

Appeal Objection

Ref: APP/Y5420/W/24/3356480
at
The Grove Lawn Tennis Club, Cascade Avenue, N10 3PS

on behalf of
The Chine and Cascade Avenue Residents Association (CCRA)
as an Interested Party

April 2025

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- A. Asset of Community Value letter, dated 9 October 2024
- B. Extracts from Smith, J. and Whitfield, M. 2025 “England’s Suburbs 1820-2020”
- C. Extracts from Williams, R. 1985 “Herbert Collins 1995-1975”
- D. Code of Practice for the Construction and Maintenance of Tennis Courts,
- E. Letter from Russell Abrahams, dated 3 April 2025
- F. Extracts from Frith, D. 2013 “The Rookfield Estate – Muswell Hill’s Garden Suburb”

1.0 Introduction

- 1.1 This statement is made on behalf of the local residents and The Chine and Cascade Avenue Residents Association (CCRA). It raises objection to the appeal ref: APP/Y5420/W/24/3356480 made by ROK Enterprises One Ltd at The Grove Lawn Tennis Club, Cascade Avenue, N10 3PS.

The proposal

- 1.2 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 authors

- 1.3 The objection is prepared by Thomas Darwall-Smith MA MRTPI and Charles Wagner BSc DipTP MA IHBC MRTPI FSA FRSA. Thomas is appointed by the Royal Town Planning Institute as a Trustee to the Hampstead Garden Suburb Trust and draws on his knowledge of the Garden Suburb movement relevant to this case.

2.0 Grounds of the objection

- 2.1 This objection focusses its comments on the appellant's case to rebut reasons for refusal 1 and 2 and demonstrates the error in the approach and arguments put forward by the appellant. The objection supports the position of LB Haringey in its reasons and justification for refusing this scheme in principle.
- 2.2 The objection maintains that the site is part of a planned development of a garden village that includes open spaces for use by its community, for recreation and sports, irrespective of whether the land is in private ownership. The objection builds on the evidence put forward by the CCRA to the planning application reference HGY/2023/0733 in its report dated September 2023, also before the Inspector.
- 2.3 Statements which we consider are inaccurate or misleading set out in the appellant statement of case in paragraph 1.5 are as follows:
 - “This is a brownfield site in a sustainable location which is most suited for residential development;
 - The tennis courts have not been in use for over 10 years and do not contribute to the current supply of social infrastructure in the local area;
 - The site suffers from several restrictions restricting reuse and redevelopment opportunities;
 - The proposals cause no harm to the character and appearance of the streetscenes or wider conservation area”.
- 2.4 We confirm that:
 - The site is not suitable brownfield land. It is a planned open space intended for use by the Collins brothers for the local community. The Garden Suburb/ Village movement of the early Twentieth Century provides dozens of examples of these features for use as open space or sport and recreation. The assertion that this space is somehow “left over” does not hold to the approach taken by the Collins family elsewhere, and the wider Garden Suburb movement;
 - While the site has not been in use, using this justification appears cynical, since the site has been locked and the community prevented from accessing it since 2011, despite consistently seeking access to use the premises since then. While allowing access is the prerogative of the owner, barring access is not the same as the site not being used through lack of desire or need by the local community;
 - The so called “tilted balance” arising from a presumption in favour of sustainable development I paragraph 11 of the NPPF (December 2024) does not apply in this case;
 - Reason 1 should stand – including poor marketing, not meeting relevant development plan policies on open space and community facilities, including paragraph 104 of the NPPF, designation of the site as an asset of community value (ACV) on 21 October 2024, and removal of potential social and recreational benefits for the community;
 - Reason 2 should stand – designation as a heritage asset, harm to character and appearance of the Rookfield Conservation Area by the removal of an important planned open space characteristic of the Garden Suburb movement, including similarities of the site and its layout and chronological alignment to the Great Wall and the Heath Extension at Hampstead Garden Suburb as worthy of conservation, optimum viable use of a heritage asset and a necessary readjustment of what viable

means, since commercial expectations appear to be skewed by “hope value” of the site for residential development, rather than a community facility in a designated heritage asset.

