



Appeal Decision

Hearing held on 10 & 11 June 2025

Site visit made on 11 June 2025

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th July 2025

Appeal Ref: APP/Y5420/W/24/3356480

The Grove Lawn Tennis Club, Cascade Avenue, Hornsey, Haringey, London N10 3PS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by ROK Enterprises One Ltd against the decision of the Council of the London Borough of Haringey.
 - The application Ref is HGY/2023/0733.
 - The development proposed is 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.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Although the postcode provided on the planning application form was questioned at the hearing, there is no ambiguity as to the location of the appeal site and I have used the address on the application form in the banner heading above.
3. A draft Unilateral Undertaking (UU) was provided prior to the hearing and a completed UU dated 17 June 2025 was submitted shortly thereafter. I consider its contents below.
4. In April 2025, the Council published an updated Authority Monitoring Report (AMR). The housing land supply position in the AMR is disputed and the areas of agreement and disagreement are set out in a Statement of Common Ground on Housing Land Supply dated 23 May 2025. An updated schedule of disputed sites was tabled by the Council during the hearing, following further discussion between the parties. I have had regard to the updated evidence on housing land supply and return to this matter below.
5. At the hearing, The Chine and Cascade Avenue Residents Association (CCRA) tabled a letter from a former tennis professional, expressing an interest in purchasing the site for reinstatement of the tennis club. This became available after the deadline for submission of representations and is relevant to the main issues. Both main parties had the opportunity to review the letter and comment during the hearing and neither raised any objection to it being considered. I have had regard to its contents and am satisfied that no prejudice arises as result of my having done so.

6. Also at the hearing, an interested party tabled a short document entitled 'Rookfield Estate Design Guidelines'. This was published many years ago by the Council, addressed to householders, and is not current planning guidance. However, it includes illustrations and descriptions of building detailing which remain of some relevance. After some discussion, neither main party raised any objection to my having sight of the document and I have noted the illustrations mentioned. However, I have not relied on these guidelines when considering the effect of the proposal on the Conservation Area.

Main Issues

7. The main issues are:
- the effect of the proposed development on the availability of community facilities, including sports and recreation facilities and open space,
 - the effect of the proposed development on the character and appearance of the area, having particular regard to whether it would preserve or enhance the character or appearance of the Rookfield Conservation Area,
 - the effect on living conditions for occupiers of neighbouring properties, with particular regard to outlook and privacy, and
 - whether suitable living conditions would be provided for future occupiers of the converted pavilion building.

Reasons

Community Facilities

8. The appeal site contains three tennis courts on two levels, with a brick pavilion to one side. It is within a private residential estate developed in the early 20th century. Currently, the courts and pavilion are not in use, the access gate is locked and the site is in an overgrown and dilapidated state. The current vacancy dates back at least to 2011, when the most recent lease expired, although active use had ceased a few years earlier. Previously, use of the site as a tennis club can be traced back to construction of six courts and the pavilion in 1911/12. However, it was reduced to the current three courts in the 1930s and there were earlier periods of vacancy and dilapidation in the 1970s/early 80s.
9. Notwithstanding its vacant state, the site is described in the application as having an existing F.2 (Local Community) use¹. It is in private ownership, and there are no general rights of public access. Nevertheless, for a significant part of its history it has operated as a sports facility for the local community, most recently under a leasehold arrangement with a leisure operator. Residents attending the hearing described the tennis club as having had both membership and casual booking options, with the pavilion also having been used for social events and meetings. I have considered the appeal on the basis that its existing use in planning terms is for community facilities. That is a material difference from the site described in the Tandridge appeal decision², which was concluded by the Inspector to fall outside the definition of community facilities in the relevant development plan.

