introduction

- 1.1 This statement is prepared in support of a planning objection made by residents and members of the Chine and Cascade Avenue Residents Association at the Rookfield Garden Village, in respect of the planning application submitted to LB Haringey, ref: HGY/2023/0733.

The proposal

- 1.2 The application is full application with demolition in a conservation area and is for:

Redevelopment of site including conversion of existing pavilion into 1.no residential dwelling and erection of 8.no residential dwellings, associated landscaping and cycle storage

The application

- 1.3 The application appears to be submitted with the following documents:
- Completed Application Forms;
 - Completed CIL Forms;
 - Planning Statement (prepared by Firstplan);
 - Design and Access Statement (including Crime Prevention Statement) (prepared by Adam Architecture);
 - Heritage, Townscape and Visual Assessment (prepared by City Designer);
 - Heritage Appraisal of the Site (Prepared by Martin O'Rourke);
 - Daylight and Sunlight Assessment (prepared by T16);
 - Basement Impact Assessment (prepared by Southern Testing);
 - Tree Report (prepared by Crown Tree Consultancy);
 - Arboricultural Method Statement and Tree Protection Plan (prepared by Crown Tree Consultancy);
 - Landscaping Plan and Urban Greening Factor (prepared by Richard Miers);
 - Landscape Design and Biodiversity Statement (prepared by Richard Miers);
 - Transport Note (prepared by TPP);
 - Energy Statement (prepared by Base Energy);
 - Sustainability Statement (prepared by Base Energy);
 - Preliminary Ecological Assessment (PEA) (prepared by Arbtech);
 - Biodiversity Net Gain Report (prepared by Arbtech);
 - Jersey Cudweed Mitigation and Enhancement Plan (prepared by Arbtech);
 - Surface Water and SuDS Assessment (prepared by Base Energy);
 - Statement of Community Involvement (prepared by CCP);
 - Loss of Existing Use Assessment (prepared by JLL);
 - Marketing Document (Savills), and
 - Drawings.

Biography

- 1.3 The author is Thomas Darwall-Smith, MRTPI, a chartered planner with over 15 years experience and managing director of a Central London private practice planning firm advising those in need of strategic and procedural town planning guidance. Those include private clients and Local Planning Authorities on major and minor planning applications, appeals, land designations and on Local Plan processes. Thomas is in the process of being appointed to the Hampstead Garden Suburb Trust by the Royal Town Planning Institute (RTPI) as its professional to sit on the Board of Trustees. The Trust's Memorandum and Articles require it to do all things possible to maintain and preserve the present character and amenities of Hampstead Garden Suburb. Thomas also is a qualified archaeologist (BA Hons).

2.0 Site and area description

- 2.1 The site is the Grove Lawn Tennis Club, Cascade Avenue, Hornsey, London, N10 3PS.
- 2.2 The existing land use is outdoor sport and recreation (Used Class F.2). Three tennis courts are arranged on site and one clubhouse. The slope of the land means the courts are provided on a terrace, with two on one level and a third, on the eastern side, at a slightly lower level. The clubhouse is single storey, in an Arts and Crafts style echoing the local vernacular. Mature trees bound the site, some of which are TPO. There is a dense thicket growth along the western boundary. The existing condition of the site is poor since it has been subject of deliberate neglect.
- 2.3 Cascade Avenue, a residential street bounds the site to the east. The Chine, another street, bounds the site to the west. North and south the site is bounded by the gardens of residential properties. No vehicle access is evident at the site. The site is located about 500m south east of Muswell Hill centre and 1km west of Crouch End. The site has PTAL 2 and is located in close proximity to various bus routes, with Highgate Tube (Northern Line) approximately 18-20 min walk away.
- 2.4 The site is in flood zone 1 (least risk). It is located with the Rookfield Estate Conservation Area. there are no public rights of way through the site.
- 2.5 Existing neighbouring land uses are low density residential homes. The landscaping and boundary treatments is consistent with the Garden Village movement and is verdant and comparatively open with low walls and hedges.
- 2.6 There are no existing highway markings and the roads The Chine and Cascade Avenue are private. There are no controlled parking zones.

3.0 Legislation and guidance

- 3.1 To the extent that development plan policies are material to an application for planning permission the decisions for applications must be taken in accordance with the development plan, unless there are material considerations that indicate otherwise (section 38(6) of the Planning and Compulsory Purchase Act 2004).

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty upon the local planning authority in determining applications for development, that special attention be given to preserving or enhancing the character or appearance of a conservation area.

National Planning Policy framework

- 3.3 The National Planning Policy Framework (NPPF) was updated in July 2021. It sets out the Government's planning policies for England and how these are expected to be applied. The NPPF stresses the importance of having a planning system that is genuinely plan-led (paragraph 15).
- 3.4 Paragraph 92 of the NPPF aims to achieve healthy, inclusive and safe places which promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other, and enable and support healthy lifestyles, especially where this would address identified local health and well-being needs
- 3.5 It guides development through paragraph 93 which states that planning decisions should:
- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
 - b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
 - c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
 - d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
 - e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.
- 3.6 In regard to open space and recreation, paragraph 98 identifies how "Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate".
- 3.7 Paragraph 99 protects open space, sport and recreational building, insisting they should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - b) 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
 - c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
- 3.10 With regard to design, paragraph 126 states that “The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.” Paragraph 130 sets out criteria which new developments are expected to meet.
- 3.11 With regard to heritage, paragraph 194 requires applicants to describe the significance of any heritage assets affected, including any contribution made by their setting. Paragraph 199 states that great weight should be given to the conservation of heritage assets.
- 3.12 Paragraphs 201 and 202 set out the required approach towards decision-taking where proposals will lead to harm to heritage assets.

