

Mr David J. Wylson
The Cottage
54B Cecile Park
London
N8 9AU

Mr. Rob Krzyszowski
Head of Policy, Transport & Infrastructure Planning
LB Haringey
6th Floor, River Park House
255, High Road
Wood Green
London
N22 8HQ

24th August 2020

Dear Mr Krzyszowski,

Re: 29 Haringey Park, N89JD LPA Ref: HGY/2020/1826 - Construction of a three-bedroom dwelling with associated works.

I am a resident in the cottage, 54B Cecile Park, N8 9AU located at the eastern end of the Abbots Terrace/Back Lane which forms the sole access to the two Cottages, the Derwent Court integral garages and garden.

I strongly object to the above planning application on the following grounds.

Does the application comply with planning procedure?

The applicant proposes under 'associated works' to resurface frontage areas of adjoining private land along the Back Lane/Abbots Terrace which the applicant neither owns nor has agreement with all frontage owners to do the said works. Apart from 1-6 Abbots Terrace and 30,31,32 Haringey Park these owners, in particular those on Cecile Park do not appear to have been notified by the applicant. I trust the Council is satisfied that all owners have been notified as required under Certificate B of the Town and Country Planning (Development Management Procedure) (England) Order 2015. In any event the frontage owners in Cecile Park should have been included in the Council's consultation process.

Development is incapable of implementation

This applicant's speculative development scheme is, in my opinion, fundamentally flawed in that setting aside all the many design and construction issues with the scheme it is incapable of being implemented given the fact that implementation of the access proposal, which as I understand was required by the Planning Inspector who, as you will know, actually dismissed an appeal into the previous scheme for this site, is outside of the ownership of the applicant and thereby beyond his control. The site has no independent access from Haringey Park, which in practice requires the property to be serviced from the Abbots Terrace/ Back Lane, including refuse collection. There is no proper fire service access. There is no agreement for utility provision or main drainage over adjoining land.

In the short term even if permission is actually granted for this flawed scheme the first major problem which will be faced by all the residents who use the Abbots Terrace/Back Lane will be the construction works which will start with the excavation and removal, by lorry of some hundreds of cubic metres of clay soil and hardcore to create the basement and foundations. This is only the start of the disruptions as aggregate concrete and all building materials will have to be delivered to site. On top of this are the proposed works of drainage, service connections and the proposed road surfacing, which would appear to involve the excavation of up to a metre in depth of the existing Back Lane surface. The applicant has given no indication of the total number of required lorry movements to undertake actual development and construction. The applicant's Construction Traffic Management Plan has no practical credibility.

Inappropriate development in Conservation Area

The development fails to protect or enhance the character of the Conservation Area. The proposed 'angular roofed blockhouse' is visually intrusive, inappropriate and unsympathetic to the predominantly Victorian residential property in the locality. Number 29 Haringey Park is a local listed building under the adopted conservation area appraisal.

The development bears no relation to the existing pattern of the neighbourhood development. Importantly the site is not located on a primary residential frontage. It is 'backland' development.

The applicant proposes to resurface part of the un-adopted Back Lane. The provision of a hard surface including 'sure green' permeable concrete paving blocks in whole or part of such a surface will detract from the special character and appearance of this part of the Crouch End Conservation Area. This historic former farm lane has a natural gravelled surface. The proposed development includes provision for a gate and one car. However, the turning circle onto the Back Lane at this point is inadequate.

The garage uses along the Abbots Terrace/Back Lane are ancillary to the residential uses. They do not constitute independent development. The proposed development site was historically used as the vegetable garden for 29 Haringey Park, with an ancillary garage in one corner.

This speculative development site is not brownfield land. The 1950s-planning permission was granted outside an appropriate policy framework and was never implemented. This area should be designated as 'protected land'.

Generates light pollution

The proposed line of bollard lights along the Back Lane will create a perimeter fence lighting effect. Crime prevention studies indicate that outdoor security lights are only effective if people are able to watch for suspicious activity, otherwise they assist criminality. The proposed bollard lights will cumulatively add to the light pollution created by the development.

Limitations in council legal agreement

Local residents have been led to understand by the applicant that the Council is contemplating accepting a commitment from the applicant to carry out works to the Back Lane (which is not in the applicant's ownership) to bring it to a sufficient standard to overcome the previous objections by the Council and the Planning Inspector concerning the perceived inadequacy, particularly in relation to pedestrian safety, of the Abbots Terrace/Back Lane to service the proposed development. Having studied the Inspectors report (App Ref: App/Y5420/W/19/3226826 – Decn Date 13th August 2019) I am of the opinion that the proposed additional works to Abbots Terrace which are included in the

latest planning application from the applicant do not overcome the Inspector's objections in relation, inter alia, to the narrowness of the stretch of Abbots Terrace up to its junction with Crouch Hill and consequent concerns over pedestrian safety (see para 11).