¹ As defined in the Town and Country (Use Classes) Order 1987 (as amended)

² Appeal Ref: APP/M3645/W/19/3243184

Relevant Policies

10. In the London Plan 2021, Policy S5 requires that existing sports and recreation facilities are retained unless, amongst other things, they are demonstrated to be surplus to requirements. Policy S1 includes tests in part F for loss of social infrastructure in areas of defined need and part G requires that redundant social infrastructure is considered for full or partial use as other forms of social infrastructure before alternative developments are considered.
11. Policy SP15 of the Haringey Local Plan Strategic Policies 2017 (SPLP) protects sporting and leisure facilities in areas of deficiency and is supportive of dual use of community land and buildings. Policy SP16 says that community facilities will be protected where possible and promotes provision of multi-purpose community facilities. Policy SP13 of the SPLP and Policy DM20 of the Development Management DPD 2017 (DM DPD) include a general requirement that parks and open spaces should be protected and the supporting text to Policy DM20 identifies areas of open space deficiency.
12. Policy DM49 of the DM DPD sets out a series of tests relating to loss of social infrastructure. Since no replacement facility is proposed, the relevant tests are in parts B and C. In summary, part B requires that where existing facilities would be lost, it should be demonstrated that they are no longer required in their current use, that the loss would not result in a shortfall in provision of that use, that the existing facility is not viable in its current use and that there is no demand for any other suitable community use. Part C requires evidence that the premises has been marketed for use as a community facility for at least 12 months and that no suitable user has been/or is likely to be found.
13. In the Framework, paragraph 96 is supportive of measures to support healthy lifestyles and paragraph 98 guards against the unnecessary loss of valued facilities, particularly where this would reduce the community's ability to meet its day-to-day needs. Paragraph 104 says that existing open space, sports and recreational buildings and land should not be built on unless an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements, or replacement/alternative facilities are proposed.
14. Drawing on these policies, I turn first to the question of whether the site is surplus to requirements and then to the potential for suitable and viable community use.

Whether surplus to requirements

15. There are several other tennis facilities within walking or cycling distance. While some have waiting lists, others do not, and it was acknowledged at the hearing that residents wishing to play tennis can do so. Although the Lawn Tennis Association objected to loss of the courts, they cite potential growth in participation, without comparing that to the existing supply. Drawing on the same participation rates, the appellant provided oral evidence that the other existing courts provide an ample local supply.
16. The above evidence is somewhat anecdotal and the Council's more objective analysis of sports provision within open spaces³ is of some age. Nevertheless, no convincing evidence has been presented of an objective shortfall in tennis courts.

³ LUC Haringey Open Space and Biodiversity Study 2014

Furthermore, as in the West Finchley appeal decision⁴, since the courts have not been in use for many years, it is questionable whether their loss would, in any practical sense, result in such a shortfall.

17. Nevertheless, the evidence from interested parties clearly expresses that, when in use, the site was valued as a focal point within the estate, including for community activities beyond playing tennis. On a succession of occasions, community representatives have invested what appears to have been considerable time and effort into attempts to re-establish its use. While the current landowners were not party to the site being closed, so cannot offer any further explanation of the circumstances, it is apparent that the vacant condition of the site does not reflect a lack of demand for community use, either at the point of closure or subsequently.
18. Although the Council turned down an application in 2023 for the site to be listed as an Asset of Community Value (ACV), ACV status was granted in 2024 on revised evidence. That is not a planning designation and only becomes relevant as a mechanism to preserve community use if the site is sold. Nevertheless, the successive ACV applications contribute to the evidence of ongoing and active community interest.
19. While the JLL report⁵ includes evidence of a variety of halls, churches and meeting places nearby, that does not amount to an objective assessment of the need for such facilities. Nor is there any specific evidence that use of the site by the local community would be prejudicial to the operation of other community buildings or facilities.
20. Given that the tennis courts and pavilion occupy the whole site, its primary function appears to have been as a sports facility with some community use of the pavilion, rather than as open space. Nevertheless, it is of a largely open character, in contrast with the adjacent built-up frontages, and that open character is of heritage significance, as set out below. The larger public open spaces in the west of the Borough are on an entirely different scale and the Council indicates that they serve a much wider catchment. As well as being more clearly orientated towards the local area, the appeal site has a distinctive character and function compared to the other two small open spaces in the estate, neither of which include buildings or recreational facilities.
21. While the site is not within an identified area of open space deficiency, Policies SP13 and DM20 protect existing open spaces throughout the Borough, with no indication that small, localised spaces, or those lacking any specific designation, are excluded. The relevant policies encompass open spaces with a sports and recreation function and the supporting text to Policy SP13 confirms that the level of public access is not a criterion for definition.
22. In the Bruce Grove decision⁶, replacement open space with increased public accessibility was to be provided within the development and in the Liverpool Ramblers decision⁷, a vacant tennis court and pavilion were to be retained, offering potential for a sports facility to be brought back into use. Since there would be no replacement open space or retained facilities in this case, that is a materially different situation from those previous appeals.