Planning practice guidance

- 3.13 The Planning Practice Guidance (NPPG) highlights that good design is an integral part of sustainable development. New proposals should reflect this requirement for good design (as set out in national, regional and local policy) while local planning authorities are advised to give protection to community assets and protect open space and provide opportunities for recreation and sport. The guidance further outlines that good design seeks to create places, buildings and spaces which work well for everyone and, most importantly, adapt to the needs of future generations and communities.

4.0 Development plan policy

4.1 The development plan for the area comprises:

- The London Plan (2021);
- Haringey's Strategic Policies (with alterations 2017);
- Haringey's Development Management DPD (2017).

London Plan (2021)

4.2 The following London Plan policies we consider relevant and the proposal responds positively to the requirements:

- Policy GG1 'Building Strong and Inclusive Communities';
- Policy S4 'Play and informal recreation';
- Policy S5 'Sports and recreation facilities';
- Policy HC1 'Heritage conservation and growth';
- Policy T2 'Healthy Streets';
- Policy T4 'Assessing and mitigating transport impacts'.

Local Plan (Strategic Policies - 2017)

4.3 The following policies we consider relevant and the proposal responds positively to the requirements:

- Policy SP7 'Transport';
- Policy SP12 'Conservation';
- Policy SP13 'Open space and biodiversity';
- Policy SP14 'Health and well-being';
- Policy SP15 'Culture and Leisure';
- Policy SP16 'Community facilities'.

Local Plan (Development Management DPD - 2017)

4.3 The following policies we consider relevant and the proposal responds positively to the requirements:

- Policy DM7 'Development on Infill, Backland and Garden Land Sites';
- Policy DM9 'Management of the Historic Environment';
- Policy DM20 'Open Space and Green Grid';
- Policy DM31 'Sustainable Transport';
- Policy DM32 'Parking';
- Policy DM33 Crossovers, Vehicular Access and Adopting Roads DM34 Driveways and Front Gardens';
- Policy DM48 'Use of Planning Obligations';
- Policy DM49 'Managing the Provision and Quality of Community Infrastructure'.

5.0 Relevant planning decisions

5.1 Relevant on-site planning decisions:

Reference	Description	Decision	Date
HGY/2023/0733	Redevelopment of site including conversion of existing pavilion into 1.no residential dwelling and erection of 8.no residential dwellings, associated landscaping and cycle storage	Pending	Pending

6.0 Other material considerations

- 6.1 Other material considerations may indicate that a decision should not be made on the application in accordance with the material development plan policies include a matter of ownership and maintenance of the roads in the garden village.
- 6.2 Since the roads in the estate are not adopted by the local highways authority and are therefore private, their upkeep and maintenance is a private matter, however approving an application without the right checks and balances means local residents may become severely disadvantaged.
- 6.3 At present it is residents who are responsible for ensuring the upkeep of roads is satisfactory. An estimated 250 spoil trucks removing spoil for the site may damage these. The LPA has no mechanism by which to ensure the roads are kept safe through its LHA. We suggest that alternative lag means are sought with the applicant.

7.0 Key planning objections

7.01 We consider the key planning issues include:

- Loss of a community asset;
- Loss of open space, sports and recreational buildings
- Heritage impact;
- Highways impact
- Impact on neighbour amenity
- Hydrology and flood risk

7.1 Loss of a community asset

7.1.1 The applicant has submitted the following documentation with a view to addressing this key planning matter:

- Loss of existing use assessment, by JLL;
- Letter dated 20 February 2023 on marketing, by Savills;
- Statement of community involvement, by the Community Communications Partnership.

7.1.2 The local community has used what became formal tennis courts from when a community space was provided as part of the Collins masterplan for the Rookfield Village in, or close to 1912. The tennis courts were available to the community until the previous owners locked the gates in 2011. Since 2011, the owners have allowed the courts to become intentionally derelict. The land was then sold to a speculative developer two years ago and which has since submitted the application the subject of this objection. This objection attempts to convey how important to this community the tennis courts and club house have been for them. The current proposal goes against all policies that seek to retain and protect community assets, as I shall demonstrate.

7.1.3 The National Planning Policy Framework (NPPF) at paragraphs 92-93 requires planning decisions to promote healthy and safe communities. Paragraph 92 aims to achieve healthy, inclusive and safe places which (a) promote social interaction, and (c) enable and support healthy lifestyles, where this would identify local health and well-being needs. In this case, the local needs are identified by the local community itself, whom I represent, and which has provided a significant volume of strong evidence on its desire and efforts to get the tennis courts and club house back into use since the gates were locked by the owners in 2011, barring formal access ever since.

7.1.4 Paragraph 93 directs planning decisions that provide the social recreational and cultural facilities and services the community needs, planning decisions should (a) plan positively for the provision and use of shared spaces, (c) guard against unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs, (d) ensure that established [...] facilities are able to develop and modernise and are retained for the benefit of the community. The evidence from local community clearly demonstrates that there is a need present to retain this facility. The proposals would comprise an unnecessary loss of these valued existing facilities, that are clearly established and should be retained for the benefit of the community.

7.1.5 The Haringey Local Plan Strategic Policy SP15: *Culture and Leisure* safeguards and fosters the

boroughs existing recreational and sporting facilities. It achieves this by requiring the protection and enhancement of sporting and leisure facilities in areas of deficiency, and through dual use of land for meeting and leisure space, as well as opportunities for recreation and sport. This policy offers very strong protection for a facility such as the tennis club grounds, since this has historically been used as a place for meeting and leisure, as well as opportunities for sport. The local community considers that tennis is not the only opportunity for sport at the site, but includes other types of sport such as pickle ball, paddle ball, basket ball etc.

