

APCAR SMITH PLANNING

Chartered Town Planning Consultants

PLANNING APPEAL STATEMENT

**LAND TO THE REAR OF
10/12 BIDWELL GARDENS
LONDON
N11 2AX**

JULY 2021

Our Ref: CA/3248

LPA Ref: HGY/2020/2762

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1.00 INTRODUCTION

1.01 This statement sets out the grounds of appeal on behalf of Ms E, Mr C and Mrs A Christou against the decision of the London Borough of Haringey to refuse planning permission for the erection of a detached dwelling house with associated hard and soft landscaping on land rear of 10-12 Bidwell Gardens, fronting Wroxham Gardens.

1.02 The planning application was submitted to the Local Authority on 26 October 2020. It was accompanied by the following plans:

Site Location Plan	Drwg No SLP-100
Existing Site Plan	Drwg No EX-100
Existing Elevation 01	Drwg No EX-101
Existing Elevation 02	Drwg No EX-102
Existing Elevation 03	Drwg No EX-103
Existing Section 01	Drwg No EX-104
Proposed Site Plan – Roof	Drwg No PL-100
Proposed GA Plans	Drwg No PL-150
Proposed Wroxham Gardens Elevation – Street Scene	Drwg No PL-200
Proposed Wroxham Gardens Elevation – Fence Removed	Drwg No PL-201
Proposed Sectional Elevation 01	Drwg No PL-202
Proposed Sectional Elevation 02	Drwg No PL-203
Proposed Landscaping Plan	Drwg No PL-300

1.03 The application was also accompanied by the following documents:

- Design and Access Statement (prepared by GT Associates).
- Lighting Report (prepared by Brooke Vincent & Partners).
- Structural Methodology Statement (prepared by Halstead Associates).
- Energy and Sustainability Statement (prepared by eb7).
- Report on a Phase 1 Preliminary Risk Assessment (prepared by Site Analytical Services Ltd).
- Drainage Strategy (prepared by Patrick Parsons)

1.04 Following the submission there were extensive discussions between the Agent for the application and the Planning Officer with revised and additional documents submitted as follows:

- Revised Drwg Nos.PL-100A and PL-202B together with Tree Survey, Arboricultural Method Statement (Rev A) and Arboricultural Impact Assessment Plan (Drwg No. ARBTECH AIA 01 Rev A) (two versions of same drawing number submitted one, one including tree protection measures on 7 January 2021.
- Revised Drwg Nos. PL-100B, PL-201A, PL-202A and PL-203A together with CGIs submitted on 24 February 2021.
- Revised Energy and Sustainability Statement submitted 8 March 2021.
- Revised Drwg Nos. PL-100C and revised Design and Access Statement (Rev B) submitted on 11 March 2021.
- Revised Drwg Nos. PL-100D, PL-150C and PL-202C and revised Design and Access Statement (Rev C) submitted on 23 March 2021.
- Videos of sites submitted for the benefit of Councillors on 13 April 2021.

1.05 As is listed on the decision notice the application was determined on the basis of Drwg Nos. SLP-100, PL-100D, PL-150C, PL-200, PL-201A, PL-202C and PL-203A.

1.06 The third party representations submitted to the Local Authority as visible on their website, and which no doubt will be provided to the Planning Inspectorate with the Local Authority's Appeal Questionnaire, are not dated when submitted on-line and therefore it is not possible to ascertain whether they were based on the original application plans or considered the amendments. The only third party representations that are dated are a letter dated 11 November 2020 from occupants of 20 Bidwell Gardens, an e-mail dated 9 November 2020 from the Muswell Hill and Fortis Green Association and a letter dated 15 November 2020 from occupiers of 12 Bidwell Gardens. Only one representation (from an occupier of 22 Bidwell Gardens) makes reference to either revised or amended plans (this referring to the revised plans of 1 March 2021) and therefore it is assumed that with this exception the third party representations were all submitted on the basis of the originally submitted application, not taking into consideration the subsequent amendments.

1.07 The application was reported to Committee with the very clear recommendation that conditional planning permission be granted. A copy of the Officer's report is provided at Appendix A. The report refers to the planning history with Officers considering the proposals

appropriately addressed previous concerns that had led to the refusal of two previous applications (which we discuss in Section 3 in our consideration of planning history) and with reference to the Council's housing delivery being substantially below target and thus identifying the presumption in favour of sustainable development as set out at Para 11 of the National Planning Policy Framework (NPPF). We consider this matter further as part of our discussion on relevant planning policy and in our appraisal.

- 1.08 Despite the recommendation as set out in the Committee report and the clear Officer presentation at the Committee meeting including responses to Councillor's queries as to why it was considered appropriate to recommend that planning permission be granted, Members' voted to overturn the Officer recommendation with planning permission being refused for the following reason:

The proposal represents an inappropriate form of infill/garden land development, resulting in harm to the character and appearance of the area, its local distinctiveness as well as to the privacy and amenity of adjoining occupiers, contrary to Policies D3 and D6 of the London Plan 2021, Policy SP11 of the Haringey Local Plan Strategic Policies 2017, Policies DM1, DM7 and DM12 of the Haringey Development Management DPD 2017 as well as the National Planning Policy Framework 2019.

- 1.09 Given the wording of the reason for refusal of planning permission it is considered that this appeal gives rise to the following issues:

- Whether the principle of development in this location is unacceptable with the appeal site having previously comprised part of two residential gardens.
- Whether the proposed development is harmful to the character and appearance of the area.
- Whether the proposed development would be detrimental to the amenity of adjoining occupiers, particularly as a result of impact on privacy.

- 1.10 An Informative on the decision letter refers to the Council having implemented the requirement in the NPPF to work with the Applicant in a positive and proactive way. In this respect the formal planning application followed the Council's formal pre-application advice process (Pre-App Ref: PRE/202/0113). This is discussed in the Design

and Access Statement with a copy of the Council's formal pre-application advice being provided at Appendix B to this statement.

2.00 SITE AND SURROUNDINGS

- 2.01 The appeal site is located on the south-western side of Wroxham Gardens, close to its junction with Bidwell Gardens which is to the south of the site. The site has a frontage to Wroxham Gardens of 9.3m. As can be seen from Drwg No SLP-100 this is of similar width to other properties in Wroxham Gardens. Indeed it is a wider frontage than all Wroxham Gardens properties in the vicinity, visible on this site location plan, with the exception of 1 Wroxham Gardens.
- 2.02 The site is of irregular shape having a side boundary (along the north-western side of the site) to 1 Wroxham Gardens. This boundary has a depth of 15.2m. The other side boundary (the eastern boundary) runs alongside the rear part of the rear garden of 8 Bidwell Gardens. This boundary has a length of 15.3m. The southern (rear) boundary is to the rear gardens of 10 and 12 Bidwell Gardens, having a length of 18m. The remaining boundary, to the west, is alongside the rear part of the garden of 14 Bidwell Gardens, having a length of 12.8m. Overall the site has an area of 316sqm. 10 Bidwell Gardens has a retained garden depth of between 15.8m and 16.3m, with a garden area of 154.3sqm and a total plot area of 319sqm. 12 Bidwell Gardens has a retained garden depth of between 12.4m and 13.6m with an overall garden area of 116.1sqm and a total plot area of 309sqm. As can be seen from the site location plan sites in the vicinity vary in their overall area. The adjacent plot, for example, at 1 Wroxham Gardens has an area of 310sqm. 8 Bidwell Gardens, to the immediate east, has an area of 270sqm.
- 2.03 From this numerical analysis it can be seen that both the street frontage and overall site area are not out of keeping with the locality.
- 2.04 The appeal site was previously part of the rear gardens of 10 and 12 Bidwell Gardens. That part of the site that was formerly part of the gardens of No.10 is owned by Mrs A Christou and has been since 1987. That part which was previously part of the rear garden of No.12 is owned by Ms E and Mr S Christou with this having been the case since 2008. Copies of Title Deeds and plans are provided at Appendix C. We are providing these since one of the objectors, when speaking at the Planning Committee meeting, was concerned that the site was in one ownership and all part of the garden of No.10 which, the objector, considered was relevant to one of the Local Authority's policies (discussed in Section 4).

- 2.05 Ground levels fall from north to south (down from Wroxham Gardens towards Bidwell Gardens) and also from north-west to south-east across the site, particularly along the Wroxham Garden frontage which drops down towards its junction with Bidwell Gardens. Spot heights can be seen on Drwg No.EX-100. There are two existing single storey buildings on the site. On the Wroxham Gardens frontage is a out-building set back 1.1m from the back edge of the pavement adjacent to the boundary with 1 Wroxham Gardens. The other is deeper into the site with its forward most corner in line with the front building line of 1 Wroxham Gardens.
- 2.06 The site is set behind a 1.8m high close boarded fence along the Wroxham Gardens frontage. That out-building close to the back edge of the pavement can be seen above that fence from Wroxham Gardens and also above the fence on the boundary with 1 Wroxham Gardens. This fence then continues along the rear boundary of 8 Bidwell Gardens and the side boundary of 6 Bidwell Gardens continuing down to the junction with Bidwell Gardens itself.
- 2.07 There are a number of individual trees and one small group within the site as identified in the submitted Tree Survey. There is also a hedge along the boundary with 8 Bidwell Gardens. The Tree Survey identifies the individual trees as either being in poor, fair or good condition with the majority being identified as being of low amenity value. One tree is identified as Category U. All others are identified as Category C.
- 2.08 Immediately adjacent to the application site is 1 Wroxham Gardens with an attached single garage. The main flank elevation of the house is between 5.7m and 6.9m from the boundary with the appeal site. The flank wall of the garage is between 3.1m and 3.7m from the boundary.
- 2.09 To the east of the site is a single detached garage fronting Wroxham Gardens, situated at the far end of 8 Bidwell Gardens. This is positioned at an angle to the Wroxham Gardens frontage with hard standing in front.
- 2.10 Wroxham Gardens comprises two storey semi-detached housing the majority with hipped end roofs. Some properties exhibit gable end roofs. It is unclear whether these are original or are as a result of roof extensions. A variety of extensions are visible from the street including front and side dormer windows and a variety of single storey side extensions. The properties on the north-eastern side of Wroxham Gardens are elevated with steps up from the pavement to the front

doors. Wroxham Gardens is a no through road with pedestrian access through to Tunnel Gardens to the north-west. Tunnel Gardens contains two storey flat roofed housing.

