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Our ref: (CHA7/1) LF/SG/CS

5 August 2025

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By email only

Dear Council,

Development at Harcourt House N8 9JB

Planning application reference: HGY/2024/0921

- 1 As you know, we are instructed by a group of leaseholders (“**our client**”) at Harcourt House who have written to the Council previously to set out their objections to this application (10 March and 23 May 2025).
- 2 This letter is in response to consultation on new documents and design drawings recently submitted by the applicant. For reasons we set out more fully below, the development is still unacceptable in policy terms, and this letter should be read alongside our previous ones as our client’s objection stands.

Continuing concerns

- 3 Throughout the application there has been a lack of engagement with any of the governing planning policies, nor any accuracy in relation to the supporting information submitted. This latest round of documents follows the same path, and our client’s concerns remain. In summary these are as follows:

(a) Single-Aspect, North-Facing Units

The applicant has now conceded¹ we are correct in that none of the new units will be dual aspect. The London Plan policy² is thus engaged:

*“Where single aspect dwellings are proposed, by exception, they should be restricted to homes with one or two bedspaces; **should not face north; and must demonstrate that the units will: have adequate passive ventilation, daylight and privacy**; and not overheat (particularly relevant for south or west-facing single*

¹ Response to Council 2 July 2025

² London Plan Design Standard D6

aspect units).” (**emphasis added**)

The applicant interprets this policy by reference to a development in Havering, as an example of acceptable single-aspect unit schemes³. It is, however, irrelevant to this application. The Havering scheme was a 96-unit new build development scheme where 71% of units met or exceeded dual aspect requirements, and the remaining 21% were west or east-facing, with detailed evidence of sufficient lighting and ventilation, and therefore the application was deemed to be consistent with the single aspect exception permitted in D6. This is not equivalent to Harcourt House where 100% of new-build flats are single aspect and face north, which is expressly prohibited by D6⁴.

Additionally, there is no evidence of adequate passive ventilation. Indeed, the recently submitted fourth revision of the “Planning Stage Sustainability Statement” admits the issue of overheating “due to the amount of glazing compared to floor area, window opening amount and site location.”⁵ Furthermore, as we have highlighted previously, there will be multiple active flues from solid fuel and gas burning appliances surrounding the proposed flats preventing most of the adjacent openings to be operational. Nor is there any evidence to demonstrate adequate daylight.

(b) Ceiling Heights

Following corrections of some of the errors in their revised roof plans, the applicant now acknowledges⁶ that Flat 9 fails to meet London Plan requirements for minimum space standard. Less than 65% of the flat's gross internal area will have a ceiling height exceeding 2.5m, which falls significantly short of the 75% threshold required by D6. Some areas, such as the bathroom, will have severely compromised ceiling heights preventing realistic use of bath/shower facilities. Taken together with point (a) above, the units are sub-standard and do not comply with the GLA or the Council's own planning policies on design standards.

(c) Lack of Level Access to New Fifth-Storey Flats

The proposed flats will constitute a fifth storey, thus triggering the policy D7 requirement for level access. The applicant attempts to explain that London Plan Policy H2 permits an exception to policy D7, but this is incorrect. The policy London Plan clearly states:

*“3.7.6 In exceptional circumstances the provision of a lift to dwelling entrances may not be achievable. In the following circumstances – **and only in blocks of four storeys or less** – it may be necessary to **apply some flexibility** in the application of this policy:*

- *Specific small-scale infill developments (see Policy H2 Small sites)*
- *Flats above existing shops or garages*
- *Stacked maisonettes where the potential for decked access to lifts is restricted”⁷ (**emphasis added**)*

On a correct reading of D7, therefore, the proposal does not fall within the 4-storey

³ Former Harold Wood Hospital, ref APP/B5480/W/24/3339526

⁴ as explained in LPG C4.1

⁵ Applicant's “Planning Stage Sustainability Statement”, PR4V, p14

⁶ Response to Council 2 July 2025, p2

⁷ London Plan D7, 3.7.6

exception. However, the applicant attempts to circumvent this by asserting that the ground floor should not be counted as a storey, and therefore that the exception in Policy D7 applies. This is quite remarkable sophistry: access is to the ground floor with three floors above, as calculated using building control criteria. The applicant gives the example of the appeal in Richmond Road, Hackney⁸ but this is, again, irrelevant as the appeal was concerning a basement conversion and not an addition.