- 7.1.6 Strategic Policy SP16 *Community Facilities* seeks, where possible, to protect community facilities.
- 7.1.7 The Haringey Local Plan Development Management Policy DM49 *Managing the Provision and Quality of Community Infrastructure* states in part A that the council will protect existing social and community facilities, unless a replacement facility is provided which meets the community. No replacement is provided as part of the proposals. Part B requires evidence to meet three criteria for the council to consider a loss of a facility. These must show that:
- a. The facility is no longer required in its current use;
 - b. The loss would not result in a short-fall in provision of that use; and
 - c. The existing facility is not viable in its current use and there is no demand for any other suitable community use on the site (through the provision of accounts and marketed as a community facility for minimum 12 months and that no suitable user has been or likely to be found).
- 7.1.8 It is worth scrutinising the interpretation of DM49 requirements in part B. Part B(a) seeks evidence to show “the facility is no longer **required** in its current use”. What does **required** mean, in this case? We consider in the context of community facilities, that said requirement arises from the community in which it is located, or to which it serves. There may be other, secondary parties that require the tennis courts (for example, Haringey Council requires them as they meet an existing need and its loss means displacement and potentially increased pressure in other locations or their loss may have detrimental knock on health effects). However, the primary requirement would come from the community. The local residents response to the current application has generated significant resistance, since in its view, the local community requires the tennis courts and clubhouse. The residents have submitted an asset of community value, demonstrating the level of commitment, with future plans and ideas
- 7.1.9 Part B(b) seeks evidence to show “the loss would not result in a short-fall in provision of that use” and Part B(c) seeks evidence that the use is not viable and that there is no demand for any other use. The use in question is far from simply “tennis courts and club house”. We provide documentary evidence for how the club has functioned as a community space for local community for almost 100 years before the owners locked the site in 2011. In terms of the Use Classes Order 2020 (as amended), the use falls in Use Class F.2. The Use Classes Order is intended to function in a way that allows uses with similar characteristics or effects to move between uses in the same use class, without the need for planning permission, unless there are planning conditions restricting the use. In this case, there are no restrictions to specific uses in Use Class F.2. It means other uses which also need to be considered include, but not exclusively;
- A shop selling essential goods;
 - A hall or meeting place for the principal use of the local community

- An area or place for outdoor sport or recreations
 - An indoor or outdoor swimming pool or skating rink
- 7.1.10 The JLL Loss of Use Assessment and the Savills marketing evidence has not met the terms of Part B(b) or (c) and is clearly inadequate, having marketed only for the narrow use of “tennis courts” without properly seeking interest for the accepted other uses on the site.
- 7.1.11 The appendices to this objection B-F provide a comprehensive picture of the reality experienced by local residents. This includes resident comments and history of residents efforts in securing a long term future from 2011 (including appendices (1) the first Asset of Community Value application, granted on 23 October 2014 but expired after five years, (2) draft HoTs, (3) Commentary on the flimsy marketing undertaken by Savills in 2021, (4) Draft HoTs offered by Savills in 2022 for an unreasonably large sum) (appendix B), a resident history of the tennis courts and clubhouse club (appendix C), former RA Chair, I.M Hall, commenting on the successful 25 year lease negotiated by the RA in 1986 (appendix D) a brochure produced by residents, for residents, outlining the business case in 2014 (or 2016?) (appendix E), and an outline plan for tennis club, comprising a suggested approach from a man who successfully delivered community tennis courts elsewhere locally, Robbie Sukhdeo (appendix F).
- 7.1.12 On behalf of the community, I can also confirm that it has been preparing a second application to register an Asset of Community Value with LB Haringey. This has been submitted on 14 September 2023.
- 7.1.13 In summary, the strength of the policy protecting community infrastructure is boosted significantly by the wealth of evidence against its loss, manifested in the strength of feeling from the local community, that supports the objection. It is quite clear that there is a requirement and a need for, not just tennis courts and a club house, but other related and ancillary community uses at the site for the local community. We raise a strong objection on the grounds that the application is entirely contrary to NPPF paragraph 92-93, Local Plan policies SP15 and DM49 due to the loss of a highly prized community asset.

7.2 Loss of open space, sports and recreational buildings

- 7.2.1 The applicant has submitted the following documentation with a view to addressing this key planning matter:
- Loss of existing use assessment, by JLL;
 - Letter dated 20 February 2023 on marketing, by Savills.
- 7.2.2 This open space was planned and is evidenced in Collins’ masterplan, indicating its provision was circa 1912 intended as a community space. The heritage assessment (see Appendix A) provides documentary evidence from the Kelly’s Street Directory 1912, which lists the Tennis Courts as ‘The Rookfield Lawn Tennis Club’ with H Collins as Secretary. The community played tennis and enjoyed open space at the site for almost 100 years, ending, as noted, when the previous owners locked the gates in 2011. Since then, the evidence will show that local residents have witnessed the facilities being run down periodically.
- 7.2.3 The last time investment was made was in relation to the 25 year lease (1986-2011) negotiated by the Chair of the CCARA at that time, Ian Hall (see appendix D). A round of investment by residents themselves allowed for the courts to be used until 2011. During the end of the lease period, significant efforts were made by the local community to negotiate an extended lease

but this was barred by the owners at the time (see appendix B, C, D and E). The evidence shows that the architect builder family Collins were successful at delivering significant open space at their developments, often including tennis courts, clearly intended for use in perpetuity.