- 2.11 Bidwell Gardens also consists primarily of semi-detached housing. At the junction with Wroxham Gardens is a terrace of three properties – Nos.6, 8 and 10. No.10 is thus an end of terrace property. No.12 is a semi-detached property. A number of properties have single storey side extensions, flat roofed and pitched roof. There are a variety of hipped and gable end roofs to the houses.
- 2.12 6 Bidwell Gardens, on the corner with Wroxham Gardens, has two separate pitched roof single storey side extensions, that at the rear projecting in part up to the edge of the pavement, plus a rear dormer involving a hip to gable end roof extension. All three extensions are clearly seen from Wroxham Gardens.
- 2.13 The site is not within or in proximity to a Conservation Area. It is approximately 700m to the west of closest Conservation Area boundary. There are no listed or locally listed buildings in the vicinity of the site. There are no open space or biodiversity designations affecting the appeal site or land in its immediate vicinity. Land to the south of Bidwell Gardens is identified by the Local Authority as Metropolitan Open Land and part of it also identified as a Local Site of Importance for Nature Conservation (SINC). To the north-east of Wroxham Gardens (beyond the properties on the north-eastern side of the road and following the line of a tunnel above a railway line, the land) is identified as an Ecological Corridor and SINC Grade II. Neither the appeal site itself, nor any of the land in the vicinity, are covered by these designations. We make this point as we have noted a third party speaking at the committee meeting suggested that the site forms part of an ecological corridor.
- 2.14 The site is not within a Controlled Parking Zone and there are no restrictions on on-street parking in the vicinity. According to the Transport for London Planning Information Database the site has a PTAL rating of 3 being within 4 minutes walk of stops serving 3 different bus routes and within a 10 minute walk of Bounds Green London Underground Station. A copy of the PTAL report is provided at Appendix D

3.00 PLANNING HISTORY

- 3.01 Planning permission was refused by the Local Authority in October 2012 (Ref: HGY/2012/1530) for the erection of a new two storey 3 bedroom detached dwelling with a new crossover to Wroxham Gardens. The reason for refusal of planning permission stated:-

The proposal by reason of its size, design, siting and overall mass is considered to be unduly dominant and oppressive and would have an overbearing and detrimental visual effect on the residential and visual amenities of neighbouring properties and the level of privacy currently enjoyed. In addition the dwelling would have an adverse effect on the character and appearance of the street scene, would be out of keeping with the area and reduce an existing open and verdant space. As such the proposal is contrary to Policies UD3 General Principles, UD4 Quality Design, SPG1a Design Guidance and SPD Housing of the Haringey Unitary Development Plan.

- 3.02 The proposed plans showed a two storey dwelling plus traditional pitched roof above with the first floor following the front building line of 1 Wroxham Gardens but with approximately two thirds of the ground floor stepping forward of this. The rear building line was also similar to that of 1 Wroxham Gardens. On the rear elevation at first floor level the plans showed a bedroom and a bathroom window; at ground floor level a kitchen window and dining room window were shown. Both the dining room and bedroom window (the latter at first floor level) would have been within 5m of the boundaries of the rear gardens of both 12 and 14 Bidwell Gardens.
- 3.03 An appeal against the Council's refusal of planning permission was subsequently dismissed. The Inspector referred to the appeal site making only a limited contribution to the character of the area when viewed from the public realm as a result of its boundary fence along Wroxham Gardens and to the side of 6 Bidwell Gardens (the Inspector refers at Para 4 to the latter as detracting from the character of the area). Whilst the appeal was dismissed the Inspector raised no objection to the principle of development. The appeal was dismissed for reasons relating to the design and form of the new dwelling, it being dominant and overbearing when viewed from the rear windows of Nos.12 and 14 Bidwell Gardens and from their rear gardens,

overlooking from the rear bedroom window into the rear garden of No.14 Bidwell Gardens and to a lesser degree to that of No.12. There were no concerns in respect of window to window overlooking nor were there concerns in respect of overlooking from the ground floor windows. The concern in this respect related solely to the proposed first floor rear bedroom window. This is relevant to that aspect of this appeal which relates to privacy and amenity.

- 3.04 A copy of the appeal decision and the plans from this 2012 application are provided at Appendix E.
- 3.05 Subsequently, in 2014, a revised application was submitted for the erection of a single storey dwelling on the site (Ref: HGY/2014/0718). Whilst single storey the proposed plans showed a substantial pitched roof with a ridge height of 5.3m above average ground level and eaves height on the front elevation adjacent to 1 Wroxham Gardens of 2.65m and, on the far side, of 2.9m.
- 3.06 Planning permission was refused by the Local Authority for two reasons as follows:
1. The proposal by reason of its character and appearance would conflict with the objectives of Policies UD3 of the Haringey Unitary Development Plan (UDP) and the adopted Supplementary Planning Guidance SPG1a Design Guidance and the Housing Supplementary Planning Documents (SPD), which require development proposals to compliment the character of the surrounding area and be of a high design quality. The proposal would conflict with the core planning principle of the National Planning Policy Framework (the Framework) relating to high quality design, and the account that should be taken of the character of different areas.
 2. In the absence of a full topographical survey, it has not been demonstrated to the satisfaction of the Local Planning Authority that the siting and design of the new dwelling would not be detrimental to the living conditions of existing residents at Nos.12 and 14 Bidwell Gardens, through loss of outlook and privacy. The proposal would therefore conflict with the objectives of Policy UD3 of the UDP relating to residential amenity, and the guidance on privacy, overlooking, aspect and outlook within the housing SPD and the core planning principle of the Framework

which seeks to secure a good standard of amenity for all existing occupants of land and buildings.

- 3.07 Given the very clear comments of the Appeal Inspector when dismissing the previous proposals the wording of the second reason for refusal of planning permission is considered surprising, ignoring the fact that the previous Appeal Inspector's concerns in respect of privacy related only to overlooking of the rear garden of 14 Bidwell Gardens, and to a lesser extent that of No.12, from the previously proposed first floor bedroom window. With this second application being a single storey dwelling there was no opportunity for such overlooking. No appeal was lodged against this decision. Again relevant to this current appeal is the fact that no concern was raised in respect of the principle of development on garden land. It is noted that the Officer's report acknowledges the previous Appeal Inspector's comments in respect of the site making a limited contribution to the prevailing character of the area.
- 3.08 The plans from this 2014 decision are provided at Appendix F.`
- 3.09 In response to the comment in the second reason for refusal regarding the absence of a full topographical survey the application the subject of this appeal was submitted following such a survey having been undertaken. The existing site plan (Drwg No EX-100) submitted with the application the subject of this appeal provides full detail of that topographical survey including ground levels within and adjacent to the site. It has been noted that boundary line with the rear of Nos.10 and 12 Bidwell Gardens were shown slightly incorrectly on the 2012 and 2014 applications and that they also under-estimated the plot size, referring to it as 280sqm whereas in fact, based on the accurate topographical survey, it is 316sqm. Those previous plans also incorrectly showed the site as still forming part of the gardens of Nos.10 and 12 Bidwell Gardens.
- 3.10 Prior to the planning application the subject of this appeal being submitted a formal request for pre-application advice was made to the Local Authority. This is referred to in the Design and Access Statement submitted with the planning application. The pre-application advice subsequently received from the Local Authority is provided at Appendix B.
- 3.11 The pre-application advice made clear the fact that the principle of the proposal was considered acceptable, the front elevation was amended

to incorporate additional articulation as suggested (as can be seen from comparing the proposed front elevation submitted with the formal application with that on Page 4 of the Design and Access Statement which discusses the pre-application advice), the positioning of the bedroom windows was changed to respond to the advice and the layout amended as suggested to respond to Building Regulations. To respond to the comments in respect of trees and landscaping a green roof was incorporated and additional planting proposed.

4.00 PLANNING POLICIES

- 4.01 The refusal of planning permission refers to National Planning Policy Framework 2019 (but without reference to any particular sections or paragraphs of that), to Policies D3 and D6 of the London Plan, Policy SP11 of the Local Authority's Local Plan Strategic Policies and Policies DM1, DM7 and DM12 of the Local Authority's Development Management DPD. We comment on the proposals below in the context of those policies specifically stated as well as others which we consider to be of relevance. We comment solely on the policies relevant to the main issues as identified at Para 1.08 as well as policies relevant to the Housing Delivery Test and the presumption in favour of sustainable development. The Local Authority are clearly satisfied that the proposals comply with all other policies such as those relating to amenities of future residents, car and cycle parking, landscaping and biodiversity etc.

NATIONAL PLANNING POLICY FRAMEWORK (2021)

- 4.02 At the time the planning application was determined the National Planning Policy Framework in place was that published in 2019. In July 2021 that was updated. Our comments in respect of the NPPF as set out below are based on the 2021 publication as we are aware that it will be that which the Inspector will have regard to when considering the merits of the appeal proposals. The document has not been substantially changed insofar as matters relevant to this appeal are concerned.
- 4.03 Given the wording of the reason for refusal of planning permission it is assumed the assertion in that, that the proposals are contrary to the NPPF, would relate to matters set out in Section 12 of that document entitled "Achieving Well-Designed Places". Para 130 of Section 12 is particularly relevant. The proposals are considered to comply with the requirements as follows:
- a) The proposed development will function well and is considered to add to the overall quality of the area.
 - b) The proposed development will be visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
 - c) The proposed development will be sympathetic to local character. It is noted that at Point (c) the NPPF specifically states that appropriate innovation or change, such as

increased densities, should not be prevented or discouraged. In this respect it is considered that the proposed development is precisely this – innovative design which responds to the site characteristics without harming the local character. The NPPF does not require replication of design or general vernacular.

- d) The proposals respond to the arrangement of the street by having a frontage to Wroxham Gardens, following the front building line and set back from the back edge of the pavement, following the existing arrangement of the street and thus maintaining the sense of place whilst incorporating appropriate design innovation as referred to at Point (c) above.
- e) As required the proposals optimise the potential of the site.
- f) The design is inclusive and accessible with a high standard of amenity for existing and future users.

4.04 Para 128 refers to design guidance, if in place, allowing for a suitable degree of variety (Para 126 of the 2019 version included a very similar comment).

4.05 Of particular relevance to the consideration of this appeal is Para 11 of the NPPF (the paragraph number has not changed between the 2019 and 2021 versions). As identified in the Officer's report to Committee Para 11 sets out the clear presumption in favour of sustainable development. The 2021 version introduced, at sub-paragraph (a), which relates to plan making, reference to making effective use of land in urban areas. Importantly this does not distinguish previously developed land and garden land and therefore encourages effective use of all land in urban areas in order to promote a sustainable pattern of development to meet needs. Para 11(d) states that where the policies which are most important for determining an application are out of date planning permission should be granted unless, as referred to at Point (ii), any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. A footnote to this paragraph, explaining what is meant by the reference to policies being "out-of-date", makes clear that this includes applications involving the provision of housing where the Local Planning Authority cannot demonstrate a 5 year supply of deliverable housing sites or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over

the previous 3 years. This is discussed in detail in the Officer's report (Appendix A to this statement) with Para 6.12 of that report confirming that the Council's delivery of housing has been substantially below its housing target over the last 3 years.

- 4.04 Section 4 of the NPPF encourages pre-application engagement. The application the subject of this appeal followed the submission of a formal request for pre-application advice. The formal planning application took on board the pre-application advice received and responded to subsequent requests from the Planning Officer for further information and amended plans. The wording of the Informative on the decision letter suggests that the Applicant did not follow that advice. This was not the case as is referred to at Para 1.09 above.
- 4.05 Section 5 guides in respect of delivery of a sufficient supply of homes. Para 60 (previously Para 59) acknowledges that to support the objective of significantly boosting the supply of homes it is important that a sufficient amount and variety of land can come forward where it is needed. For the reasons discussed above in connection with Para 11, additional land is clearly needed for new housing within the London Borough of Haringey.
- 4.06 Para 69 of the NPPF (previously Para 68) recognises that small sites can make an important contribution to meeting the housing requirements of an area, often being built out relatively quickly. Para 69(c) thus requires Local Authorities to support the development of windfall sites, giving great weight to the benefits of using suitable sites for homes. Whilst Officers, recommending that planning permission be granted, acted on this basis the Councillors, in overturning their recommendation, did not.
- 4.07 It is acknowledged that Para 71 (previously Para 70) makes reference to development plans considering the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. The Local Authority do have such policy in their Local Plan (as discussed below). Para 71, however, stresses that the policies should only potentially resist "inappropriate" development of residential gardens whilst it is acknowledged that the appeal site was previously part of two residential gardens it is not considered that the proposed development is inappropriate. It is very different to the majority of garden

developments by having a street frontage similar to other plots in the vicinity.