(d) *Privacy, Overlooking & Impact on Amenity*

The proposed new bin store for the new flats to be placed directly outside the sole living room windows of flats 5 and 6 necessitates the removal of an existing tree, hedges, and landscaping. This placement will result in significant visual impact, smell, and noise, causing substantial nuisance and harm to existing residents' amenity. This contravenes London and Haringey planning policies⁹ including London Plan Policy H2 for Small sites "principle of no net loss"¹⁰ of overall green cover.

The applicant has removed privacy screens around the proposed new balconies. These screens were considered necessary by the planning officer in response to multiple objections to the consequential loss of privacy to neighbouring flats from overlooking. The screens were designed to minimize impact and should be reinstated.

(e) *Impact on Daylight & Sunlight*

The revised daylight and sunlight report contains additional analysis but remains incomplete. For instance, although the existing private terrace at Harcourt House is included in the study as "A16", the resultant analysis of impact is missing.

Most concerningly, the latest report highlights negative impact on sunlight in the communal garden at 17 Haringey Park (Flats 5-8 Harcourt House). Specifically, the percentage of gardens receiving sunlight on March 21st is projected to drop from 8% to 3%, a significant reduction to just 37.5% of current levels. This more than twice exceeds the BRE guideline impact of an acceptable reduction to 80%, severely diminishing the amenity for residents.

This impact is hidden by the applicant's combining the areas and results of the separate gardens for 16 Haringey Park (flats 1-4) and 17 Haringey Park (flats 5-8) and presenting as one. While the two buildings form what is known as Harcourt House, the residents and visitors of the separate buildings do not have interchangeable access to the stairwells and distinct gardens separated by fences and a public access road. The proposals therefore will disproportionately harm and deprive flats 5-8 of amenity in their communal gardens, while impacting flats 1-4 in a more limited manner. We would remind the Council that there remains the unacceptable shading impact to 1 Pinehurst Mews. Overall, this demonstrates that the development will significantly and negatively impact the amenities of neighbouring properties, and the new information does nothing to alleviate this.

(f) *The Development is Unbuildable*

⁸ ref APP/U5360/W/23/3322038

⁹ LPG B6.3

¹⁰ London Plan H2, 4.2.10

We have previously detailed how the development cannot comply with Building Regulations and, whilst not a matter of direct concern to planning, nonetheless permission should not be granted for a development that physically cannot be built. Nothing in the newly-submitted information materially changes this viewpoint. Indeed, the applicant avoids addressing this point altogether, merely asserting a general refutation and that it is “wholly inappropriate and unreasonable for the Council to require such details at this stage”¹¹. We do not seek here to reiterate points made in our previous letters, but clearly it is of relevance whether the plans are accurate and/or buildable, and the Courts agree¹². Further, we refer the Council to the following example that illustrates our point.

The proposed roof development's floor build-up of approximately 150mm is demonstrably inadequate and unbuildable, a fact confirmed by our client's structural engineer's report¹³. If the current application plans were built out as drawn, the ceiling heights within the flats would be even lower (and even more non-compliant), or the roof's overall envelope would need to be expanded, leading to increased visual impact from Haringey Park at street level, or both.

The design and access statement, submitted 15 months ago, has not been updated to reflect the current versions of drawings and reports. As a result, it contains numerous inaccurate and misleading statements. For example, it previously claimed that the ceiling height in Flat 9 met London Plan requirements; however, the applicant's planning consultant recently conceded in a letter that this is no longer the case due to the proposal's redrawn roof. We refer you to other discrepancies noted in our previous letters.

Amendments made by the applicant and recently submitted only exacerbate these issues, not cure them.

(g) *Incorrect Sustainability Statement*

SAP calculations are based on the wrong internal floor areas of the flats: two flats are shown as 63m² (calculations) vs 52-53m² (as proposed). In addition, the wrong roof areas were used, the wrong opening and glazing areas, and even the wrong numbers of floors. Furthermore, the SAP sheets contain the same copy twice for the two different flats. We would like to draw the council's attention that this is version 4 of the sustainability statement. It is still so wrong, we can only imagine the details were copied from an entirely different project. On that basis, the SAP calculations, in their entirety, cannot be relied upon. The applicant conceded that the units would overheat¹⁴ but the design does not show any mitigations.