The presumption in favour of sustainable development

- 2.5 The appellant appears to rely in part on invoking so called “tilted balance” arising from paragraph 11 of the NPPF. For decision taking, it means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission. Footnote 8 confirms that this includes, for applications involving the provision of housing where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites.
- 2.6 The appellant asserts the council cannot demonstrate a five-year housing land supply (5YHLS) in paragraph 4.14 and 4.25 of the statement of case. It is clear from paragraph 4.36 and 4.37 that it seeks to apply the presumption in favour of sustainable development provided by paragraph 11 of the NPPF.
- 2.7 However, we consider that the two criteria that make the presumption in favour available would direct a dismissal of the appeal.
- 2.8 NPPF paragraph 11 (d) (i) is not met, since policies protecting areas or particular assets of particular importance provide a strong reason for refusing the development, where the site forms part of a designated heritage asset and designated as an asset of community value.
- 2.9 The NPPF is clear that even in the absence of sufficient housing land, a significant adverse impact might arise from directing development towards unsustainable locations (paragraph 11 d) ii)), and should therefore be avoided. The removal of this planned historical open space in the Rookfield Conservation area is unsustainable in the terms of NPPF paragraph 202 on heritage assets being an irreplaceable resource, and should be conserved in a manner appropriate to their significance. The significance of the site as an open space and in provision of sport and recreational use has been incorrectly assessed by the appellant.
- 2.10 The representations submitted by the CCRA to date, and the reasoning of the LPA in its officer report and heritage consultee, highlight how the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole. Having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 2.11 Referencing footnote 9, the paragraphs referred to which have no bearing on this proposal and therefore do not warrant consideration, are those in paragraphs 66 and 84 of chapter 5; 91 of chapter 7. The proposals are demonstrably contrary to paragraphs 129 of chapter 11; and 135 and 139 of chapter 12, which are relevant. We accept that 110 and 115 of chapter 9 relating to sustainable transport can, through planning obligations, likely be made acceptable. Overall, the impacts demonstrated arising from this proposal do not warrant a positive planning balance.

Summary resisting the grounds of appeal

2.12 In summary, this objection demonstrates:

1. The “tilted balance” does not apply;
2. The unacceptable loss of a community use and a designated asset of community value (ACV);
3. The unacceptable loss of a historic open space comprising significant harm to the Rookfield Conservation Area;
4. The similarities of the site and its layout and chronological alignment to the Great Wall and the Heath Extension at Hampstead Garden Suburb as worthy of conservation;
5. That viable alternative uses aligned with its original intended use have not been properly explored;
6. That the optimum viable use considered by the appellant is likely skewed by a false valuation of the site that appears to be based on “hope value” as a residential development, when its real value is as a community recreational asset and as an open space contributing to the character and appearance of the Rookfield Conservation Area.

3.0 Reason 1 - permanent loss of a community sports facility and open space

- 3.1 The appellant's rebuttal of reason for refusal 1 is set out in its statement of case primarily in paragraphs 4.38 to 4.61, as well as others, to which we refer.
- 3.2 The existing use of the site we consider would correctly be F.2. marketing for Use Class E would have been erroneous and still required an application to change the use from Use Class F.2, satisfying loss of community use policies.

Asset of community value

- 3.3 The site has been designated an Asset of Community Value (ACV) on 21 October 2024 under ref: 2024/001. The ACV letter, dated 9 October 2024 (Appendix A) confirms the following is true:
 - i. The use of the Tennis Courts and Clubhouse furthered community cohesion in this area of the Borough by providing sports facilities for the local community to use and socialise at;
 - ii. The facilities were used for sporting activities and community use until 2011 by residents of Haringey;
 - iii. Since 2011 the community has consistently sought to access the land and clubhouse for sporting and community use and no other uses or planning permission for alternative uses has been granted;
 - iv. It is therefore reasonable to believe these uses could continue and there is clear evidence of a demand for such sporting facilities.