- 4.08 Para 120(d) (previously 118(d)) requires planning decisions to promote and support the development of under-utilised land and buildings especially if this would help meet identified needs for housing where land supply is constrained. Again the Officer's report took account of this but Councillors did not.
- 4.09 The NPPF requires development to make efficient use of land. This is referred to at Para 124 (previously Para 122). It is acknowledged that makes reference to the desirability of maintaining an area's prevailing character and setting, including residential gardens. However where the development of part of a garden fits in with the overall prevailing character, such as is considered to be the case with the appeal site given its wide street frontage efficient use of the land is encouraged by Para 124.
- 4.10 In this respect the appeal site is very different to the majority of residential gardens. The proposed dwelling is not situated on a back-land site as would be the case with the majority of developments on garden land, with any build approved on the majority of rear gardens requiring access adjacent to the street frontage dwelling. It is considered that the Councillors have failed to distinguish this important aspect of the appeal site when overturning their Officers recommendation.

THE LONDON PLAN (2021)

- 4.11 The reason for refusal of planning permission refers to Policies D3 and D6. We also consider Policies GG2, H1 and H2 to be of relevance to the three identified issues (as referred to at Para 1.08).
- 4.12 Policy D3 requires that site capacity be optimised through a design-led approach. Part A requires that development make the best use of land, optimising a site's capacity, ensuring that development is of the most appropriate form and land use. It requires consideration of design options to determine the most appropriate form of development. In this regard the previous two applications have made clear that, in terms of form of development a typical two storey house with pitched roof is not appropriate nor is a bungalow with substantial pitched roof. The proposals have responded to this. In terms of land use given the

location of the site it is not considered that there is any more suitable use of the land.

- 4.13 Part B of Policy D3 refers to higher density development generally being promoted in locations well served by public transport. The site has a PTAL rating of 3 which is a mid-range public transport accessibility level and therefore it is acknowledged that a high density development would not be appropriate in this location. However the proposals do not give rise to a high density development being of similar density to the surrounding area as is evidenced by our analysis of surrounding site areas at Section 2. As referred to at Para 2.02 the site area (and hence density in terms of dwellings per hectare) is similar to the site areas of 1 Wroxham Gardens and 8 Bidwell Gardens. Likewise the plot sizes of 10 and 12 Bidwell Gardens are very similar.
- 4.14 Furthermore Part C of the policy requires that, in other areas, incremental densification should be actively encouraged by Boroughs to achieve a change in densities in the most appropriate way. It requires that this be interpreted in the context of Policy H2 which relates to small sites and which we discuss below. It is considered that the proposed development achieves precisely this – an incremental densification in an entirely appropriate way.
- 4.15 It is considered that the proposals comply with Part D of the policy with the layout, orientation and scale paying due regard to the street hierarchy and building types, forms and proportions. It is acknowledged that Part D(1) refers to responding to appearance and paying due regard to building types. However this does not mean that a more contemporary development appropriate to the site and with very little impact on the character of the area as a result of the scale and design, would not be inappropriate. Indeed to comply with those aspects of the policy that require incremental densification and optimisation of site capacity it needs to be acknowledged that replicating the form and design of existing buildings is not always going to be possible or indeed the most appropriate solution for a site.
- 4.16 Part D(7), which refers to development delivering appropriate outlook, privacy and amenity, is also clearly of relevant to the main issues that this appeal gives rise to. The proposals have been designed to ensure no unacceptable impact on neighbours amenities, including their outlook and privacy as we discuss further below. The Officer's report to Committee (Appendix A) discusses impact on amenity of adjoining occupiers in detail at Paras 6.22 to 6.27. As can be seen from the

detailed Minutes of the Committee Meeting (Appendix G) Councillors did not make clear what their concerns in respect of privacy and amenity generally were. We return to a detailed analysis of the proposals, their relationship with neighbouring properties and potential harm to amenity in the following section of this statement. As we discuss it is considered that the proposals deliver appropriate outlook, privacy and amenity as the policy requires.

- 4.17 Policy D6 relates to housing quality and standards. It is not clear why the Local Authority chose to refer to this policy when overturning their Officer's recommendation as it relates to the quality of a proposed residential development itself – with the Committee accepting that the quality of the proposed residential accommodation would be acceptable (this being discussed in Paras 6.28/6.29 of the Officer's report to Committee and, as can be seen from both the wording of the reason for refusal and the Committee Minutes, no issue having been raised with regard to the quality of the proposed accommodation). The proposed dwelling has adequate sized rooms in compliance with the requirements of Table 3.1 to which the policy cross-refers with a comfortable and functional layout complying with Part A of the policy. The development complies with Part B by providing for a sustainable development. It complies with Part C by providing a dual aspect dwelling - indeed the proposed dwelling will be triple aspect. The proposals also comply with Part D by providing sufficient daylight and sunlight complying with the BRE Guidance as the Lighting Report produced by Brooke Vincent & Partners at application stage demonstrates. Additionally the proposed dwelling will have appropriate storage in accordance with Part E and will meet the minimum standards, both internally and externally, in accordance with Part F.
- 4.18 Policy GG2 requires that the best use be made of land. Part A refers to enabling the development of brownfield land and sites within and on the edge of town centres as well as using small sites. Given the specific reference to small sites, with it being clear from the wording of the policy that these need not be brownfield or edge of centre, the fact that the appeal site is not brownfield land (being acknowledged garden land) does not render the development unacceptable in principle. Part B of the policy requires that sites well connected by public transport be prioritised. With the appeal site having a PTAL rating of 3 it is reasonably well connected by existing public transport. Furthermore Part C requires that consideration be given to the potential to intensify the use of land to support additional homes with reference to

promoting higher density development where well connected to jobs etc by public transport, walking and cycling. The appeal site is reasonably well located in terms of public transport accessibility and thus the increased density arising from one additional dwelling is considered acceptable. It is considered that the proposals comply with Part D of the policy following a design led approach. With regard to Part F the site is not open space or designated land. The other aspects of the policy are of no direct relevance.

- 4.19 Policy H1 relates to the importance of increasing housing supply. It cross refers to Table 4.1 which sets out 10 year targets for net housing completions for each local authority. The target referred to in Table 4.1 for the London Borough of Haringey is 15,920 dwellings. We return to this below as part of our consideration of LB Haringey planning policy. Part B of the policy sets out how Boroughs should achieve their housing targets with Part B(1)(b) referring to encouraging development on appropriate windfall sites, especially from the sources of supply listed in B2. B(2) requires that Boroughs optimise the potential for housing delivery on a variety of suitable sites, including small sites, with cross reference to Policy H2.
- 4.20 Policy H2 requires, at Part A, Boroughs to proactively support well designed new homes on small sites, identified as sites of below 0.25 hectares and thus including the appeal site. Part A(1) refers to significantly increasing the contribution of small sites to meet London's housing needs with Part A(2) referring to diversifying the sources, locations, type and mix of housing supply. Part A(3) refers to supporting small and medium sized house builders with Part A(4) requiring that those wishing to bring forward custom, self-build housing being supported. Part A(5) cross refers to minimum targets for small sites as set out in Table 4.2. For LB Haringey the 10 year target from small sites is 2,600 dwellings.
- 4.21 The supporting text to this policy, at Para 4.2.1, refers to increasing the rate of housing delivery from small sites as being a strategic priority and comments that achieving this objective will require positive and proactive planning by Boroughs in terms of both planning decisions and plan making. It is considered that the Committee's decision to overturn the Officer's recommendation for the application the subject of this appeal, despite the very clear analysis of the proposals, failed to comply with this requirement.

- 4.22 We would also draw attention to Para 4.2.4 which is another supporting paragraph to this policy. It refers specifically to incremental intensification of existing areas with PTAL ratings of between 3 and 6 (and therefore including the appeal site which has a PTAL rating of 3) being expected to play an important role in contributing towards the housing targets for small sites. The paragraph refers to this taking a number of forms including new build and infill development. Thus the supporting text to Policy H2 makes clear that the type of development proposed, being a new build dwelling on an infill site, is specifically encouraged by the London Plan..

LB HARINGEY STRATEGIC POLICIES 2013-2026 (2013)

- 4.23 The reason for refusal of planning permission refers specifically to Policy SP11. We also consider Policies SP0, SP1 and SP2 to be of relevance and therefore also comment on these policies below.
- 4.24 Policy SP11 refers to design, generally requiring all new development to enhance the built environment. The first bullet point of the policy is considered relevant to the reason for refusal, this requiring development to respect its local context and character and contribute to the Borough's sense of place. However neither the policy nor the supporting text refer to design needing to replicate that of neighbouring or surrounding buildings. It is considered that the design of the proposed development is wholly appropriate in the context of this policy responding to the site in an entirely acceptable way.
- 4.25 The site is within what the document identifies as the Muswell Hill Neighbourhood. Para 1.3.61 refers to the area providing for modest growth on both brownfield and infill sites, to provide a range of housing accommodation, whilst recognising that the preservation and enhancement of conservation areas and green spaces are important. The appeal site is not within a Conservation Area nor do the proposals affect any green spaces. The proposals provide for an appropriate form of modest growth which the Council recognise as appropriate for infill sites in this area..
- 4.26 Policy SP0 sets out the Council's presumption in favour of sustainable development, referring to the Council taking a positive approach that reflects this presumption as set out in the NPPF. Whilst Planning Officers had regard to this policy in their recommendation to Committee unfortunately the Councillors failed to do so when overturning that recommendation.

4.27 Policy SP1 refers to the Council maximising the supply of additional housing to not just meet but exceed its minimum strategic housing requirement. That requirement is referred to in the policy as being 19,802 homes over the plan period from 2011 to 2026 – ie; a 15 year plan period. That equates to 1,320 additional homes per year. However as referred to above the London Plan 2021 sets a 10 year target for Haringey of 15,920 dwellings – ie; an annualised target of 1,592. This demonstrates that the current LB Haringey have insufficient land to meet their London Plan housing target with an annualised deficit, based on the figure referred to in Policy SP1, of 272 dwellings. This translates to a deficit of 2,720 dwellings over the London Plan 10 year period – a 17% under-provision. This is considered to be of fundamental relevance to the way in which the principle of the proposed development is considered in accordance with Para 11 of the NPPF.

4.28 Policy SP2 refers to the same target of 19,802 homes between 2011 and 2026 and thus the same comments apply as in the preceding paragraph. The policy includes reference to the Council aiming to provide homes to meet Haringey's housing needs and make the full use of capacity for housing by maximising the supply of additional housing to meet and exceed this target. It is considered that the way in which the Councillors approached the determination the subject of the application the subject of this appeal is contrary to this stated aim.