- 7.2.4 The NPPF is unequivocal where it states in paragraph 99 that existing open space, including sports and recreational buildings, including playing fields should not be built on. The only exceptions must meet one of three criteria, as follows:
- a. An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - b. 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
 - c. The development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
- 7.2.5 To address these, the application does not seek to meet parts (b) or (c), and instead seeks to satisfy part (a) only. The reports submitted are identified in paragraph 7.2.1, above. Part (a) uses similar terminology to Local Plan policy DM 49, where it requires the open space, buildings or land to be “surplus to **requirements**”. Again, what is a requirement for sports, recreation and open space?
- 7.2.6 Local residents today seek to retain grounds that were intentionally provided for sports, recreation and open space over 100 years ago. Local residents have demonstrated that they ‘require’ them, where they have used them for the duration of the period, until recently. Local residents have shown that the ‘require’ them to the extent that they negotiated a 25 year lease from 1986-2011 and invested their own money into the repair, upkeep and maintenance during this period. These actions and the stance of local residents demonstrated in the objections to this application would, in my view, solidly meet the Collins Dictionary definition of ‘require’:
1. to have need of; depend upon; want;
 2. to impose as a necessity; make necessary.
- 7.2.7 Haringey Local Plan Strategic Policy SP 13 states:
- New development shall protect and improve Haringey’s parks and open spaces. All new development shall:*
- *Protect and enhance, and when and where possible, extend the existing boundaries of the borough’s Green Belt, designated Metropolitan Open Land, designated Open Spaces, Green Chains, allotments, river corridors and other open spaces from inappropriate development [emphasis added].*
- 7.2.8 The term ‘inappropriate development’ appears in planning typically only in relation to Green Belt, a designation referenced in SP13. However, SP13 also includes “other open spaces”, which includes the tennis courts. We must use the Green Belt definition of inappropriate development, found in the NPPF paragraphs 149-150. Paragraph 149 states that any development that is not included in criteria (a)-(g) is inappropriate development. The proposals do not fall into any of the criteria. They also are not part of a Community Right to Build Order or Neighbourhood Development Order (paragraph 150(f)). The proposal, therefore, is inappropriate development of an open space in the terms of SP13. One assumes

that policy SP13 requires the demonstration of ‘very special circumstances’ to consider permission for inappropriate development of open space, again, referencing the NPPF at paragraph 147.

- 7.2.9 Local Plan Development Management Policy DM20 part A supports development that protects and enhances open spaces. The current proposal does neither, therefore part A does not support the proposed development. Part B supports the reconfiguration of open space where: (a) it is part of a comprehensive deliverable scheme (it isn’t, it comprises complete loss), and (b) there would be no net loss of open space (it comprises complete loss), and (c) it would achieve enhancements and secure a viable future for the open space (it does not, it comprises complete loss), and (d) would not be detrimental to any environmental function performed by the open space (the complete loss means the loss of all environmental functions).
- 7.2.10 Further documentary protection for the site is set out in the LB Haringey Sustainable Community Strategy. While it is not a Local Plan document, Policy SP13 supports the following priorities in the SCS:
- Provide award winning parks and open spaces;
 - Protect the natural environment;
 - Give greater opportunities to live a healthier lifestyle; and
 - Manage our environmental resources more effectively [emphasis added].
- 7.2.11 The evidence comprising the JLL *Loss of Existing Use Assessment* and the Savills marketing evidence letter dated 20 February 2023 are woefully inadequate to demonstrate meeting the policies identified above. The documents seek to address the *loss of the use* and do not address the loss of the open space at all.
- 7.2.12 In summary, the strength of the policy protecting the loss of open space is considerable. The application has done nothing to demonstrate how it would satisfy any of the policies identified above. The strong policy position is, again, boosted significantly by the wealth of evidence against its loss, manifested in the strength of feeling from the local community, that supports the objection. It is quite clear that there is a requirement and a need for this specific open space, a recreation and sports facility, by local community. We raise a strong objection on the grounds that the application is entirely contrary to NPPF paragraph 99, Local Plan policies SP13 and DM20 due to the loss of an existing open space that provides a very long-standing recreation and sports facility.

7.3 Heritage impact

- 7.3.1 The applicant has submitted the following documentation with a view to addressing this key planning matter:
- A heritage appraisal of the site and possible impact of the proposals, by Martin O’Rourke, and
 - Heritage, townscape and visual assessment, by City Designer.
- 7.3.2 This objection is supported by an independent Heritage Assessment, prepared by Built Heritage Consultancy (BHC). This is enclosed at Appendix A. The assessment reveals significantly more relevant information than is set out in the two reports identified above. It confirms that the architect builder family Collins delivered a number of Arts and Crafts style

garden suburbs/ garden villages. One consistent feature was the delivery of open space, in particular, for playing tennis. This confirms that this space was intentionally set aside from around 1912 as open space, contrary to the assertions in the application that it was in some way 'left over' as if it was added as an afterthought. It also identifies the arrangement of the pavilion, retaining wall and two gazebos bears a striking similarity to the Great Wall at Hampstead Garden Suburb, both are notable for open space in front of their respective walls, and houses behind them. The two are chronologically contiguous, the Great Wall having been built between 1910-1912. These are but some of the key elements of significance that planning policy requires an assessment of. We comment further on the submitted documents and how they fall short, but first we see what is required in planning policy.