⁴ Appeal Ref APP/N5090/W/19/3237549

⁵ JLL Loss of Existing Use Assessment February 2023

⁶ Appeal Ref: APP/Y5420/W/23/3321012

⁷ Appeal Ref: APP/M4320/W/21/3269995

23. In summary, while there is no clear evidence of a shortfall in tennis courts, there is evidence of latent demand for use of the site as a community facility. Furthermore, the proposal would result in loss of an open space contrary to relevant development plan policies. As such, based on the evidence before me, the site has not been clearly shown to be surplus to requirements in its current use.

Suitable and viable community use

24. Notwithstanding the above, in the absence of a viable use, the site is liable to remain vacant. In line with Policy DM49, demand for community use has been explored through a marketing exercise, from March 2021 to June 2022, exceeding the 12-month minimum period. While that included the latter stages of Covid lockdowns, and there was a misleading reference to Class E use, the site was clearly identified as an outdoor leisure opportunity, marketing of which would not have been impacted by lockdown restrictions to the same extent as other uses. The marketing attracted interest, with about 30 initial enquiries, including for sports, leisure and community functions. As such, the minimum marketing requirements in Policy DM49 were broadly addressed.
25. Three formal proposals were received: two for use as tennis courts and one from a Padel tennis operator. The marketing agent reports that the Padel operator was also looking at other sites and their proposal did not progress. The other proposals were rejected for reasons relating to lack of experience, convincing business case or realistic terms.
26. When describing the outcome of the marketing process⁸, the agent concludes 'there is little prospect that the site will be let to an institutional occupier in the short or near term'. However, the same agent had advised in a 2021 report⁹ that, in terms of the rental market for tennis, the site was suited to community use club sports, described as likely to operate on a not-for-profit basis, with any surplus capital being reinvested. The site was marketed for rent and, based on the figures suggested in the 2021 report for a ground rent plus profit share approach, neither of the tennis proposals appears fundamentally unrealistic. Nevertheless, I acknowledge that the lack of convincing business plan or terms acceptable to the landowner were barriers to either proposal progressing at that point.
27. Marketing ceased in June 2022, but two additional expressions of interest have emerged while this appeal has been in progress. Representations from the CCRA included a letter detailing interest from a prospective Padel operator, with a source of funding identified. The CCRA has also secured an expression of interest from a former tennis professional, to purchase the site for re-instatement of the tennis club, working with the local community. Again, neither includes a costed business case. The Padel proposal would require physical alterations to be made, and the tennis proposal may also require alterations to support viability, such as floodlighting. The compatibility of such alterations with the surroundings has not been tested and would be for the Council to consider. Nevertheless, there is some evidence of current demand to re-establish a sports and recreation use, the viability and suitability of which have not yet been tested.
28. It was also confirmed at the hearing that no direct approaches were made during the 2021/22 marketing to local tennis clubs or other local operators and that such

⁸ Savills letter to ROK Enterprises One Ltd dated 20 February 2023

⁹ Savills Leisure Viability Report April 2021

approaches would have been outside the scope of the agent's instructions. No marketing board was erected, due to restrictions imposed by the CCRA at that time. Therefore, local operators may not have been aware that the site was available, unless they were represented on the agent's database. Consequently, the extent to which the courts could economically function as an adjunct to an existing club has not been explored. Since some local clubs very close to the site have waiting lists, that appears a potentially realistic avenue which has not been examined.