LB HARINGEY DEVELOPMENT MANAGEMENT DPD (2017)

4.29 The reason for refusal of planning permission refers to Policies DM1, DM7 and DM12. In addition we consider Policies DM6, DM10 and DM14 to be of relevance and comment on all below.

4.30 Policy DM1 relates to the delivery of high quality design. Part A requires development to contribute to the character and amenity of a local area. There is reference to the Council supporting design-led development proposals which relate positively to neighbouring structures and make a positive contribution to a place, improving the character and quality of an area. In this respect the previous Appeal Inspector's comments in 2014, which refers to the site making a limited contribution to the prevailing character of the area particularly when viewed from the public realm (Para 4 of the appeal decision at Appendix ?) is of relevance.

- 4.31 Part B of Policy DM1 refers to proposals relating positively to their locality having regard to height; form, scale and massing; urban grain; maintaining a sense of enclosure and where appropriate following existing building lines; rhythm of neighbouring and local building and plot widths; active frontages to the public realm; and distinctive local architectural styles, detailing and materials. Matters in these respects are discussed in detail in the following section in connection with the second of the main issues that have been identified at Para 1.08. For the reasons discussed it is considered that the proposals comply with the policy.
- 4.32 The Local Authority have not raised any concern in respect of the matters to which Part C refers – land form; levels, slopes and fall of the grounds; trees on or close to the site; landscape boundary treatment; or biodiversity matters.
- 4.33 Part D of the policy relates to matters concerning privacy and amenity of a development's future users and neighbours. As is discussed further in the following section in connection with the third of the main issues we have identified at Para 1.08 it is considered that the proposals comply with all aspects of Part D, providing appropriate sunlight, daylight and open aspects to all parts of the development and adjacent buildings and land; providing an appropriate amount of privacy to residents of the future development and neighbouring properties avoiding overlooking and loss of privacy; and not giving rise to any issues in respect of vibration, noise, fumes, odour, light pollution or micro-climate conditions.
- 4.34 Policy DM7 is relevant to the principle of the proposed development referring to development on infill, back-land and garden land sites. Part A of the policy refers to a presumption against the loss of garden land unless it represents comprehensive redevelopment of a number of whole land plots. The appeal site comprises two separate land plots as can be seen from the Land Registry details at Appendix C. It is acknowledged that this is not the entire plot of 10 Bidwell Gardens. However were plots not to ever be divided increased development and intensification, particularly of small sites as the London Plan requires, would rarely be possible. Furthermore it is clear from Part B of the policy that the Local Authority are not suggesting that a development of garden land should be resisted as a matter of principle. Part B sets out the requirements for infill, back-land and garden land. When considering Part B it should be borne in mind that the appeal site is not a "back-land" site, having a frontage to Wroxham Gardens and indeed a

slightly wider frontage than other plots. It is considered that the proposals comply with Part B by relating appropriately to the surrounding area; providing a site specific and creative response to the built and natural features of the area (as referred to at Part B(b)); safeguarding privacy and amenity of neighbours within their houses and rear gardens; retaining and providing adequate amenity space for existing and new occupants; having a street frontage; and not being a gated form of development. For the reasons discussed in detail in the Officer's report to Committee (in particular Paras 6.16 to 6.21) and as discussed in the following section, it is considered that the proposals comply with this policy and thus the fact that the site was previously part of two residential gardens should not render the development unacceptable as a matter of principle.

- 4.35 Policy DM12 relates to matters concerning housing design and quality. Part A requires that all new housing be of high quality, taking account of the privacy and amenity of neighbouring uses and meet or exceed minimum internal and external space standards as set out in the London Plan. The Council are clearly satisfied in respect of space standards. We return in the following section to matters in respect of privacy and amenity. As required by Part B there is access from the dwelling to its private garden/amenity space. The remainder of the policy is not relevant to the proposals.
- 4.36 We would also refer to Policy DM6 which relates to building heights. It is acknowledged that the policy primarily relates to tall buildings. However Part A is applicable to all development proposals stating that the Council expects building heights to be of an appropriate scale which respond positively to a site's surroundings, the local context and the need to achieve a high standard of design in accordance with Policy DM1. This does not require that development proposals be of the same height as neighbouring properties and indeed any such requirement would be inconsistent with principles of urban design. It is clear from the policy generally that building heights/number of storeys need not be the same as neighbouring buildings with Part B referring to taller buildings that project above the prevailing height of the surrounding area needing to be justified in design terms. The same should apply to buildings, such as that proposed, which are lower in height than the prevailing character of the surrounding area. This reduced scale would not render a development unacceptable in principle for the same reason as a taller building would not be considered unacceptable as a matter of principle despite the references in Policy DM1 to development contributing to the character

of an area. It is clear from the acceptance of tall buildings as referred to in Policy DM6 that the fact that a building is of a different height – which would normally mean it is of a different design and character – is not in itself unacceptable.

- 4.37 Policy DM10 is of relevance given that the proposal would be classified as a “windfall” development. Part D of this policy advises that such development would be acceptable where complying with relevant policies of the Plan. For the reasons discussed it is considered that the proposed windfall development on the appeal site complies with all relevant policies.
- 4.38 Policy DM14, which relates to self-build and custom build housing, is also of relevance. The proposed development is considered as custom build housing as it has been specifically designed for the site in question. The supporting text to this policy refers, at Para 3.23, to sites required to accommodate self or custom build units being likely to be sites with limited large scale housing potential but could, with the input of an innovative architect, provide an exemplar and bespoke housing scheme which would provide high quality accommodation. By reference in this paragraph to “innovative architect” and “bespoke housing scheme” it is clear that the Council are not expecting self-build or custom build housing to replicate the design and appearance of neighbouring properties. There is no reason why the same principles should not apply for an infill development such as that proposed even if not intended as a “self-build” project. The proposed development has had the input of an innovative architect on this occasion, overcoming the concerns that led to the refusal of the two previous applications, providing a bespoke development designed specifically for this site in a manner which it is considered overcomes the previous concerns.

5.00 PLANNING APPRAISAL

- 5.01 Within this section of the statement we consider the three main issues arising from the reasons for refusal of planning permission, as summarised at Para 1.08. We also consider matters in respect of the Local Authority's housing delivery target as a result of which there is a very clear presumption in favour of the appeal being allowed.

PRINCIPLE OF DEVELOPMENT

- 5.02 The first part of the reason for refusal of planning permission alleges that the proposal represents an inappropriate form of infill/garden land development. There are, however, no policies that would mean that the principle of the proposed development is inappropriate despite the fact that the appeal site has previously formed part of two properties gardens. Para 71 of the NPPF (referred to at our Para 4.07) advises that Local Authorities can "consider" the case for setting out policies resist "inappropriate" development of residential gardens. This does not mean that all development on residential gardens should be considered unacceptable. In this respect most residential garden development would involve some form of tandem or back-land development with the new development is set to the rear of the existing, street facing development with no street frontage of its own, usually accessed via a driveway or footpath alongside the street frontage property. The appeal site is very different having a street frontage to Wroxham Gardens. Furthermore that street frontage, in terms of its width, is in keeping with frontage widths of other plots.
- 5.03 It is acknowledged that Para 124 of the NPPF makes reference to the desirability of maintaining an area's prevailing character and setting, including residential gardens. However again this does not mean that all development on residential gardens is unacceptable. It would only be where that development is harmful to the character and setting that it should be considered inappropriate. This is discussed further in the context of the second of the identified main issues below. Furthermore these references to residential gardens need to be considered alongside the references in the NPPF to making efficient use of land as well as the presumption in favour of sustainable development discussed further below.
- 5.04 London Plan policies in respect of optimising site capacity and making the best use of land, whether or not it is brownfield land (as we refer to

at Para 4.18 in connection with Policy GG2), is relevant to the principle of development. Policy GG2 as well as Policies H1 and H2 of the London Plan would specifically encourage development of sites such as this, being a small site well connected by public transport (with its PTAL rating of 3) and with the development involving a slight “densification” of the overall area (discussed at Para 4.2.4 of the London Plan which is part of the explanatory text to Policy H2).

- 5.05 Turning to the Local Authority’s own policies in their Local Development Framework (as we have referred to at Para 4.25) Para 1.3.61 of the Local Authority’s Strategic Policies recognises the acceptability of modest growth on infill sites in the Muswell Hill area.
- 5.06 It is Development Management Policy DM7 that is particularly relevant to the matter of the principle of development. We have commented on this policy in detail at Para 4.34 above. Whilst Part A of the policy sets out the general presumption against the loss of garden land it is clear from the detailed requirements of Part B, which specify when such development would be acceptable, that the policy is not intended to be interpreted as meaning that all development of garden land should, as a matter of principle, be considered unacceptable. From the wording of Part B it is clear that if proposals meet the requirements of Policies DM1 and DM2 and comply with the detailed matters referred to at sub-paragraphs (a) to (g), that infill, back-land and garden land development proposals would be acceptable.
- 5.07 We have discussed at Paras 4.30 to 4.33 matters in respect of Policy DM1. Policy DM2 relates to accessible and safe environments. The Council have not sought to suggest that the proposals are unacceptable in this respect. As Para 6.11 of the Officer’s report to Committee refers the development includes land from two plots and represents a comprehensive development of the site. In this respect whilst only one dwelling is proposed in this case that is a comprehensive development of the site as the site is not capable of providing additional dwellings whilst being in keeping with the character of the area. It is considered that the proposals comply with all relevant aspects of Part B(a) to (g) of Policy DM7 relating to the street scene (discussed further in connection with the second main issue); providing a site specific and creative response to the site responding to the concerns raised with the previous planning applications; improving the street frontage (with the previous Appeal Inspector acknowledging that the appearance of the site detracted from the character of the area); ensuring no harm to amenities of occupiers of neighbouring properties (as discussed below

in connection with the third main issue); retaining and providing adequate amenity space for existing and new occupants; having its own street frontage; and not being a gated form of development. With regard to the reference to amenity space the proposed dwelling itself would have a private rear garden in excess of 150sqm of which over 50sqm would be the main usable space with landscaping surrounding this. In terms of Nos 10 and 12 Bidwell Gardens they have retained usable rear gardens of 154.3sqm in the case of No.10 and 116.1sqm in the case of No.12. The proposed property and the two existing property's private gardens therefore significantly exceed the minimum requirements as set out in the London Plan of 5sqm per two residents plus an additional 1sqm for each additional resident (London Plan Policy D6 refers). The Local Authority have no specific standards of their own with their Policy DM12 cross-referring to the standards of the London Plan.