- 7.3.3 The NPPF sets out how development affecting heritage assets must be addressed in paragraphs 194-208. It confirms that "These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations" (paragraph 189). In this case, the designated heritage asset is the Rookfield Estate Conservation Area. The tennis courts historical open space comprises a non-designated heritage asset in the terms of paragraph 203 of the NPPF.
- 7.3.4 Paragraph 194 requires an applicant to describe the significance of the heritage asset(s). The level of detail should be appropriate to its importance. As this objection demonstrates, the significance is significantly underplayed in the application documentation and therefore the level of detail lacking.
- 7.3.5 Paragraph 196 states "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". The application makes considerable efforts to position the dilapidated condition of the site as a reason to redevelop it. This objection demonstrates the deliberate neglect by the owner(s) and no effort made to maintain or keep up the condition of the site. Therefore, any arguments presented by the applicant about the poor condition of the site should be entirely rejected.
- 7.3.6 Paragraph 199 states "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance". Subsequent paragraphs then set out increasing burdens on an applicant to deliver as part of the planning permission, depending on what level of harm to the significance is established. The lowest, "less than significant harm", requires delivery of public benefits. The benefits offered by the developer as new lampposts with e-charging facility are not proportionate to the harm that would arise. We note that the
- 7.3.7 Haringey Local Plan Strategic Policy SP12 does not duplicate national policy. It amplifies that "the Council shall ensure the conservation of the historic significance of Haringey's heritage assets, their setting, and the wider historic environment". It is clear that any application at the site needs to better address the significance of the heritage assets in question.
- 7.3.8 Haringey Local Plan Development Management Policy DM9 sets out comprehensive measures to manage the historic environment. Part A supports development that conserves and enhances the significance of a heritage asset and its setting. The significance is identified in the BHC report as being harmed, therefore, Part A does not support the current proposal. Part B requires an assessment of significance and an assessment on the impact on the

significance with justification for it. Part C(a) confirms that the council will have regard to the priority of sustaining and enhancing the significance of a heritage asset and its setting, (c) The preservation or reinstatement of original or historic form, fabric, function or character of the asset and its setting, and (d) The relationship with adjoining and neighbouring uses, particularly where these are heritage assets of significance in their own right.

Comments on arguments of the Heritage Appraisal by Martin O'Rourke

- 7.3.9 Paragraph 4 states 'Rookfield had no masterplan or planned facilities other than a gradual expansion of residential development.' This assertion is not provided with any reference to a historical source, and is factually incorrect. The report by BHC sets out the context and historical development of the Rookfield Estate which was conceived to have several open spaces in the Garden Suburb tradition, including one space on each side of Cascade Avenue, the lawn square within Rookfield Close, and the tennis courts. The latter were furnished by the Collins family with a clubhouse, which is clearly a 'planned facility' and makes the tennis courts and clubhouse complex a very unusual and interesting part of such a small speculative housing estate. Paragraph 2.8 of the Applicant's CityDesigner HTVA report notes that the proposal for tennis courts and a pavilion were approved in 1912, suggesting they formed an early part of the overall plan.
- 7.3.10 Paragraph 7 states: 'The character of Rookfield is derived from an organic accretion of development over time and not from a didactic master plan or desire to meet community needs.' There is evolution in the architecture of the different groups of houses over the course of the development (something which is typical and can be seen in Hampstead Garden Suburb which was developed over a similar time period). However, clearly the development followed an original plan which defined the road layouts and allowed for the several communal spaces that appeared over the decades of its development. Furthermore, the planned creation of the tennis courts and clubhouse on valuable developable land is self-evidently proof that there was 'a desire to meet community needs'.
- 7.3.11 Paragraph 8 suggests that the development of 57-69 Etheldene Avenue more than 20 years after the original housing was planned is evidence that the tennis courts were laid out as an 'ad hoc' decision. This implies that there was insufficient demand for housing in the intervening period to allow any building to be commercially possible, which does not reflect the rampant housebuilding boom of the interwar years when London expanded more than at any other time in history. In fact, it appears that the arrangement of open space in front of a 'mini Great Wall', comprising a pavilion and gazebos was installed (circa 1912) prior to the building of the houses behind (completed 1926), and highly reminiscent of the Great Wall at Hampstead garden Suburb (built 1910-12). The BHC report demonstrates that the Collins family were tennis enthusiasts who laid out courts on this estate and on their much larger development in Southampton, as key amenities intended to form an important recreational facility and focus for residents.
- 7.3.12 Paragraph 11 repeats the erroneous claim that neither the Rookfield Estate nor its tennis courts were planned. This is blatantly wrong. The first thing that the Collins's did on the western side of the estate was to build tennis courts and in 1912 a unique brick-built clubhouse. No other tennis facility in the area would boast a permanent brick clubhouse. Most had temporary changing facilities or wooden pavilions. Creating six highly visible tennis courts and a clubhouse in the style they had already established in the eastern part of the estate, well before work was started on the houses that would surround them, was a clear and early statement by the Collins's of their investment in and commitment to tennis as part of their plans.

- 7.3.13 Paragraph 11 also suggests that the ‘fragment of neglected overgrown tennis courts... now detract from the well-loved and characterful domestic architecture of the area.’ The neglect that the owners of the tennis courts have shown is regrettable but in no way alters the heritage value of the courts and clubhouse, and their contribution to the conservation area: they are original parts of the Collins family’s plan for their small estate, intended to form a pleasant area for recreation and a focus for the community. They are a unique and important part of the conservation area’s history and character, and can easily be returned to an attractive appearance.
- 7.3.14 Paragraph 12 suggest that the development of the tennis courts with housing would ‘be sympathetic with Rookfield and would represent and enhancement of the area.’ In fact, the loss of the remaining part of the single sporting and community facility that was provided by the Collins family in their original estate would be highly damaging to the significance of the conservation area. The role of the tennis club in the original vision of healthy Garden Suburb life would no longer be evident, and the Rookfield Estate would lose one of its more unusual and characteristic features.
- 7.3.15 Paragraph 13 suggests the proposed development would not disrupt ‘any of Rookfield Village’s essential characteristics.’ As noted in respect of paragraph 12 this is the opposite of being true, since the tennis courts were clearly viewed as an essential part of the developer’s vision for the estate – since the Collins family gave up a significant financial windfall in order to provide the courts and clubhouse for the good of the community they were seeking to create.