More crucially, the proposal will not meet the target for 20% carbon emission reduction by on-site renewables as per Haringey's policy. The potential energy calculations generated by PVs is exaggerated by 35-40%.¹⁵

The Sustainability Statement acknowledges PV non-viability by summarising:

¹¹ Response to Council 2 July 2025

¹² See Choiceplace Properties Ltd v Secretary of State for Housing Communities and Local Government [2021] EWHC 1070 (Admin) and para 4 *et seq* below

¹³ Akera May 2024

¹⁴ Energy Strategy stated that passive solar shading will very likely be required to address overheating and meet Part O requirements

¹⁵ See Cook & Cardenas Ltd Energy Solutions report 25 March 2025 submitted by Mr W Chan with his objection

*“An appraisal into viable renewable technologies was conducted to identify where green technologies could be installed, offering a displacement in energy and residual carbon emissions. The study proved that PV was the best option. However, **with site restraints, conservation issues and the low yield of the PV, this has been discounted**”.*¹⁶ (emphasis added)

Consequently, the conclusion of the Sustainability Statement, attributes 0.00 Tonnes of CO2 savings per annum from renewable energy, per 'Be Green'.

(h) Misapplication of Planning Flexibility

The applicant continues to advocate for flexibility in planning decisions. However, they have failed to acknowledge that such flexibility¹⁷ is specifically limited to "daylight and sunlight" aspects of the development. It does not, as the applicant hopes, extend to other material planning considerations of this development. And even in relation to daylight and sunlight, the applicant themselves quotes¹⁸ from an Inspector's decision that such flexibility can be exercised only "as long as the resulting scheme would provide acceptable living standards."¹⁹ There is a clear limit to the flexibility that can be applied when a scheme consistently fails to meet planning policy and in any event physically cannot be built as depicted, or built out to provide poor quality units.

In a similar vein of wishful-thinking, the applicant seeks to justify a development contrary to planning policy with examples from other sites. As we have shown in one instance (see para 3 (a)above), the example was irrelevant and distinguishable on the facts of the development. That example is representative of the problem with all comparisons put forward by the applicant. This application must be considered on its own facts and merits (or demerits).

The Importance of Accuracy

- 4 This application has been running for 15 months, yet despite various attempts to resolve issues with new designs or information the core issues are never resolved. Indeed, far from improving the situation for the applicant, each attempt makes it worse. There is a leitmotif of confusion, inaccuracy and sloppiness which repeatedly undermines the application.
- 5 This is no minor thing. It is critically important to ensure that the correct and complete information is set out for any application, and this is recognised in the NPPF: "The right information is crucial to good decision-making"²⁰. Accurate information is a fundamental requirement for decision-making, recognized also by the Courts.²¹
- 6 Our client previously commissioned reports from various experts to review the application material in detail. Whilst those experts have been consulted on the newly submitted documents and their comments have informed the analysis in this letter, nevertheless they have not this time produced formal reports. Obviously, the process is an expensive one for our client and they are keen to keep costs focused and efficient. Therefore, we would ask that, if the Council is minded to grant this permission, we be given an opportunity to obtain formal reports as before.

¹⁶ Applicant's "Planning Stage Sustainability Statement", PR4V

¹⁷ NPPF para 130(c)

¹⁸ Response to Council, Gracechurch Town Planning 2 July 2025, p3

¹⁹ APP/B5480/W/24/3339526

²⁰ NPPF para 44

²¹ Choiceplace Properties Ltd v Secretary of State for Housing Communities and Local Government [2021]EWHC1070 (Admin)

- 7 We appreciate the patient approach the Council has taken in relation to allowing numerous attempts to “get it right” by the applicant, over a period of 15 months. However, on the basis of what the Council has before it, a decision to approve cannot safely be made. Furthermore, we reserve our client’s right to make further comments if/when more information is submitted. We urge the Council to refuse this application.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'RBS' with a stylized flourish.

RICHARD BUXTON SOLICITORS