- 5.08 We would draw attention to the fact that no issue was raised with regard to the principle of the development of the site in the Council's determinations of the 2012 or 2014 planning applications. As can be seen from the planning history documentation at Appendices E and F reference was made by the Council in 2012 to size, design, siting and mass, visual and residential amenities and, in 2014, to character and appearance and neighbours amenities. Furthermore despite dismissing the appeal against the 2012 refusal of planning permission the Inspector did not suggest that the principle of development on the site was unacceptable as it involved garden land.
- 5.09 We have sought to ascertain whether there has been any material change in planning policy since 2012 that would justify the Local Authority now introducing an "in principle" concern to support the assertion that the proposals represent an "inappropriate form of infill/garden land development". There has not been. We would draw attention to Policy 3.5 of the London Plan 2011 as in place at that time. Part (a) of the policy refers to Boroughs introducing a presumption against development on back gardens or other private residential gardens where this can be locally justified (this extract from the London Plan 2011 is provided at Appendix H). Indeed as can be seen from the Committee Minutes at Appendix G, Planning Officers mentioned to the Committee that the previous appeal decision did not prohibit the development of the site in principle with the Officer commenting that he believed that previous back-land policies had been in place at the time – thus the consideration of the principle would not have changed.

- 5.10 Generally, as the Officer's report to Committee advises, the proposal helps (albeit in a small way) in meeting Haringey's housing target with the proposals complying with the clear presumption in favour of development of small sites (as referred to by London Plan Policy H2) and with the site being in a sustainable location.
- 5.11 For these reasons, even without the presumption in favour of sustainable development given the Local Authority's failure to meet their housing targets, it is considered that the principle of the proposed development is entirely acceptable.

IMPACT ON CHARACTER AND APPEARANCE OF THE AREA

- 5.12 The wording of the reason for refusal of planning permission suggests that the siting of the proposed dwelling on infill/garden land is, in itself, harmful to the character and appearance of the area and its local distinctiveness. Notably the Council have not raised any concerns in respect of the actual design of the proposed dwelling. They have not sought to suggest that the design results in the development being harmful to the character and appearance of the area or its local distinctiveness. Their concern in respect of character and appearance relates back to their opinion that the proposal is an inappropriate form of infill/garden land development and so is fundamentally linked to the first issue in respect of the principle of development. The printed minutes (Appendix G) confirm this. The Minutes are unusually detailed for Planning Committee Minutes – presumably afforded by the fact that the application was determined at a virtual Committee meeting and hence the Committee Clerk could carefully listen, after the event, to the detailed discussion when drawing up the minutes. As can be seen from the minutes there was no discussion in respect of the design and appearance of the proposed dwelling itself in terms of how that might be considered to affect the character and appearance of the area.
- 5.13 In considering the "local distinctiveness" that is referred to in the reason for refusal of planning permission it is acknowledged that the local area has a general character of two storey housing with the houses on Wroxham Gardens and Bidwell Gardens being generally of similar design. However the original properties have been significantly extended and altered, in many cases in manners which are very apparent from the street. This includes a variety of single storey extensions, some with flat roofs and others with pitched roofs; front dormer extensions; hip to gable end roof extensions; side dormers

visible from the street; rear dormers visible from the street through the gaps between dwellings; alterations to fenestration; and changes to front garden layout to facilitate car parking particularly on that side of Wroxham Gardens containing the appeal site. Immediately adjacent to the appeal site is an attached single storey pitched roof garage to No.1 Wroxham Gardens with a shed visible above the fence in the rear garden of that property adjacent to the garage. The other adjacent property is 6 Bidwell Gardens which has two single storey side extensions – both with pitched roofs but of different heights and different roof angles, a hip to gable extension and box rear dormer with a shed towards the front of the property, all clearly visible from Wroxham Gardens. There is also has the detached flat roof garage with roller shutter doors set back behind a concreted forecourt on the Wroxham Gardens frontage immediately adjacent to the appeal site, this forming part of the plot of 8 Bidwell Gardens.

- 5.14 On the appeal site itself as previously discussed there are two outbuildings. As can be seen from the May 2014 Google Street View photograph at Appendix I one of the two is almost up to the back edge of the Wroxham Gardens pavement, clearly seen above the close boarded fence that surrounds the site. In view of these structures and extensions and the fencing surrounding the site on its Wroxham Gardens frontage, it is not considered that the site plays any positive role in the character of the area.
- 5.15 It is acknowledged that the proposed dwelling is of different design, scale and appearance to the surrounding properties. However that in itself does not render the development unacceptable. The proposed dwelling will sit comfortably in the street scene. As the CGIs submitted at application stage demonstrate the proposal will not have any detrimental impact on the street scene and indeed, as a result of its height and set-back, will have less of an impact than the existing outbuilding that is up to the back edge of the pavement which would be demolished to make way for the proposed development.
- 5.16 As has been discussed in Section 4 planning policies generally encourage innovative development. Such development, by its nature, would inevitably be of different appearance to surrounding properties. The previous proposals demonstrate that a dwelling of a more traditional appearance, whether that be single or two storey, has not been found to be acceptable by the Local Authority. The design of the proposals as discussed below ensures no harm to neighbours amenities and overcomes the concerns previously raised. Importantly the

proposals compliment the character of the area by responding to the street, maintaining the front building line and indeed improving on the front building line when compared with the position of the existing outbuilding almost on the back edge of the pavement. Overall it is considered that the proposed development respects the local context and, whilst acknowledged to be of different design, will contribute to the Borough's sense of place.

AMENITY OF ADJOINING OCCUPIERS

- 5.17 The reason for refusal of planning permission refers to “the privacy and amenity of adjoining occupiers”. From the printed Minutes at Appendix G it can be seen that one of the third parties speaking at the meeting referred to the upper window (ground floor) having a view of the neighbours primary living space, rear bedrooms on the first floor and garden. The same third party referred to the potential to remove the proposed soft landscaping which, the third party alleged, the proposed building relied on to limit the visual impact.
- 5.18 The local residents objections refer only to impact on privacy and their outlook in terms of their concerns regarding amenity. It is noted from the Officer's report that the Bounds Green and District Residents Association raised concerns in respect of overshadowing. However the Lighting Report submitted at application stage demonstrates that there would be no adverse impact on neighbours light as a result of the proposals with the detailed assessment having been undertaken in accordance with the acknowledged Building Research Establishment Guidance. In view of this comments below focus on whether there would be any harm caused to neighbours privacy or their outlook.
- 5.19 As can be seen from the proposed floor plans with the exception of the street facing windows at ground floor level (the upper floor of the proposed building) there are two windows on the rear part of the building. One of these is to a staircase. It is annotated on the proposed floor plans (Drwg No PL-150 Rev C) as being of obscured glass and non-opening. Although this is labelled as such on the plans if the Inspector considered it necessary a condition could be imposed to the effect that the window remain obscured and fixed shut in perpetuity (so enabling the service of a Breach of Condition Notice, against which there is no right of appeal, were the condition ever to be breached).
- 5.20 The other window to the rear of the building at ground level is to the double bedroom. As labelled on the proposed floor plan that window

is to be set 300mm from the external face of the wall into a deep reveal. Again that could be conditioned to be retained as such in perpetuity if considered necessary. As referred to at Para 6.25 of the Officer's report to Committee that window would be set over 12m at its closest point from the garden boundary shared with 10 Bidwell Gardens. When measured in a straight line (at right angles to the wall), and measured from the middle of the window, the distance is 13m.

- 5.21 As regards the relationship of that bedroom window with the rear garden boundary of 12 Bidwell Gardens, given the deep reveal of the window from the south-west corner of that window (the closest to the rear of No.12) the distance from the boundary at a point where any potential view would not be obscured by the deep reveal would be 11m at a 45 degree angle.
- 5.22 In terms of potential for window to window overlooking the closest window to window distance with 10 Bidwell Gardens would be 27m. The closest relationship with No.12 would be 23m at ground floor level (at a 45 degree angle) and, at first floor level, 26m.
- 5.23 We have not been able to find any specific distances referred to in any current LB Haringey planning policy or supplementary planning guidance documents as to what the Council would normally expect as a minimum distance so as to ensure no impact on neighbours privacy. We have, however, found reference to this in the Council's Housing SPD (2008). This refers to rear facing habitable rooms directly opposite one another being a minimum of 20m apart for two storey developments. An extract from this document is provided at Appendix J. The window to window distances that the proposed development would give rise to significantly exceed those referred to in this 2008 document.
- 5.24 There is no guidance in any current or historic LB Haringey document in respect of distances from windows of proposed dwellings to garden boundaries with neighbouring properties. However general practice is that this is taken at 50% of the specified window to window distance (based on a typical street block where there would be rear garden of a proposed dwelling and the rear garden of an existing dwelling between their facing habitable room windows). On this basis the proposed ground floor window should be a minimum of 10m from the boundary (ie; 50% of the 20m referred to in the 2008 SPD). Again this distance is comfortably exceeded with the relationships with both Nos.10 and 12 Bidwell Gardens.

- 5.25 In addition given the change in ground levels and the proposed 2m high boundary treatment the boundary would in fact prevent any overlooking of the closest part of both neighbouring properties gardens. In addition the proposals incorporate substantial planting along the boundaries including 7 mature (the plans refer to 3m high at the time of planting) Ligustrum Ovalifolium. This is a semi-evergreen with the trees should keep their leaves in the winter but will drop some in a cold winter. Given the distances referred to above the planting is not necessary to avoid overlooking. It is included as part of the proposed development primarily for its visual benefits as part of the overall landscaping proposals.
- 5.26 The 2012 application included windows to habitable rooms at the rear, at both ground and first floor levels, within 5m of the boundaries of both Nos.12 and 14 Bidwell Gardens. This can be seen from the plans at Appendix E. As can be seen from Para 10 of the appeal decision regarding that scheme (Appendix E) the Inspector's concern was with regard to overlooking of the garden of No.14 Bidwell Gardens from the rear bedroom window at first floor level. However that cannot be compared with the current scheme given that the current proposal does not incorporate any first floor accommodation and, additionally, the window to boundary distance has increased from 5m (the 2012 proposed bedroom window to boundary with 14 Bidwell Gardens distance) to more than double that distance for the current proposals (13m from the boundary with No.10 and 11m at a 45 degree angle from the boundary with No.12).
- 5.27 With the 2014 application the proposals incorporated a rear bedroom window at a distance of only 4m measured perpendicular to the wall of the dwelling (or 3m if measured at a slight angle to the closest point of the boundary) with the garden of 14 Bidwell Gardens. This can be seen from the proposed site layout plan at Appendix F. No Topographical Survey was provided with that application and, as a result, the Local Authority were not satisfied that this would not give rise to harm to neighbours privacy with the second reason for refusal of planning permission referring to outlook and privacy.
- 5.28 The proposal the subject of this appeal is substantially different to both previous applications with the only habitable room window at ground floor level comfortably exceeding privacy distances as referred to by the Local Authority in their 2008 SPD and being over four times the distances from the closest boundary of the 2014 application and over

double the distance of the 2012 application. Furthermore on this occasion the application was accompanied by a detailed Topographical Survey so as to ensure that differences in natural ground levels, the height of the proposed dwelling when compared with neighbouring gardens and dwellings, can be readily understood.