Comments on conformity with guidance:

- 7.3.16 The NPPF requires that, as a minimum, the relevant Historic Environment Record is consulted... (paragraph 194). This report does not show that this has been done, and does not contain any footnotes or bibliography to give references to particular sources.
- 7.3.17 The report contains various assertions which are not tied to verifiable historic sources. They seem to be opinions without corroboration.
- 7.3.18 The report does not fully define significance as set out in the NPPF or the Local Plan, or Historic England’s Advice Note 1: Conservation Area Appraisal, Designation and Management (Second Edition), HE, 2019. It has been selective in discussion of the conservation area’s special interest and omitted or unjustifiably denigrated the contribution of the Site’s contribution to that.

Comments on arguments: Heritage, Townscape and Visual Assessment by CityDesigner

- 7.3.19 References at paragraphs 2.10 and 4.6 to Haringey Council are incorrect as that local authority was not created until 1965. The planning authority from 1903 to 1965 was the Municipal Borough of Hornsey.
- 7.3.20 Paragraph 4.2 refers to Paragraph 189 of the NPPF, however the quotation provided has since 2021 been paragraph 194.
- 7.3.21 Paragraphs 4.10 to 4.12 cover the contribution of the site to the character and appearance of the conservation area. However, they do not include mention of the role of the tennis courts and pavilion/clubhouse as the main recreational facility and community hub on the estate.

They therefore do not discuss the importance of the site as a unique community provision made by the original developers to enhance their small residential estate in the spirit of the Garden Suburb tradition.

- 7.3.22 Paragraph 4.11 notes that the courts are much altered and reduced in number but does not mention that this partial loss serves to increase the importance of what remains as part of the early history of the estate.
- 7.3.23 Paragraph 4.11 also notes the courts are not part of the ‘very first phase of development’. Even if they were not constructed before any of the streets or houses, they are an original part of the development in that they were conceived and laid out as the first and original features on this part of the estate. Their contribution to the conservation area’s early history is therefore strong.
- 7.3.24 Paragraph 4.12 notes the neglected and overgrown nature of the tennis courts. What is not noted is that this is the result of the owners locking the facility and preventing local people from continuing to use it, and that paragraph 196 of the NPPF clearly states that deliberate neglect or damage to a heritage asset/ a deteriorated state of a heritage asset should not be taken into account in any decision.
- 7.3.25 Paragraph 4.13 suggests the scheme would ‘sensitively fit in to the Rookfield Estate’. However, the replacement of a small community sporting facility that was part of the original development of the Estate and a particular interest of the founding family, with modern housing of whatever nature, would clearly not be sensitive to the character of the conservation area – rather it would clearly cause considerable harm.
- 7.3.26 Paragraph 4.14 suggests that the site is derelict and vacant. As noted above, dereliction does not diminish the weight to be given to the conservation of a heritage asset, and the site is not vacant (in the sense of being clear for a new use) as it is occupied by a historic community facility that the community is currently prevented from using.
- 7.3.27 Paragraph 4.14 denies that any harm is caused, and suggests that the scheme will bring only benefits through introducing ‘an animated row of dwellings in keeping with their surroundings’. In fact, the development would irreversibly destroy the main community facility of the Rookfield Estate and an original part of its layout, which is of great value to the wider conservation area. Due to the rarity and value of the tennis courts as a historic part of the estate, the BHC report identifies that their loss would cause ‘substantial harm’ in terms of the NPPF. As such, it would require substantial public benefits to be justified and that is clearly not the case.

Comments on conformity with guidance:

- 7.3.28 The report does appear to contain the results of research into the history of the site involving certain sources. However, these are not referred to in footnotes or a bibliography so it is unclear whether the full range of relevant information has been consulted.
- 7.3.29 This report does refer to certain relevant guidance and policy documents. However, the assessment of the significance of the conservation area is flawed as it appears to concentrate only on the buildings, and does not define the contribution of the planned open spaces (including the site) to the original design concept for a Garden City-influenced estate. It avoids directly assessing the contribution made by the site to the significance of the designated heritage asset. Instead, it notes the dereliction and disuse of the site as aspects that will be

improved by the development (despite the clear policy in the NPPF (196) directing that the results of any deliberate neglect should not be taken into account in the planning decision). The report does not fully define significance as set out in paragraph 194 of the NPPF, or Historic England's Advice Note 1: Conservation Area Appraisal, Designation and Management (Second Edition), 2019.

A mini-'Great Wall'

- 7.3.30 The physical arrangement of the initial layout of the courts in 1912, where they comprise of a section of open space, bounded by a wall with pavilion and gazebo features, with residential development behind, bears a very striking resemblance to the Great Wall at Hampstead Garden Suburb. Especially when considering the second factor, which is the temporal proximity of Rookfield Estate, the Great Wall having been built just before between 1910-1912. The third factor being that both areas have been developed in the Arts and Crafts and style using Garden Suburb or Garden Village principles. The physical proximity means that, invariably, Collins will have been aware of what was being built at Hampstead Garden Suburb and is a fourth factor.