Open spaces and recreational use in the Garden Suburb movement

- 3.4 The Garden Suburb/ Village movement of the early Twentieth century saw the benefits to local residents of including open space in developments for the benefit of the community. We enclose extracts from Smith, J. and Whitfield, M. 2025 "England's Suburbs 1820-2020", Liverpool University Press on behalf of Historic England. It explains the importance within the Garden Suburb movement of providing recreational spaces and sports grounds for residents. It confirms that while ensuring that space was provided for recreation or play became a local government responsibility in the late 19th century, "a major contribution to the provision suburban recreational space was made by voluntary organisations" (p244). This includes reference to the Collins brothers' developments and references Rookfield Garden Village as a successful example of the delivery of the ethos of the Garden Suburb (p69) (see Appendix B). Footnote 123 on p69 references Williams, R. 1985 "Herbert Collins 1995-1975", Southampton: Paul Cave, which we include extracts of at Appendix C (see pages 7-8). Herbert Collins is identified as realising particularly successful schemes elsewhere. Herbert later adapted many features from his brother's designs, including communal greens and trees, for his own housing schemes around Southampton (p8) in the Uplands Estate in Southampton where accommodation is provided in a "carefully designed landscape" (Smith, J. and Whitfield, M. 2025, p163 and p235 (Appendix B)), which includes recreational open space. The loss of this existing open space is contrary to policy DM20 B (b) and do not meet the criteria of Part D.

The site not being in use and in disrepair

- 3.5 The appellant asserts that the premises have “not been in use” and keeps re-iterating to make a point of it (paragraphs 1.5, 4.4, 4.19, 4.33, 4.34, 4.39). We ask the Inspector to consider the importance of land that holds a community use in Use Class F.2, albeit being in private ownership, being described as “not being in use” because of intentional prevention of access comprising justification for the loss of a community use, and which has been acknowledged as an asset of community value).
- 3.6 The appellant asserts that the state of disrepair is relevant to approving redevelopment of the site in paragraph 4.42 and 4.63. However, NPPF paragraph 209 advises 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. We address this further in reason 2, below.

Demand and need of the site for recreation and open space

- 3.7 The previous use and demand for a community recreational/ sporting use has been demonstrated on our previous representations (September 2023). The previous uses provided more than simply a tennis club (see paragraph 7.1.11). The appellant’s marketing has sought to market it only for a tennis club use in an attempt to address DM49(c). Marketing it as a private tennis club is too narrow and does not meet the requirements under Policy DM49 (c) requiring a site be marketed as a community facility, which includes a significant range of uses and which should be included in any marketing for clarity. The appellant reported some expressions of interest, but that these were “well below market expectations and were not viable for the landowner from a commercial perspective” (para 4.24 of the SoC). This statement is unsurprising, since the commercial perspective of the developer is apparently based on “hope value” of the redevelopment of the site for residential development, and not as a community facility, which has considerably less value. We address viability further under reason 2 on heritage and securing an “optimum viable use” as per paragraph 215 of the NPPF.
- 3.8 To properly meet DM49(c) the appellant would need to market it for all uses under Use Class F.2. These are summarised in paragraph 7.1.9 of our previous representations and include “an area or place for outdoor sport or recreations”. This is considerably broader than just tennis. The CCRA has been approached by a consortium that is keen to bring forward a set of Padel courts at the site. Padel is typically played in doubles on an enclosed court somewhat smaller than a tennis court. This would address the assertion that the existing tennis courts are not big enough for the Lawn Tennis Association. However, the LTA does make an allowance for private courts to be slightly smaller and therefore, in our view, the existing tennis courts could still feasibly be brought forward for use (see dimensions in the Sports and Play Construction Association (SAPCA) Code of Practice for the Construction and Maintenance of Tennis Courts, section 2.2 (enclosed at Appendix D)).
- 3.9 The other community uses for gathering and recreation that the community historically used the site for (see paragraph 7.1.11 of the previous reps) could also feasibly be delivered at the site alongside an e.g. Padel use. None of this has been demonstrated by the appellant. Dual use, as referenced in policy SP15 second bullet, such as land and buildings to meet the needs of local communities, for example meeting space, arts and leisure activities, opportunities for recreation and sport, has not been satisfied. Similarly, London Plan policy S1 (G) requiring full or partial use as other forms of social infrastructure before alternative developments are considered has not been met.