29. Although the site's limitations such as its modest size, lack of parking, limited passing trade and the residential location all weigh against its attractiveness to a commercial operator, it is less likely that those issues would preclude a successful community-led proposal. While the space around the courts falls below LTA requirements for tournament or competition play, that does not prevent their use for practice, tuition or social play. Capital investment would be required, given the current condition of the site but, while that cost is described as substantial, it is not quantified in the evidence, so cannot readily be compared with potential capital funding sources or future income. Although the scope for mixed use is limited, given the size of both the pavilion and site, it has also not been established whether income from use of the pavilion could help support an otherwise marginal proposition for sports and recreation use.
30. At this point in time, based on the evidence before me, there are avenues which have not been adequately explored. As such, the evidence falls short of demonstrating, as required by Policy DM49, that the existing facility is unviable in its current use and that there is no demand for any other suitable community use. Nor has the marketing to date satisfactorily demonstrated that no suitable user is likely to be found.

Community Facilities: Conclusion

31. For the reasons give above, I conclude that the proposed development would be detrimental to the availability of community facilities, including sports and recreation facilities and open space. It would conflict with relevant requirements in parts B and C of Policy DM49, as outlined above and with the requirement in part G of London Plan Policy S1 and Policy SP16 of the SPLP that existing community facilities/social infrastructure should be protected. It would also conflict with the protection set out in Policies SP13 and DM20 for existing open spaces, and with Policy S5 of the London Plan and paragraph 104 of the Framework, on the basis that it has not been adequately demonstrated that the existing open space, sports and recreation use is surplus to requirements.
32. The proposal would also be contrary to the positive approach to supporting healthy lifestyles and avoiding the loss of valued facilities, as articulated in paragraphs 96 and 98 of the Framework. There would be some conflict with Policy SP15 of the SPLP, since dual use of the facilities has not been explored. However, the protection in that policy and part F of London Plan Policy S1 for sports and leisure facilities in areas of deficiency is not relevant.

Character and Appearance

33. The Rookfield Estate was developed initially by William Jeffrey Collins and subsequently by his sons between 1901 and 1934. The earliest housing is reflective of a traditional estate layout, but the younger Collins brothers were

influenced by the Garden City movement, with plans being submitted under the name of 'Rookfield Garden Village Ltd' from around 1913. Although not included in the very first phase of development, the tennis courts date back to 1911, when plans were submitted for erection of the pavilion. Of the initial six courts, three were lost when additional houses were built along Etheldene Avenue, in the 1930s.

34. The significance of the Conservation Area includes the highly characterful domestic architecture, with an abundance of well executed Arts and Crafts detailing. The well-planted front gardens, grass verges and narrow flagstone pavements convey an almost rural character despite the suburban location. The varied detailing and distinctive character and composition of each street enables appreciation of the different approaches taken by successive members of the Collins family, with Garden Village principles became increasingly influential as the estate evolved.
35. There is limited evidence of any overall masterplan, and the tennis courts are a less obviously defined open space than those at The Court and Rookfield Close. Nevertheless, they were introduced at an early stage and clearly went beyond the casual use of vacant land since significant investment would have been required to level the steeply sloping ground and construct the pavilion. The arrangement of the pavilion and matching pyramid-roofed outbuildings, all linked by a brick wall, is by no means on the same scale as the Great Wall at Hampstead Garden Suburb. Nevertheless, this symmetrical composition implies a conscious design approach, framing the upper end of the tennis courts.
36. Evidence that Herbert Collins was himself secretary of the tennis club when the pavilion and boundary wall were constructed adds credence to the view that the tennis courts were conceived as an important feature as the estate was developed. The lack of reference to the tennis courts in a draft Conservation Area Appraisal (CAA) can be given little weight, since the Council has confirmed that any drafts which were circulated for informal consultation were never finalised.
37. The original courts were significantly curtailed in the 1930s. Their relationship with the rear gardens of the houses on Etheldene Avenue and the exposed flank walls of other adjacent dwellings also somewhat undermines the sense of architectural composition. More recently, there has been some physical deterioration, and the boundaries are overgrown. However, none of those factors negates the positive contribution which the site makes to the significance of the Conservation Area in terms of its use and layout, by offering an example of Garden Village housing with integrated open spaces and sports facilities, for the benefit of its residents.
38. The proposal would retain and make beneficial use of the pavilion. However, the new housing along both street frontages would enclose the site, rendering it both functionally and visually inaccessible. The framing of the space by the pavilion and outbuildings could no longer be appreciated and any remaining ability to appreciate the site's function as originally conceived would be lost. Retention of the pavilion as a memory of its original use would not adequately compensate. Therefore, even though the introduction of new housing could, to some extent, be regarded as a further evolution of the estate, the development would be harmful in principle to the significance of the Conservation Area.