- 5.29 The reason for refusal of planning permission does not refer to outlook but we consider this given that the wording of the reason for refusal refers to “privacy and amenity” and given that loss of outlook has been referred to by third parties with concerns that the proposed dwelling would be dominant and overbearing when viewed from rear windows and rear gardens of the neighbouring properties.
- 5.30 It is acknowledged that the upper most part of the ground floor could be seen from neighbouring properties and their gardens. However the fact that it will be visible does not necessarily result in there being an unacceptable impact or loss of outlook. In this respect it is an acknowledged fact through appeal decisions and case law over many years that nobody has a right to a view. For a new building to result in an unacceptable loss of outlook there needs to be created an unacceptable sense of enclosure or a building needs to be at such close proximity to a neighbouring property that its existence would generally harm residents’ amenities. In the case of the appeal proposals the scale of the proposed dwelling – the roof height being similar to the eaves height of the garage of 1 Wroxham Gardens - and the distances from neighbouring properties and their gardens will ensure no unacceptable loss of outlook. The closest relationship is with the rear garden of 1 Wroxham Gardens where the proposed dwelling will be some 2m from the boundary. However given the change in ground levels with the appeal site being lower than the garden of 1 Wroxham Gardens and with that property having a raised decked area to the side and rear of the house adjacent to the boundary with the appeal site (as can be seen from the Birds Eye photographs at Appendix K) it is not considered that the relationship will be at all unacceptable.
- 5.31 Again the distances from boundaries with neighbouring properties is very different to both previous applications as can be seen from comparing the current proposed plans with those at Appendices E and F in respect of the 2012 and 2014 applications respectively. Furthermore whilst concern was raised by the previous Inspector in respect of the 2012 proposals in terms of the proposed dwelling at that time, which was a full two storeys above natural ground level plus pitched roof above, being dominant and overbearing, the proposal the

subject of this appeal is significantly different in terms of overall scale and bulk and also in terms of relationship with neighbouring properties.

- 5.32 Furthermore the proposals incorporate substantial landscaping around the boundary of the site (as referred above). Even with some shedding of leaves in very cold winter periods (as may occur with the species proposed being semi-evergreen), the distance of the proposed dwelling from neighbouring properties (from their gardens and from within the houses themselves) and the height of the proposed dwelling would ensure that there would be no unacceptable impact. Whilst the proposed dwelling may be glimpsed through the proposed planting given the distances and relative heights the relationship will not be one that would result in any dominant or overbearing impact and thus no harm to outlook or visual amenities of neighbours.
- 5.33 It is noted that the Officer's report to Committee, recommending that planning permission be granted, incorporated a condition in respect of proposed planting including the standard requirement that if any tree dies or is removed within 5 years of planting it should be replaced. The Appellant is happy to accept such a condition and indeed if considered necessary the Inspector could increase the reference from 5 years to longer or indeed to make it an "in perpetuity" condition. We are aware of such in perpetuity conditions for landscaping having been imposed previously and provide, as an example, an appeal decision that incorporates such an in perpetuity condition at Appendix L.

PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT AND THE HOUSING DELIVERY TEST

- 5.34 As is referred to in the Officer's report to Committee (Appendix A) and as was further drawn to Councillors attention by the Planning Officer when presenting the item to committee (as can be seen from the Committee Minutes at Appendix G) the Council's delivery of housing over the last 3 years is substantially below its housing target. We provide, as Appendix M an extract, Local Authority's Housing Delivery Test Action Plan July 2021. As can be seen from Table 1 on Page 4 this shows, that for the last 3 years housing delivery has been only 48%, 55% and 60% (over the years 2017/18, 2018/19 and 2019/20 respectively) of the Council's target.
- 5.35 In view of this national policy means that planning applications for housing schemes should be approved unless:

- the application of policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the proposed development; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF.

5.36 This is based on Para 11 of the NPPF as discussed in Section 4 of this statement.

5.37 There are no policies in the NPPF that provide a clear reason for refusing the proposed development. Nor are there considered to be any adverse impacts of approving the development that would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF. Indeed for the reasons discussed in Section 5 of this statement it is not considered that there would be any adverse impacts at all. However if the Inspector disagreed with this and thought that there would be adverse impacts given the presumption in favour of sustainable development these have to “significantly” and “demonstrably” outweigh the benefits of granting planning permission.

5.38 We are aware that, at the Committee meeting, one of the Councillors drew attention to the fact that the proposals were only providing for one additional dwelling and would thus not make a significant contribution towards meeting the Boroughs housing target. However given that the Local Authority are so significantly below their required housing target every potential additional dwelling should be encouraged as a matter of principle. The Local Authority area contains numerous small sites. Each additional dwelling is an important contribution towards housing stock and assist, albeit only in a small way individually but a large way collectively, in helping achieve the Council’s target. The NPPF does not distinguish between small scale developments such as the appeal proposal and larger scale developments in its clear presumption in favour of sustainable development. The fact that the proposals would only provide one dwelling is, in itself, immaterial to the presumption in favour of sustainable development. Furthermore the London Plan 2021 stresses the importance of small sites and indeed it is clear from Table 4 of Appendix L that small sites are very important within Haringey for housing delivery.

6.00 CONCLUSIONS

- 6.01 For the reasons discussed in the preceding sections it is not considered that the proposal is unacceptable as a matter of principle. Whilst the site was previously part of two back gardens it is not a back-land site. It is an appropriate street frontage infill in a location reasonably well served by public transport and where the Local Plan makes clear small infill developments in the area would be acceptable. In this respect it is noted that neither of the previous refusals of planning permission raised concern in respect of the principle of development even though there were similar policies in place in respect of garden land development at the time of their determination.
- 6.02 The reason for refusal of planning permission refers to the form of development (infill/garden land development) resulting in harm to the character and appearance of the area and its local distinctiveness. There is no suggestion in the decision notice or the Committee Minutes that there were concerns in respect of the design and indeed innovative design such as that put forward is encouraged with particular reference to such in both the NPPF and the development plan framework. The distinctiveness of the area arises from the street frontage properties many of which, including most noticeably that to the immediate south at 6 Bidwell Gardens on the corner of Wroxham Gardens, which has had a number of past extensions and alterations all prominently seen from the street. Indeed many properties have been similarly extended and whilst Wroxham Gardens and Bidwell Gardens would, in their original form, have had a certain distinctiveness it is considered that that has been significantly diminished over the years. Furthermore the previous Appeal Inspector acknowledged that the appeal site does not contribute to the character of the area. The site is not within a Conservation Area or any acknowledged area of townscape significance. Furthermore the proposed dwelling, given its height, will have only a limited visual impact on the street scene. Indeed it is considered that the visual appearance from Wroxham Gardens will be an improvement on the existing close boarded fencing above which the higher garden outbuilding is visible almost up to the back edge of the pavement.
- 6.03 As regards privacy and amenity of adjoining occupiers it has been demonstrated that the proposals will not give rise to any adverse impact on neighbours privacy – either within their gardens or within their houses. Indeed privacy distances significantly exceed those referred to by the Local Authority in their previous Supplementary

Planning Guidance. With regard to outlook from neighbouring properties again, given the relationship of the proposed dwelling with neighbouring properties, combined with the benefit of the additional planting, it is not considered that there will be any unacceptable impact on neighbours outlook, nor will the proposed development be overbearing when viewed from neighbouring properties or their gardens. It is evident from the third party representations and the Committee Minutes that it is primarily these issues that were of concern to the third parties and the Councillors. The Lighting Report quite clearly proves that there will be no impact on neighbours light.

- 6.04 It is therefore considered that the proposals are entirely acceptable in all respects and comply with relevant planning policies at national, strategic and local level and that the Councillors had no reasonable justification for overturning their Officers very clear recommendation.
- 6.05 Furthermore it is considered that Councillors failed to pay sufficient regard to the presumption in favour of sustainable development and the reference in the NPPF in respect of their policies being considered out of date, given their failure to meet their housing target over the last 3 years. Given this failure even if there were some harm caused there would still be a presumption in favour of granting planning permission as the adverse impacts of doing so would not significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole, as Para 11(d)(ii) would require if the appeal is to be dismissed.
- 6.06 For these reasons it is hoped that the Inspector will allow this appeal.

APPENDIX

'A'

Planning Sub Committee 19th April 2021

Item No.

REPORT FOR CONSIDERATION AT PLANNING SUB-COMMITTEE

1. APPLICATION DETAILS

Reference No.: HGY/2020/2762

Ward: Alexandra

Address: Land to rear of 10-12 Bidwell Gardens N11 2AX

Proposal: Erection of detached dwellinghouse with associated hard and soft landscaping.

Applicant: Ms Elena, Christos and Androula Christou

Ownership: Private

Case Officer Contact: Roland Sheldon

Date received: 26/10/2020

Last amended date: 23/03/2021

1.1 This planning application has been 'called-in' by Councillor Rossetti for determination by the Planning Sub-Committee in accordance with Planning Protocol Para. 2.21. The proposal has been subject to a high level of objection and the Chair has agreed for it to be determined by the Planning Sub-Committee.

1.2 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposal has adequately addressed design and amenity concerns raised in previous applications in respect of developing this site for residential purposes, with the current scheme materially different to such earlier applications.
- The design, form and orientation of the building and separation distances to neighbouring properties is considered to be satisfactory to protect the amenities of the neighbouring occupiers.
- The use of the topography of the site to sink part of the development below ground level and provision of space and implementation of a comprehensive soft landscaping scheme will ensure the siting of the dwelling will not be injurious to the residential and visual amenities of neighbouring occupiers.
- Officers consider the siting, scale and design of the proposed dwelling to be acceptable, resulting in a discrete feature within the streetscene and a building that does not attempt to mimic or take from the traditional suburban housing which will still inform the character and appearance of the area.
- As the Council's housing delivery has been substantially below target as expressed in the Housing Delivery Test 2020 Measurement the presumption in favour of sustainable development as set out at paragraph 11 of the National Planning Policy Framework (NPPF) is applicable here, with the unit of

accommodation here contributing to housing supply, delivery and choice, in a sustainable and accessible location.

2. RECOMMENDATION

- 2.1 That the Committee resolve to GRANT planning permission and that the Head of Development Management or Assistant Director is authorised to issue the planning permission and impose conditions and informatives.
- 2.2 That delegated authority be granted to the Head of Development Management or the Assistant Director to make any alterations, additions or deletions to the recommended conditions as set out in this report and to further delegate this power provided this authority shall be exercised in consultation with the Chair (or in their absence the Vice-Chair) of the Planning Sub-Committee.

Conditions (the full text of recommended conditions is contained in section 7 of this report)

- 1) Development begun no later than three years from date of decision
- 2) In accordance with approved plans
- 3) Materials submitted for approval. Further details of design
- 4) Details of hard and soft landscaping and boundary treatments
- 5) Details of green roof
- 6) Construction Management Plan
- 7) Vehicular crossover in accordance with approved plans
- 8) Removal of permitted development rights
- 9) Development in accordance with Energy & Sustainability Statement
- 10) Waste and recycling storage
- 11) Cycle parking storage
- 12) Structural Engineer

Informatives

- 1) Co-operation
 - 2) CIL liable
 - 3) Hours of construction
 - 4) Party Wall Act
 - 5) Street Numbering
 - 6) Crossovers
- 2.3 In the event that members choose to make a decision contrary to Officers' recommendation members will need to state their reasons.