Commercial expectations

- 3.10 In our view, it is also easy for the appellant to seek a price so high for the site as to be unattractive for an operator, again, likely due to its skewed expectations on forming a return on the site purchase (not a planning concern) leading to three expressions of interest not pursuing it further (paragraph 4.58 of the SoC). There is significant demand from local residents for the site to be released for its historical community use and recreation. There is apparently considerable demand from Padel operators for sites in suitable locations close to residential catchment areas, such as the site. We enclose a letter from Russell Abrahams a Trustee for and on behalf of the GM Pension Scheme interested in delivering Padel at the site, at Appendix E, received by the CCRA. This is a different organisation that expressed interest as part of the appellants marketing exercise. This demonstrates that, for example, Padel at the site would bring forward an optimum viable use, if the commercial expectations of the appellant are brought in line with the existing use as a community facility, rather than housing land.
- 3.11 The marketing material and demonstration of need and demand was woefully inadequate, evidenced by the fact that from over half of 30 or so respondents, requests were for more information (paragraph 4.56 of the SoC). The failure to erect a marketing board is attributed to unknown “restrictions from residents”. The residents have never restricted the erection of a marketing board. Proper marketing would need to make the relevant information available and provide further clarification on request. It is not reported whether further information was provided to the satisfaction of respondents. No assessment has been undertaken to meet London Plan policy S5 (C) to clearly show the site to be surplus to requirements for the existing or alternative sports and recreational provision.

4.0 Reason 2 – development detrimental to the verdant, open and spacious qualities and the contribution the site makes to the special interest of the Rookfield Conservation Area

- 4.1 The appellant's rebuttal of reason for refusal 2 is set out in its statement of case in paragraphs 4.62 to 4.69.

Shortcomings of the assessment of significance of the designated heritage asset

- 4.2 However, the paragraphs referenced above reveal the flawed approach of the appellant in their approach to the assessment of significance of the designated heritage asset, the Rookfield Conservation Area. The development proposals would have a significant impact on the character and appearance of the Rookfield Conservation Area, both in terms of the physical change to the conservation area i.e. how it is an integral feature of a garden village, and with the loss of a feature that is prominent in the social history of Rookfield Garden Village and its social and historical importance to the residents of the garden village. The assessment of the significance of the site as an historic open space and as an historic social resource has not been made by the appellant.
- 4.3 The interpretation of the definition of “conservation (for heritage policy)” in paragraph 4.29 of the SoC is not considered in the round as it should be. The positive contribution that the site makes to the Rookfield Conservation Area is set out in our original representation is reiterated and emphasised in the LB Haringey heritage assessment by Revive & Tailor. The NPPF (paras 207-8) makes clear that evaluation of the significance of a site in a designated heritage asset, in this case the conservation area, should come from an understanding of the site and the contribution it makes to the significance. The significance cannot be maintained by removing a feature. Though it is possible to ‘enhance significance’ or understanding of significance, it is a very narrow assessment of enhancing that suggests removing a key feature and adding pastiche housing where none was proposed in the garden village plan is ‘an enhancement’. The balanced planning judgement in NPPF para 212-5, requires a justification for causing harm to the significance of a heritage asset. The public benefits need to outweigh that harm.
- 4.4 The Appellants state that the tennis club has no heritage value. It is said not to make any positive contribution to the significance of the conservation area, and that the sole consideration is that the pastiche housing will ‘enhance’ the conservation area. We argue that this is not the case as this ‘garden village’ settlement consisted of much more than the housing alone, and in the case of Rookfield Conservation Area, all the elements of the garden village have survived including the Grove Lawn Tennis Club
- 4.5 The Heritage Assessment (included in our previous representations at Appendix A (September 223) by Built Heritage Consultancy) showed how the open space was integral to the designs of the estate as the land east and north of Cascade Avenue and Etheldene Road was developed from 1910.
- 4.6 We provide further reference here to publications that show how the Collins brothers William and Herbert, heavily influenced by the Garden City movement of Sir Ebenezer Howard and Dame Henrietta Barnett, when handed the Rookfield Estate by their father, replanned that estate along garden village principles of wide streets, greens and recreational facilities, especially tennis courts. See Williams, R. 1985 “Herbert Collins 1995-1975” (pages 7-8) (in