39. The ground and first floor elevations would reflect the scale of the existing dwellings, and the buildings would follow the topography. The introduction of a new block on each frontage, each with its own design, would be consistent with the pattern of grouped dwellings with symmetrical but varied detailing, within a consistent palette of materials and finishes. The proposed materials and detailing demonstrate the architect's understanding of the Arts and Crafts approach, without merely replicating the detailing of the other dwellings. The plot sizes and coverage would also be generally consistent with the surrounding urban grain.
40. However, the development would be less successfully integrated at roof level, as the pitch would be notably steeper than many of the surrounding dwellings, with uncharacteristically large areas of flat crown roof. While there is a rationale for a steeper pitch within the language of Arts and Crafts architecture, and there are examples within the estate, the other dwellings along Cascade Avenue and The Chine are more consistently roofed at a gentler pitch. In views downhill from the higher levels of Cascade Avenue, the relative regularity of the hipped roofs as they descend the hill is striking. In that context, the steeper angle and bulkier roof form of the proposed dwellings would be a discordant feature.
41. The adjacent dwellings on Etheldene Avenue also have flat roofs above a relatively steep pitch. However, they front a different street and are of distinctively different materials, detailing and form. In contrast, the proposed dwellings would be read as part of the street scene along Cascade Avenue and The Chine, in which the bulky proportions of the roof would jar. That is illustrated by the image on page 26 of the Design and Access Statement, in which the steep, angular roof form contrasts sharply with the hipped roof on the adjacent dwelling.
42. The basement elements at the rear would in all likelihood be obscured from view, particularly once the gardens had been planted. Nevertheless, this element of the design would involve formation of some substantial retaining walls and terraces. As far as can be determined from the evidence, basements and light wells are not currently a feature of the estate and this highly engineered approach would be at odds with the leafy garden setting around the dwellings.
43. Dormer windows are not an alien feature and those proposed would be at the rear, as are many of the existing roof-level windows. Although numerous, their proportions and detailing would be reasonably consistent with those on existing dwellings. There are also several existing terraces with a symmetrical form around a central feature. As such, those aspects of the design would not harmfully depart from the established variety of external detailing.
44. Nevertheless, for the reasons given above, I conclude that the proposed development would have a harmful effect on the character and appearance of the area and would fail to preserve or enhance the character or appearance of the Rookfield Conservation Area. That would be contrary to relevant requirements in Policies HC1 of the London Plan and DM9 of the DM DPD, which include that development affecting heritage assets should conserve and enhance their significance. It would also conflict with relevant requirements in London Plan Policy DC3, Policies DM1 and DM7 of the DM DPD and Policy SP11 of the SPLP, which collectively require a high standard of design which respects and contributes to the distinctive character and historic significance of the area.

45. The lack of any alleged harm to any nearby listed buildings or non-designated heritage assets does not mitigate the harm to the Conservation Area which is, itself, a designated heritage asset.
46. Although I have noted that heritage evidence for the CCRA¹⁰ suggests that there would be substantial harm to the significance of the Conservation Area, I am mindful that Planning Practice Guidance advises that is a level of harm which does not arise in many cases. Factoring in the positive elements of the design, including the retention and reuse of the pavilion building and the generally appropriate detailing, the harm to the designated heritage asset would be less than substantial. Nevertheless, taking into account the level of enclosure, loss of existing use and the harmful aspects of the roof and basement design, in my judgement the level of harm would be towards the upper end of the 'less than substantial' category.
47. In those circumstances, paragraph 215 of the Framework states that the harm to the significance of the designated heritage asset should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. That is a matter to which I return in the planning balance below.