- 7.3.31 The following extract on the Great Wall is taken from *Hampstead Garden Suburb: Arts and Crafts Utopia?* by Mervyn Miller:

The most distinctive boundary to the Suburb was internal - the junction of the Heath Extension and development towards Central Square. Constructed by the Garden Suburb Development Company. the Great Wall blossomed from Unwin's early writing: 'In the old towns which we admire ... we notice that the country comes up clean and fresh right to the point where the town coming right to the point where the town proper begins ... In the oldest cities we sometimes find a wall with the country coming right up to the gates, which adds to the effect'

A distinctive boundary treatment had been implied by the 1905 plan, and Unwin became better acquainted with German fortified medieval hill towns rising above the surrounding countryside. Such a feature would help to unify the view from the Heath Extension whatever the individual merits of the houses beyond, but should not be so high as to obscure the view outwards. A brown brick wall studded with pavilions and gazebos was constructed in 1910-12, fancifully detailed by Charles Paget Wade. The distinctive brick copings, lengths of tiled capping, tile creased arches, and handling of the external stairways, all invoke Lutyens' early 'dream houses', at 'Orchards' or 'Deanery Garden'. Regrettably, less than half the wall had been completed before the Great war put paid to such frivolity. At least, the raised square, framing the axial approach to the Central Squares, along Heathgate, culminating in St Jude's south aisle and spire, had been completed. Known as 'Sunshine Corner', this terraced Gateway incorporated seats against its inner boundary wall, popular with nurses, nannies and the infants in their keeping.

- 7.3.32 Appendix K sets out a series of comparison images, plans, and birds eye views. There is a good chance of a link between the two where, as today, when standing on the Heath Extension as at the top end of Etheldene Avenue, there would have been an open sweep of land prior to the construction of 59-67 Etheldene Avenue in 1933 from the south. The view north across the open land would have been terminated by a wall with the pavilion at the centre (built in 1912) and two gazebos at either end. It is interesting that the position of the club house is consistent with the location of the 'Sunshine Corner'.

- 7.3.33 Therefore, for a period of 24 years, there would have been six tennis courts, (three existing today and three on the terrace below where 59-67 Etheldene Avenue now stand), a mini-‘Great Wall’ and residential built form behind it. The comparison is partially historical but also uses archaeological principals identifying patterns in the fall of the land. If the arrangement of the open space, wall, and built form behind is indeed a smaller scale version of the Great Wall at Hampstead Garden Suburb, then the significance of the open space and this arrangement would appear to increase.
- 7.3.34 In summary, the applicant has not described the significance of the identified heritage assets appropriately. It falls considerably short. The BHC report identifies substantial harm to the significance of the heritage asset, which, in policy terms, requires substantial public benefits in order to compensate for the irreparable loss of an asset. These are not included in the application. We therefore raise a strong objection on the grounds that the application falls entirely short of the requirements set out in to NPPF paragraphs 194-208, Local Plan policies SP12 and DM9 as the proposal would irreversibly destroy a historic space, the main community facility, of the Rookfield Estate and an original part of its layout, which is of great value to the wider conservation area.

7.4 Highways impact

- 7.4.1 The applicant has submitted the following documentation with a view to addressing this key planning matter:
- Transport Note, prepared by TPP;
- 7.4.2 While the transport note would appear to be satisfactory in terms of additional trip generation, it does not address impact to the highway or highway network arising from construction.
- 7.4.3 Much of the existing road network in the Rookfield Estate is privately owned. The current owner is the applicant, but the residents are responsible for the maintenance. An account of the status quo is included in Appendix G.
- 7.4.4 In summary, real risk for these roads is that they reach such a poor condition as a result of heavy construction traffic, that it has potential impacts on highways safety. Since they are private roads, they are not the responsibility of the highways authority. However, we consider that where these roads join the adopted road network, officers ought rightly to be concerned with highway safety in that instance. It is on these grounds that we raise an objection.

7.5 Impact on neighbour amenity

- 7.5.1 Impacts on neighbouring amenity include being overbearing, impact on privacy and overlooking, including perceived opportunities for doing so, impact on daylight sunlight, and construction and engineering impacts.
- 7.5.2 The applicant has submitted the following documentation with a view to addressing this key planning matter:
- Daylight and Sunlight assessment, prepared by T16;
- 7.5.3 NPPF paragraph 185 states that decisions should:

...ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;*
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.*

- 7.5.3 Local Plan Development Management Policy DM1: Delivering High Quality Design states in Part B that development proposals must ensure a high standard of privacy and amenity for the development's users and neighbours where it must (a) Provide appropriate sunlight, daylight and open aspects (including private amenity space where required) to all parts of the development and adjacent buildings and land.
- 7.5.4 Policy DM7: Development On Infill, Backland And Garden Land Sites states in Part B(d) development must "Safeguard privacy, amenity, and ensure no loss of security for adjoining houses and rear gardens".
- 7.5.5 The daylight sunlight report assesses the gardens and windows or properties in the area, including 10 The Chine and 37 Cascade Avenue. These properties bound the site on the north. The report identifies two windows 20 (10 The Chine) and 21 (37 Cascade Avenue) that fail to pass the BRE guidance for vertical sky component (see section 7.0 of the report by T16).
- 7.5.6 Section 9.0 of the report confirms that the amount of sunlight lost at window is from 85.100% down to 47.886%, and for window 21 from 85.031% down to 55.094%. These are significant drops in daylight that are glossed over and it concludes that overall the proposal "meets the BRE guidance". We consider this needs further consideration.
- 7.5.7 Section 10.0 assesses the change in sunlight to gardens. Both gardens to 10 The Chine (Garden 1) and 37 Cascade Avenue (Garden 2) lose sunlight. For Garden 1, that reduction in sunlight is from 59.52% down to 48.55% of the area receiving two hours of sunshine. For Garden 2, that drop is from 56.88% down to 48.04%. while the conclusion is "the drop retains above 80% of the existing values", we consider this must be discounted, since it is evident that the gardens already suffer some significant over shadowing due to the existing clubhouse. Any further reduction should not be acceptable to officers.
- 7.5.8 In summary, the applicant has demonstrated a significant daylight sunlight impact on at least two of the properties and their gardens as a result of the proposals. We therefore raise a strong objection on these grounds and consider they do not meet the requirements of Local Plan policies DM1 and DM7.