Appendix C) and Frith, D. 2013 “The Rookfield Estate – Muswell Hill’s Garden Suburb” (pages 22-35) (Appendix F). Hampstead Garden Suburb was being built from 1907 less than 2 miles away by Henrietta Barnett using Parker & Unwin and architects such as Sir E L Lutyens. The retaining wall on either side of, and forming the rear wall of, the pavilion bears a striking resemblance to The Great Wall at HGS, designed by Lutyens in 1912, whilst HGS has a number of tennis courts integrated with the houses.

- 4.7 The growth of Herbert Collins reputation was such that in 1923 he was invited by Sir Ebenezer Howard to join the Board of Welwyn Garden City. While William Collins kept ownership of the Rookfield Garden Village Co Ltd to ensure that its principles were adhered to by its residents, until the Leasehold Reform Act changed this.
- 4.8 The Grove Lawn Tennis Club operated on the site from then until its lease expired in 2011, that is over a century. Therefore it cannot be said that the tennis club was not a key feature of the Rookfield Garden Village (William Collins set up in 1912 Rookfield Garden Village Co Ltd) to complete the settlement).
- 4.9 It cannot also be said that Rookfield Garden Village was built without a masterplan. The framework of streets was set out by W J Collins constructing Etheldene Avenue from the bottom of Muswell Hill and Cascade Avenue and Rookfield Avenue in arcs off Muswell Hill to meet it. As with all smaller developers, the houses were built in stages, and this allowed the Collins brothers to take over the unfinished site and build it out in a varied neo-vernacular style of the Arts & Crafts movement to give it the distinct ‘garden village’ character.

Assessment of harm

- 4.10 Where it is demonstrated that the appellant has not completed the assessment of significance in as required by NPPF paragraph 207, it means immediately that it cannot properly do the assessment of harm that is required by paragraphs 212-215. This omission is grounds for dismissing the appeal that relates to a designated heritage asset.
- 4.11 The proposals do not meet the requirements of London Plan policy HC1 (C) where proposals should conserve their significance. Again, not possible because of not completing the assessment of significance. Haringey policies Policy SP12 Conservation and DMP 2017 Policy DM9 Management of the Historic Environment & Haringey’s Heritage Assets are not met for similar reasons, on the conservation and enhancement of the significance of a heritage asset, in the absence of a completed assessment of significance.

Neglect

- 4.12 NPPF paragraph 209 advises 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. There is no evidence that the site has been protected by the elements or maintained in any sense. This situation represents a case for neglect.

Optimum viable use

- 4.13 There are alternatives that better meet the requirement for “optimal viable use” that meet the overarching requirements to preserve and retain heritage assets in perpetuity as per paragraph 195 of the NPPF. Commercially, these alternatives are unattractive to the appellant, since their value is based on “hope value” of residential development, not on the community

facility that the site is. This would like directly to reason 1 and the permanent loss of a community sports facility and open space.

5.0 Conclusion

- 5.1 This statement further demonstrates where the proposal is contrary to policy. There are not any material considerations that warrant a decision form the Development plan, including that the “tilted balance” in the event a LPA cannot demonstrate a 5YHLS that would warrant approval of 9 new homes in this unsustainable location. The proposal would harm the significance of the heritage asset and comprise the loss of a committee facility without considering alternative uses. The appeal should be dismissed.