Living Conditions: Neighbouring Properties

48. Most of the flank windows at 10 The Chine and 37 Cascade Avenue are secondary openings, providing a source of daylight, rather than outlook. However, my visit to 37 Cascade Avenue confirmed that the only ground floor kitchen window faces directly into the site. The plan submitted by the appellant indicates that the similar window at 10 The Chine also serves a kitchen.
49. While the Daylight and Sunlight Assessment (DSA)¹¹ concludes that the effect on light in adjacent properties would be compliant with BRE Guidance¹², the proposed flank elevations would be directly in front of the kitchen windows and highly prominent. The separation distance of only around 4-5m would not adequately safeguard the existing outlook and the hipped roofs would do little to mitigate the degree of intrusion at ground floor level. Kitchens tend to be in frequent use and occupiers may linger at the window while preparing food and washing dishes. Therefore, although only one room would be affected, the development would have a materially harmful effect on living conditions for the occupiers of both properties.
50. The pavilion already has a rather intrusive relationship with these adjacent properties, with three walls projecting into their gardens and forming the boundary. However, when used as a sports pavilion it would not have been occupied at all hours of the day and night. Obscure glazing in the rear windows would mitigate any effect on privacy across the boundary, but in the context of this extremely close relationship, signs of residential occupation could still feel intrusive.
51. However, at the hearing the appellant proposed that a condition could be imposed requiring that the window openings are bricked up, with detailing to be approved. That would also overcome any concern about planting in the adjacent gardens blocking the existing windows. It would be a minor change in the context of the proposed development as a whole, the Council has had the opportunity to comment, and the amendment would help to address concerns raised by the only

¹⁰ Built Heritage Consultancy Heritage Assessment September 2023

¹¹ T16 Design Ltd Daylight and Sunlight Assessment January 2023

¹² Building Research Establishment (BRE): Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' 2022

two directly affected interested parties. Therefore, no prejudice would arise as a result of that approach had I been minded to allow the appeal, and this aspect of the effect on living conditions could be adequately mitigated.

52. Subject to the use of obscure glazing on the proposed staircase windows, there would be no other unacceptable effect on privacy. While the development would be conspicuous from neighbouring gardens, the existing garages and retained vegetation at the rear of Etheldene Avenue would provide something of a buffer and the gardens at no. 10 and no. 37 would retain an adequate sense of space over the other surrounding gardens and the single storey pavilion.
53. Nevertheless, having particular regard to the effect on outlook from the existing kitchen windows, I conclude that the proposed development would have a materially harmful effect on living conditions for occupiers of the neighbouring properties at 10 The Chine and 37 Cascade Avenue. That would be contrary to Policy D3 of the London Plan which requires amongst other things that development should deliver appropriate outlook as an element of the design-led approach to optimising site capacity. It would also conflict with Policies DM1 and DM7 of the DM DPD, which require amongst other things that new development provides a high standard of amenity for neighbours and with the requirement in paragraph 135 of the Framework that new development provides a high standard of amenity for existing and future users.
54. London Plan D6, which is also referenced in the relevant reasons for refusal, sets out various standards for new housing, but does not mention the effect on outlook for neighbouring occupiers, so is of little relevance in this context.

Living Conditions: Future Occupiers

55. The proposed pavilion dwelling would be single aspect if the two rear windows were bricked up. However, there are several openings on the principal elevation, all of which would be retained. The DSA confirms that the three main rooms would have adequate natural light and there is no indication that this relies on the small rear windows. Nor, given the limited depth of the building is there any substantive evidence that the interior would lack suitable ventilation. It is not unusual for bathrooms to rely on artificial light and ventilation, so that would not prejudice the provision of a suitable living environment. The Council's concern that planting may obscure the rear windows would be irrelevant if they were bricked up.
56. It has not been disputed that the pavilion dwelling would meet the minimum space standards in the London Plan. It would have a small but secluded outdoor space, directly accessible from the main living space. The Council did not allege any shortfall in internal or outdoor space and, taking account of the modest one-bedroom accommodation proposed, I have no reason to reach a different view.
57. I conclude that suitable living conditions would be provided for future occupiers of the converted pavilion building. There is no conflict between this aspect of the scheme and relevant requirements in Policies D3 and D6 of the London Plan or DM1 and DM7 of the DM DPD. These policies collectively require, amongst other things, that development provides a suitable indoor and outdoor environment, with comfortable, functional layouts which are fit for purpose and meet the needs of future occupiers.