Presumption in Favour of Sustainable Development (PFSD)

- 2.4 In the event that members choose to make a decision contrary to the officer recommendation (which is that the proposed development accords with the development plan overall and material considerations do not indicate otherwise), it will be necessary to consider the presumption in favour of sustainable development in the NPPF. This is because the Council's delivery of housing over the last three years has been substantially below its housing target and so paragraph 11(d) of the NPPF is engaged by virtue of footnote 7 of the NPPF. Members must state their reasons including why it is considered that the presumption is not engaged.
- 2.5 In the event that the Planning Application is refused for the reasons set out in resolution (2.6) above, the Head of Development Management or Assistant Director (in consultation with the Chair of Planning Sub-Committee) is hereby authorised to approve any further application for planning permission which duplicates the Planning Application provided that:
- (i) There has not been any material change in circumstances in the relevant planning considerations, and
 - (ii) The further application for planning permission is submitted to and approved by the Assistant Director within a period of not more than 12 months from the date of the said refusal, and
 - (iii) The relevant parties shall have previously entered into the agreement contemplated in resolution (1) above to secure the obligations specified therein.

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4. CONSULTATION RESPONSE
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APPENDICES:

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| Appendix 1 | Plans and Images – Current scheme |
| Appendix 2 | Plans and Images - 2012 scheme/ Ref: HGY/2012/1530 |
| Appendix 3 | Plans and Images - 2014 scheme/ Ref: HGY/2014/0718 |
| Appendix 4 | Consultation Responses – Internal and External Consultees |

3.0 PROPOSED DEVELOPMENT AND SITE LOCATION DETAILS

Proposed development

- 3.1 This is an application for the erection of a detached dwelling house with associated hard and soft landscaping.

Site and Surroundings

- 3.2 The site is located within land that previously formed part of the rear garden of No. 12 Bidwell Gardens and part of the rear garden of No. 10. The land has a sloping topography, mainly sloping downwards from east to west but also north to south. There is currently dense vegetation on site with the specimen of trees of low to moderate value. The surrounding uses are residential, with the northwest, Western and Southern boundaries of the site abutting the gardens of No. 1 Wroxham Gardens and Nos. 8-14 Bidwell Gardens. The north-eastern boundary of the site fronts onto Wroxham Gardens. The site is not located within a conservation area.

Relevant Planning and Enforcement history

- HGY/2012/1530: Erection of new 2 storey 3 bedroom detached dwelling with new crossover to Wroxham Gardens – Refused and dismissed on appeal.

The proposal by reason of its size, design, siting and overall mass is considered to be unduly dominant and oppressive and would have an overbearing and detrimental visual affect on the residential and visual amenities of neighbouring properties and the level of privacy currently enjoyed. In addition the dwelling would have an adverse affect on the character and appearance of the streetscene, would be out of keeping with the area and reduce an existing open and verdant space. As such the proposal is contrary to Policies UD3 General Principles, UD4 Quality Design, SPG1a Design Guidance and SPD Housing of the Haringey Unitary Development Plan.

- HGY/2014/0718: Erection of single storey 2-bed dwelling at the rear of 10 - 12 Bidwell Gardens with new crossover to Wroxham Gardens – Refused

The proposal by reason of its character and appearance would conflict with the objectives of Policies UD3 and of the Haringey Unitary Development Plan (UDP), and the adopted Supplementary Planning Guidance SPG 1a Design Guidance and the Housing Supplementary Planning Document (SPD), which require development proposals to complement the character of the surrounding area and be of a high design quality. The proposal would also conflict with the core planning principle of the National Planning Policy Framework (the Framework) relating to

high quality design, and the account that should be taken of the character of different areas.

In the absence of a full topological survey, it has not been demonstrated to satisfaction of the Local Planning Authority that the siting and design of the new dwelling would not be detrimental to the living conditions of existing residents at Nos. 12 and 14 Bidwell Gardens, through loss of outlook and privacy. The proposal would therefore conflict with the objectives of Policy UD3 of the UDP relating to residential amenity, and the guidance on privacy, overlooking, aspect and outlook within the Housing SPD and the core planning principle of the Framework which seeks to secure a good standard of amenity for all existing occupants of land and buildings.

4. CONSULTATION RESPONSE

Application Consultation

4.1 The following were consulted regarding the application:

Internal:

- LBH Transportation
- LBH Building Control
- LBH Drainage
- LBH Carbon Management
- LBH Arboricultural Officer

External:

- Bounds Green & District Residents Association

4.2 The following responses were received:

Internal:

- 1) LBH Transportation Team: The site has a Public Transport Accessibility Level (PTAL) of 3 which is moderate. The provision of one off-street car parking space and 2 cycle parking spaces is in line with current London Plan requirements. Full details of cycle storage should be provided by condition. The access to the site would be delivered in the form of a footway crossover which is considered acceptable. A Construction Management Plan should also be conditioned.
- 2) LBH Building Control: No. objection to the proposal. The development will require building regulations consent should planning permission be granted.

- 3) LBH Carbon Management: The development achieves a reduction of 72.3% carbon dioxide emissions on site, which is supported in principle. Conditions requiring the development to be carried out in accordance with the Energy & Sustainability Statement and for further details of the air source heat pump, solar panels and green roof indicated are to be secured.

5. LOCAL REPRESENTATIONS

- 5.1 The number of representations received from neighbours, local groups etc in response to notification and publicity of the application were as follows:

No. of individual responses: 45
Objecting: 45
Supporting: 0
Others: 0

- 5.2 The following local groups/societies made representations:

Muswell Hill & Fortis Green Association:

- Character and appearance of the proposal fails to complement its surroundings.

Bounds Green & District Residents' Association

- Site should be kept as garden land and not developed.
- Proposed development does not fit-in/ respect the street scene;
- Development would have a visually overbearing impact on residents in Bidwell Gardens;
- Overshadowing.

- 5.3 The following Councillor made representations:

Cllr Rossetti (Alexandra Ward):

- Architecture of the development out of character with its surroundings;
- Overlooking to neighbouring properties;
- Potential problems with ground movement resulting from basement development.

- 5.4 The issues raised in representations that are material to the determination of the application are set out in Appendix 1 and summarised as follows:

Design and character

- Design is out of keeping with the locality;

- Loss of greenery;
- Adverse impact on the character of the area;
- Development would set a precedent for similar such development;
- Over-development;
- Potential to further extend the dwelling if approved and built;

Highways and transportation

- Additional vehicular access will reduce highway/pedestrian safety;

Construction works

- Ground on which the development would be located is unsuitable for basement development;
- Potential for subsidence and drainage problems;
- Disruption to neighbours during construction;

Environment

- Impact of development on local wildlife;

Amenity

- Overlooking;
- Impact on outlook and privacy;
- Visual overbearing impact;
- Development should be well-screened with appropriate trees and soft landscaping.

6 MATERIAL PLANNING CONSIDERATIONS

6.1 The main planning issues raised by the proposed development are:

1. Planning History
2. Principle of the development
3. Design and appearance
4. Impact on the amenity of adjoining occupiers
5. Quality of residential accommodation
6. Inclusive access
7. Transport considerations
8. Trees, biodiversity and landscaping
9. Energy and sustainability
10. Waste and recycling
11. Basement development

Planning History

- 6.2 The site has been subject to two previous planning applications to erect a dwelling on this plot. The first of these was for the erection of a two-storey 3-bedroom dwelling which was refused on the basis of its size, design, siting and mass having an unacceptable impact on the character and appearance of the street and the amenities of neighbouring occupants (LPA reference HGY/2012/1530). As shown in Appendix 2 the two-floors to this dwelling would have sat above ground level.
- 6.3 The decision was appealed and dismissed by the Planning Inspectorate, which considered that the plot to building ratio and the front façade design was out of character with the locality. The Inspector also took the view that the dwelling would be visually overbearing when viewed from Nos 12 and 14 Bidwell Gardens, and would result in an unacceptable loss of outlook due to the topography of the site. It was also considered that the upper floor windows would overlook the rear garden of No.14 Bidwell Gardens.
- 6.4 A further planning application (LPA reference HGY/2014/0718) was submitted for a single storey 2-bedroom dwelling. This application was refused on the basis that its character and appearance would be in conflict with adopted design policy and that in the absence of a topographical survey the application failed to demonstrate the new dwelling would not be detrimental to privacy and outlook to Nos.12 and 14 Bidwell Gardens. Details of this scheme are shown in Appendix 3.
- 6.5 The current proposal is materially different to the previous schemes outlined above, with the design of the current scheme addressing the previous reasons for refusal in the following ways:
- The current development has a reduced plot to building ratio;
 - The current design uses the sloping topography of the site to incorporate a lower ground floor level, meaning it would appear single storey when viewed immediately outside the site from Wroxham Gardens;
 - The building height, siting and scale and positioning of windows has been considered to ensure that it would not be visually overbearing in appearance as seen from neighbouring properties, or to result in an unacceptable loss of privacy.
- 6.6 The report below further expands on the design of the current scheme and how it minimises impact on neighbouring amenity. Plans and visualisations of the proposed scheme are shown in Appendix 1.

Principle of the development

Delivery of new housing

- 6.7 Government policy as set out in the NPPF 2019 requires Local Planning Authorities to significantly boost the supply of housing (para. 59). Paragraph 68 supports

approval on small sites and outlines that such sites can make an important contribution to meeting the housing requirement of an area, as they often can be built out relatively quickly.

- 6.8 London Plan (2021) Table 4.1 sets out housing targets for London over the coming decade, setting a 10-year housing target (2019/20 – 2028/29) for Haringey of 15,920, equating to 1,592 dwellings per annum. Policy H1 'Increasing housing supply' states that boroughs should optimise the potential for housing delivery on all suitable and available brownfield sites, especially sites with existing or planned public transport access levels (PTALs) 3-6 or which are located within 800m of a station or town centre boundary.
- 6.9 London Plan (2021) Policy H2A outlines a clear presumption in favour of development proposals for small sites (below 0.25 hectares in size) and sets out a minimum target in Table 4.2 for boroughs (Haringey –10 year target is 2,600). London Plan Policy D6 seeks to optimise the potential of sites, having regard to local context, design principles, public transport accessibility and capacity of existing and future transport services.
- 6.10 The proposal would introduce an additional residential dwelling that would work towards meeting adopted policy housing targets for the borough. Policy DM7 covers development on infill, backland and garden land sites. Part A of the policy outlines that there would be a presumption against the loss of garden land unless it represents comprehensive redevelopment of a number of whole land plots.
- 6.11 The development would include land from 2 plots and is considered to represent comprehensive development that complies with this part of the policy as well as having a frontage on to Wroxham Gardens. Equally the site is located in a sustainable location accessible to public transport and services; within 800m (754m) of a tube station and in a PTAL3 area. The previous appeal decision did not object to the development of the site in principle.

Housing delivery test

- 6.12 The 2020 Housing Delivery Test (HDT) results were published on 19 January 2021 and as a result the LPA is now subject to the PFSD and paragraph 11d of the NPPF is relevant. The Council's delivery of housing over the last three years is substantially below its housing target and so paragraph 11d) of the NPPF is engaged by virtue of footnote 7 of the NPPF. Nevertheless, the proposed development has been found to be in accordance with development plan policies and therefore consideration of para 11(d) is not required in this instance (but would be if the application was to be refused).