It has been suggested that the Council could accept such a commitment from the applicant under the terms either of S.106 TCPA 1990 or S.278 Highways Act 1980. Neither of these provisions provides for the Council to secure suitable obligations from the applicant. For example, S.106, whilst it does empower the Council to accept payments from an applicant which it can then apply to off-site infrastructure works such as recreation facilities, it does not provide powers for the Council to accept a commitment from an applicant to carry out off-site infrastructure works themselves and to maintain the works indefinitely. An agreement under S.278 is only appropriate where the Council is carrying out works itself at the applicant's expense. In any event it is not clear that the proposed works will be of an acceptable standard in highway terms.

S.38 Highways Act 1980 is irrelevant as there has been no suggestion that the Council intend to adopt the Back Lane as a highway. S.230 of the Highways Act 1980 is only relevant insofar as it empowers the Council to require frontagers to private streets to carry out repairs to obviate danger to traffic.

Apart from the lack of powers there is an equally great problem with the suggested arrangements between the Council and the applicant, namely the fact that without the consent of every one of the residents with frontages to the Back lane who have rights of way acquired by prescription, the proposed works will constitute an interference with the residents' rights of way which is actionable in law and may be remedied by Court Injunction. There is no doubt that I would not be alone in resisting by lawful means any interference with my right of way for any material length of time, and certainly for the anticipated lengthy construction period for the proposed works.

Financial Liability for all frontage owners

The applicant has not clarified whether the proposed road surfacing and drainage works and the proposed lighting works, along the Back Lane/Abbots Terrace will meet the formal standards required for the road to be adopted by the Highway Authority, under Section 38 of the Highways Act 1980. If upon inspection, after an appropriate maintenance period, the Highway Authority determines that the road is not up to the necessary standard for adoption it will not be adopted or maintained at the public expense.

In the event that the roadway and lighting are not repaired or maintained by the developer in the long term, all the other frontage owners have no right to force the Council to act. The frontagers will then discover that they have become financially liable. Furthermore, as noted above, in the event that repairs are needed to 'obviate danger to traffic' the Highway Authority under Section 230 of the Highways Act 1980 is empowered to order the frontagers, at their expense, to undertake all necessary repairs and street works.

The applicant apart from creating a significant future maintenance obligation on all the frontagers to the Back Lane/Abbots Terrace, arising from their proposed development, may also provide the opportunity for the Local Authority/Valuation Officer to increase the Rateable Value of all the frontage properties.

Potential Impact on Local Wildlife

The gardens along the Abbots Terrace/Back Lane form an important green wildlife haven in the middle of the Conservation Area. It is a habitat for green and spotted woodpeckers, owls, thrushes

and the full range of garden birds. The development will create significant light pollution and destroy this special environment which may be described as 'rus in urbe' No ecology report has been submitted by the applicant.

Destroys green open space amenity

The Back Lane forms an important open space amenity for residents in the Conservation Area. The development will result in a loss of this amenity. It will have a particularly adverse impact on the amenity and quiet enjoyment of the residents in the Ravensdale Mansions. This amenity has proved to be of particular importance during the Covid 19 pandemic.

The applicant's proposed development will destroy the 'green' character of the Abbots Terrace/Back Lane which is essential and integral to the amenity of the Conservation Area.

In particular the development will destroy the continuous green unbuilt form of the north side of the Back lane, between Ivy Gardens to the west and Sandringham Gardens to the east.

Approval of this application would create a deeply concerning precedent for the encouragement of others to pursue unrelated, intrusive and damaging 'backland' development of established existing gardens and garages along the whole of the Abbots Terrace/Back Lane.

Conclusion

In conclusion, even if this speculative, intrusive and piecemeal backland development is actually capable of being implemented given the access ownership issues I have identified, I would urge that the Council's local plan and conservation area policy should be upheld and this development refused planning permission.

Refusal of this proposal would finally resolve the threat to the Conservation Area and the amenities of a significant number of residents along Abbots Terrace, Cecile Park and Haringey Park from this scheme and other schemes which might take its approval as a 'carte blanche' precedent to pursue further individual projects to the detriment of the character and enjoyment of the Abbots Terrace/Back Lane which are integral to the Crouch End Conservation Area .

In view of the opinions I have expressed regarding the limitations on the Council's powers set out under the heading "Limitations in Council legal agreement" I am seeking the views of the Borough Solicitor's Department and I enclose a copy of my letter to them.

Your Sincerely,



pp Mr. David J. Wylson