Other Considerations

Planning Obligation

58. The UU would provide for a carbon offsetting contribution, which the Council has confirmed would address the relevant reason for refusal. The justification is set out in Policies SI2 of the London Plan, SP4 of the SPLP and DM21 of the DM DMP, which collectively require that new residential development is zero carbon, with the method of calculation being set out in the Planning Obligations SPD¹³.
59. A financial contribution would also be provided for monitoring of a Construction Management Plan. Although that did not feature in the reasons for refusal, the appellant has no objection, on the basis that it would assist with managing the effect of the development on the rather constrained road network. There is some justification for the contribution in the Planning Obligations SPD, although the basis of calculation is not spelled out. In any case, since I am dismissing the appeal for other reasons, there is no need for me to reach a finding on whether this aspect of the UU is consistent with the relevant legal tests¹⁴.
60. Finally, the UU includes a mechanism for the converted pavilion to be occupied on a shared ownership basis. The development plan does not require any affordable housing on a development of this scale, but one unit is proposed as a benefit. The Council has confirmed its view that the UU would be effective in this regard. The obligation would meet the relevant tests if it is necessary to make the development acceptable in planning terms and I have therefore taken it into account in the planning balance below.

Housing Land Supply

61. At the time of determining the application, the Council did not have a five year housing land supply. The decision was made in that context, taking into account paragraph 11d of the Framework as it was then worded. However, the April 2025 AMR purports to demonstrate that a five year supply is now in place. That position is contested by the appellant and a Statement of Common Ground on Housing Land Supply was provided prior to the hearing in which the areas of agreement and disagreement were set out.
62. The key area of disagreement is the deliverability of 18 sites listed in the AMR, which the appellant considers not to be deliverable based on the evidence provided. Those sites account for 1,415 dwellings out of a total supply of 10,504 as claimed in the AMR. Were all 18 to be deducted, the housing land supply would stand at 4.48 years, based on the annual housing requirement of 2,025 dwellings. The Statement of Common Ground elsewhere quotes a figure of 4.88 years, which may be a typographic error, and a figure of 4.25 years was also mentioned by the appellant at the hearing, but not fully explained. The figure of 4.48 years is consistent with the relevant figures in the Statement of Common Ground.
63. Following further engagement between the parties after the hearing opened, the Council tabled an updated schedule of sites, narrowing down the areas of disagreement and including some additional supporting evidence. A supply very slightly exceeding five years was claimed. However, that evidence was provided at a sufficiently late stage that it could not be adequately addressed by both parties

¹³ London Borough of Haringey Planning Obligations Supplementary Planning Document March 2018

¹⁴ Regulation 122 Community Infrastructure Levy Regulations 2010

without an adjournment for further consideration. In preference to extending the appeal timetable, the Council accepted in oral submissions that for the purposes of this particular appeal, it had not demonstrated that a five year supply of deliverable housing sites was in place.

64. Had the Council's evidence been interrogated further, it may be that a firm conclusion could have been drawn on the extent of the housing land supply. Even if that was the case, it would have reflected only a snapshot in time, based on the evidence before me. For purposes of the current appeal, the implication of the Council's position is that the provisions of paragraph 11d of the Framework are relevant.