7.6 Hydrology and flood risk

- 7.6.1 The applicant has submitted the following documentation with a view to addressing this key planning matter:
 - Surface Water and SuDS Assessment, prepared by Base Energy;
 - Basement Impact Assessment, prepared by Southern Testing

- 7.6.2 While the site is located in Flood Zone 1, area of least risk, the proposal includes some significant basement excavation which can have an effect on hydrology and on site stability. This is especially a factor in the current application, since “The Cascade” gets its name from a river that runs along the course of it. Excavating significant basements nearby has potential to affect subterranean hydrology.
- 7.6.3 The NPPF states in paragraph 167 “When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment”. Relevant is footnote 55, which states “A site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. In Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use”. No flood risk assessment (FRA) is provided in support of the application.
- 7.6.4 Paragraph 184 states “Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner”.
- 7.6.5 Local Plan Strategic Policy SP5: Water Management And Flooding set out criteria that all development shall meeting, including:
- Implement measures to prevent (or mitigate as last resort) local surface water and downstream flooding;
 - Implement Sustainable Drainage Systems from strategic to individual site level to improve water attenuation, quality and amenity.
- 7.6.6 Local Plan Development Management Policy DM24: Managing And Reducing Flood Risk states “The Council will ensure that all proposals for new development avoid and reduce the risk of flooding to future occupants and do not increase the risk of flooding”. It is not possible for the council to undertake this without the provision of a site specific FRA.
- 7.6.7 The basement impact assessment submitted with the application is purely an engineering document. It does not take account of any impacts on flooding. In fact, it is clear where it indicates that no formal flood risk assessment has been undertaken for the site and advises a formal flood risk assessment should carried out for the site and specialist advice should be sought in the following locations:
- section A, last paragraph;
 - section C, paragraph 5;
 - section 11, question 6;
 - section 12, bullet 5;
 - section 15 paragraph 1.
- 7.6.8 Given the not infrequent acknowledgement that a FRA should be undertaken, no FRA is provided that meets this stated need. The Surface Water and SuDS Assessment is inadequate to meet this requirement, since it addresses and seeks to mitigate surface water runoff only.
- 7.6.9 In summary, the application has not demonstrated whether the proposed development is acceptable in flood risk and engineering terms. The basement impact assessment confirms

that no formal flood risk assessment has been undertaken for the site and advises a formal flood risk assessment should be carried out for the site. Failing to provide a FRA means the proposal cannot be demonstrated to meet NPPF paragraphs 167 and 184 and Local Plan policies SP5 and DM24, and we strongly object to the proposal on these grounds.

8.0 Conclusions

- 8.1 This statement demonstrates that the proposal is not in accordance with the material policies in the development plan. Other material considerations exist to justify an objection to the proposals, even if a departure to development plan policy is considered appropriate.
- 8.2 This statement has demonstrated the following:
- The scheme does not meet the requirements of Policy DM49 having inappropriately marketed the site for community or sports use. Instead, It has chosen to focus on a very narrow use of tennis courts and club house;
 - The applicant disingenuously uses the residents not using the facility as justification for losing the tennis courts, when in fact, lack of access is controlled by the applicant directly. Local residents have been prevented access since 20011 by the former owners and the current owners;
 - The applicant in marketing has discounted the efforts of the local community in seeking an unrealistic rental value. The proposal comprises the unacceptable loss of what has been a valued local sports and recreation asset;
 - The scheme represents the unacceptable loss of a community use contrary to NPPF paragraphs 92-93 and Haringey policies SP15, SP16 and DM49;
 - The scheme represents the unacceptable loss of a open space for sports and recreation, contrary to NPPF paragraph 99 and Haringey policies SP13 and DM20;
 - The status of an asset of community value (ACV) was granted on 23 October 2014. This expired after five years;
 - A second application to designate the site as an ACV has been 14 September 2023. This shows the level of 'requirement' for the faculty by the local community;
 - The impact on heritage assets has been assessed inadequately. The supporting heritage assessment from Built Heritage Consultancy better identifies the significance, and correctly acknowledges the open space comprising the tennis courts as providing considerable significance to the special character and appearance of the Rookfield Estate Conservation Area;
 - The applicant seeks to use the dilapidated state of the courts as justification for demolition, contrary to paragraph 196 of the NPPF;
 - The loss of this historic space has been assessed to comprise 'substantial harm' in terms of the NPPF. Its loss would be irreparable and is unacceptable and contrary to NPPF paragraphs 194-208, Local Plan policies SP12 and DM9;
 - Other issues with highway safety, impact on residential amenity and flood risk are identified and the proposals are contrary to the policies in the development plan.
- 8.3 Since the application has been found not in accordance with the Local Plan and no material considerations exist to justify approval, we encourage the local planning authority to refuse the proposal.