Benefits

65. The proposal would provide nine new homes, including several for family occupation. The inclusion of one affordable housing unit would be a benefit over and above the numerical contribution to housing land supply and there would be associated social benefit from provision of a range of housing types, increasing the availability of housing within what is a very attractive residential setting.
66. Housing would be delivered on a small site which is previously developed land (PDL) as defined in the Framework. Both the site and the pavilion building are under-utilised, on the basis that they are vacant and have been for a considerable time. The Framework is supportive of the redevelopment of such land to meet identified needs for housing, particularly in paragraph 125.
67. However, paragraph 125c refers to the value of using 'suitable' brownfield land for homes and other identified needs. In this case, Paragraph 104 of the Framework indicates that the site is not suitable for housing, by virtue of its existing use for open space, sports and recreation, which I have found not to be demonstrably surplus to requirements. The heritage considerations also count against its suitability for housing. Therefore, while the use of previously developed land is a notable benefit in principle, in the circumstances of this particular proposal, it does not attract the substantial weight indicated in paragraph 125c.
68. On the basis that the layout and density would be consistent with the pattern of development in the surrounding area, reasonably efficient use would be made of the land. The site is not in the most sustainable location, given its PTAL level of 2, but occupiers could access a range of local services and facilities on foot or bicycle and could walk to bus stops. Evidence has been provided of a measurable biodiversity net gain exceeding minimum requirements, taking account of the new gardens and soft landscaping, in place of the sealed surfaces of the tennis courts.
69. There would be some economic benefit in terms of support for the construction industry and economic activity by future occupiers, with no reliance on public subsidy. Indeed, the limited level of support which was expressed by interested parties related largely to the contribution to local businesses.
70. While an energy efficient development is proposed, the proposed measures, including the carbon offsetting contribution, would mitigate the effect of the development, in accordance with the development plan, rather than providing a substantive benefit. While the appellant alludes to high quality design as a benefit, I have concluded that aspects of the design fail to preserve the character or appearance of the Conservation Area, so design quality does not weigh in favour.

71. Based on even the appellant's lowest figure, the alleged shortfall in housing land supply is quite modest and a development of the scale proposed would not significantly improve the position in numerical terms. While small sites play an important cumulative role, and there would be additional economic, social and environmental benefits in this case, in relation to the extent of the shortfall, even when considered collectively, the benefits carry no more than moderate weight.

Other Matters

72. While I have had regard to the various other matters raised by interested parties and discussed at the hearing, given the conclusions above, none of those would affect the appeal outcome, so it is not necessary for me to consider them further. For the same reason, the effect of the development on protected plant species, and the proposed mitigation measures, do not require further consideration.

Heritage and Planning Balance

73. I have found that the harm to the significance of the Conservation Area would be towards the upper end of the 'less than substantial' category. That is a matter carrying great weight, consistent with the statutory duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraph 212 in the Framework. The public benefits outlined above do not outweigh the level of harm identified to the significance of the designated heritage asset. As such, the proposal would conflict with the policies in the Framework for conserving and enhancing the historic environment.
74. In light of the housing land supply evidence, paragraph 11d of the Framework is applicable. At the hearing, the appellant proposed, and the Council agreed, that the test in paragraph 11dii was relevant. However, taking account of the level of harm and the outcome of the heritage balance, there is a strong reason for refusing the development based on the application of policies in the Framework that protect areas or assets of particular importance. As such, paragraph 11di of the Framework is applicable. Consequently, the proposal does not benefit from the presumption in favour of sustainable development, as defined in paragraph 11d.

Conclusion

75. I have found that suitable living conditions would be provided for future occupiers of the pavilion dwelling. However, the proposal would conflict with the development plan in respect of the availability of community facilities, the effect on the character and appearance of the area and the significance of the Conservation Area and the effect on living conditions for occupiers of neighbouring properties.
76. No material considerations indicate that a decision should be taken otherwise than in accordance with the development plan. Therefore, the appeal should be dismissed.

Jane Smith

INSPECTOR

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Charles Wagner, Keystone Planning representing CCRA

Councillor Cathy Brennan, Ward Councillor

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Pambos Patsalides, interested party

Leatrice Bailey, local resident

Paul Bell, local resident

David Cook, local resident

Hilary Cook, local resident

John Goldschmidt, local resident

Ian Hall, local resident

Mary King, local resident

Anna Ksiezopolska, local resident

Stanley Volk, local resident

Dr Simon Waldram, local resident

HEARING DOCUMENTS

1. Opening speech of the appellant
2. Undated letter from former tennis professional, tabled by CCRA
3. LB Haringey Rookfield Estate Design Guidelines dated 1981
4. Housing land supply: updated table of disputed/agreed sites