Precedent

- 6.13 It is noted that concerns by third parties have expressed a precedent taking place elsewhere in the area. It is pointed out that precedent in itself cannot be a reason to withhold permission, with rather each application having to be determined on its individual merits.

Design and appearance

- 6.14 London Plan (2021) policies emphasise the importance of high-quality and seeks to optimise site capacity through a design-led approach. Policy D3 'Delivering good design' states that development proposals should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to street hierarchy, building types, forms and proportions.
- 6.15 Local Plan Policy SP11 (2017) and Development Management Development Plan Document (DPD) Policy DM1 seek to secure the highest standard of design which respects local context and character to contribute to the creation and enhancement of Haringey's sense of place and identity. DPD Policy DM1 'Delivering High Quality Design' requires development proposals to meet a range of criteria having regard to the following: building heights; form, scale and massing prevailing around the site; urban grain; sense of enclosure and where appropriate following existing building lines; rhythm of neighbouring or local regular plot and building widths; active, lively frontages to public realm; and distinctive local architectural styles, detailing and materials.
- 6.16 DPD policy DM7 requires proposals for infill, backland and garden land to relate appropriately and sensitively to the surrounding area, providing a site specific and creative response to the built and natural features of the area and to incorporate at least one street frontage.
- 6.17 The site is located within part of the rear gardens of Nos. 10 and 12 Bidwell Gardens. The land has a sloping topography, mainly sloping downwards from east to west but also north to south. There is currently dense vegetation on site with the specimens of trees of low to moderate value. The proposal seeks to erect a two-storey dwelling that would have an excavated lower ground floor level. The new dwelling would have the same building line as neighbouring No. 1 Wroxham Gardens, with a significant set-back from the public footway.
- 6.18 The proposal has a smaller building to plot ratio than the previously refused planning applications. It would have an L-shape footprint with a flat roof contemporary design, using a dark brick with large elements of glazing and an element of projecting brickwork on the frontage, to break up the elevation and provide visual interest. Due to the topography of the site, the dwelling would have the appearance of a single storey structure when viewed immediately outside the entrance of the site from Wroxham Gardens, with the footprint of the dwelling sufficiently set-back from the public footway to ensure it would be of low visual

prominence when viewed from the street. Officers also highlight that given the subordinate scale of the building behind the front boundary treatment it would not take from or compete with the traditional suburban housing which informs the character and appearance of the area.

- 6.19 While it is acknowledged that the gardens of Nos. 10 and 12 Bidwell Gardens would be reduced to a depth less than others, within this stretch of Bidwell Gardens it is common for garden plots close to or adjacent to junctions with other streets to be of a reduced depth or size, as is evidenced by the splayed garden layout of No. 1 Wroxham Gardens. As such, it is not considered that the reduced size of the rear gardens of Nos. 10 and 12 would be unduly harmful to the wider pattern of development or suburban character of the locality.
- 6.20 A condition requiring further details of the proposed materials, and key aspects of the design including detailed elevations and sectional drawings of the windows and doors, as well as further details of the projecting brick pattern on the front elevation, are required to be reviewed and approved by the Local Planning Authority prior to works commencing on site.
- 6.21 Landscaping will be integral to the success of this development. The submitted drawings indicate that a combination of boundary tree and hedge planting is proposed. A more detailed soft landscaping plan will be required to be submitted, as secured by way of a planning condition, in addition to details of hard landscaping within the site including boundary treatment/ means of enclosure. Subject to the submission of satisfactory materials and landscaping details, Officers consider that the proposal would be acceptable with regards to design and character considerations.

Impact on the amenity of adjoining occupiers

- 6.22 London Plan Policy D6 outlines that design must not be detrimental to the amenity of surrounding housing, in specific stating that proposals should provide sufficient daylight and sunlight to surrounding housing that is appropriate for its context, while also minimising overshadowing. London Plan Policy D14 requires development proposals to reduce, manage and mitigate noise impacts.
- 6.23 DPD Policy DM1 'Delivering High Quality Design' states that development proposals must ensure a high standard of privacy and amenity for a development's users and neighbours. Specifically, proposals are required to provide appropriate sunlight, daylight and aspects to adjacent buildings and land, and to provide an appropriate amount of privacy to neighbouring properties to avoid overlooking and loss of privacy and detriment to amenity of neighbouring residents. DPD policy DM7 requires that backland proposals safeguard privacy, amenity, and ensure no loss of security for adjoining houses and rear gardens.

- 6.24 A 'Daylight, Sunlight and Overshadowing Study' prepared by BVP has been submitted with the application. The study has been scrutinised by officers and demonstrates that the amenity values of daylight and sunlight to neighbouring residential properties would be retained to a level that would satisfy BRE criteria in all locations. Whilst Officers acknowledge that the dwelling would be visible from neighbouring properties and gardens, the building would be set a sufficient distance away from all neighbouring properties to ensure that its siting, bulk and height would not be harmful to amenity, in terms of outlook or having an overbearing impact.
- 6.25 The scheme as revised has no windows within the upper floor south-west flank elevation aside from an obscure glazed non-opening window that would serve a staircase landing. The upper floor South-East facing bedroom window is to be recessed 0.3 metres back from the external wall, to reduce scope for views towards other gardens of Bidwell Gardens to the south-west of the site. This window would be set over 12 metres distance from the garden boundary shared with No. 10 Bidwell and in excess of 20 metres to the nearest rear habitable windows of this neighbouring property. The siting, orientation and separation distances are sufficient to ensure that the window would not result in an unacceptable loss of privacy to these neighbouring occupants.
- 6.26 The southern and western boundaries of the site will also have a generous soft landscaping treatment that will serve to screen views of the building and retain a verdant quality for the site. The development will also have boundary fencing and gating to ensure that the security of the new development itself and also neighbouring occupiers is not compromised. Further details of proposed planting scheme, species and heights etc, as well details of boundary treatments, are being secured by way of a planning condition.
- 6.27 Overall, it can be demonstrated that there will be no unacceptable harm to the living conditions of neighbouring residents.

Quality of Residential Accommodation

- 6.28 London Plan Policy D6 requires housing developments to be of high quality design, providing comfortable and functional layouts, benefiting from sufficient daylight and sunlight, maximising the provision of dual aspect units and providing adequate and easily accessible storage space as well as outdoor amenity space.
- 6.29 The proposed dwelling would have an internal floor space of 98 sq.m which comfortably exceeds the 70 sq.m minimum floor space requirements of the London Plan for a 2-bedroom 3-person 2-storey dwelling. All habitable rooms would benefit from satisfactory outlook and light with sufficient internal storage space located next to the stairs. A large rear garden area would provide a satisfactory standard and quantity of external amenity space. The proposal would therefore provide a satisfactory standard of accommodation for future occupants.

Inclusive access

- 6.30 London Plan Policy D5 requires all new development to achieve the highest standard of accessible and inclusive design, seeking to ensure new development can be used easily and with dignity by all.
- 6.31 The development would comply with Part M4(1) Building Regulation Standards in terms of access, which is acceptable for minor developments as outlined in supporting text of policy H2 of the London Plan 2021.

Transport considerations

- 6.32 London Plan Policy T1 requires all development to make the most effective use of land, reflecting its connectivity and accessibility by existing and future public transport, walking and cycling routes, and to ensure that any impacts on London's transport networks and supporting infrastructure are mitigated. Policies T4, T5 and T6 set out key principles for the assessment of development impacts on the highway network in terms of trip generation, parking demand and cycling provision.
- 6.33 Local Plan Policy SP7 'Transport' states that the Council aims to tackle climate change, improve local place shaping and public realm, and environmental and transport quality and safety by promoting public transport, walking and cycling and seeking to locate major trip generating developments in locations with good access to public transport. This is supported by DPD Policy DM31 'Sustainable Transport'.
- 6.34 Access to the site here would be from Wroxham Gardens. The site has a public transport accessibility level (PTAL) of 3 which is considered to be a moderate level. The proposed 1 off-street parking space for a new 2-bedroom dwelling would be in line with London Plan parking standards. A total of 2 cycle parking spaces are shown within the front garden area which would comply with London Plan cycle parking requirements. Full design details of the secure /covered cycle storage are to be submitted to the LPA as secured by way of a planning condition.
- 6.35 A Construction Management Plan (CMP) is recommended (by condition) prior to the commencement of works on site to demonstrate that the construction works can be undertaken to minimise impact on the highway and public transport network, to ensure highway pedestrian and cycle safety and to minimise impact on the amenities of neighbouring occupants. Subject to compliance with these conditions, the proposal is considered acceptable with regards to highways, parking and transportation considerations.

Trees, biodiversity and landscaping

- 6.36 London Plan Policy G7 requires existing trees of value to be retained, and any removal to be compensated by adequate replacement. This policy further sets out

that planting of new trees, especially those with large canopies should be included within development proposals.

- 6.37 DPD Policy DM1 requires proposals to demonstrate how landscaping and planting are integrated into a development as a whole, responding to trees on and close to the site.
- 6.38 An 'Arboricultural Method Statement' by Arbtech has been submitted with the application. The statement identifies 15 trees or hedges within and around the site. Of these trees, none of those outside the site would be removed. A total of 9 trees within the site would be removed but all of the specimens are of relatively low quality with 8 being category C specimens and 1 a category U.
- 6.39 It is acknowledged that the proposal would have an impact on habitat within the existing site. The site has no formal ecological designation and all trees and shrubs could be removed without consent at any time. However, an indicative soft landscaping scheme has been submitted that shows the excavated area would be tiered, with a generous proportion of soft landscaping provided on site, including replacement trees, hedges and planting along the rear, side, as well as front boundaries of the site. In addition to this, the building would be treated with a green roof. No nearby sites of ecological interest would be materially affected. Overall, the development will provide satisfactory provision for the creation of habitats and biodiversity.

Energy and Sustainability

- 6.40 Local Plan policy SP4 promotes and requires all new developments to take measures to reduce energy use and carbon emissions during design, construction and occupation. Low- and zero-carbon energy generation are required with all new development, specifically to achieve a reduction in predicted carbon dioxide emissions of 20% from on-site renewable energy generation.
- 6.41 Policy DM21 also requires new development to consider and implement sustainable design, layout and construction techniques, with proposals required to apply the energy hierarchy to minimise energy use in order to meet/ exceed, minimum carbon dioxide reduction requirements. This policy also seeks to maximise opportunities to enhance biodiversity on-site, including through appropriate landscaping, use of sustainable drainage systems, living roofs and green walls etc.
- 6.42 An 'Energy & Sustainable Statement' prepared by eb7 was submitted with the application and reviewed by the LBH Carbon Management Officer. The development would achieve a reduction of 72.3% carbon dioxide emissions on site which is supported. The development will also incorporate 4 x photovoltaic panels at roof level and an Air Source Heat Pump (ASHP) to work towards the 'Be Green' requirements. Conditions are to be imposed requiring the development to be

carried out in accordance with the Energy & Sustainability Statement, with further details of the green roof, ASHP and solar panels to be submitted to and approved in writing by the LPA. Subject to compliance with these conditions the proposal is considered acceptable with regards to energy and sustainability considerations.

Waste and Recycling

- 6.43 Local Plan Policy SP6 Waste and Recycling and DPD Policy DM4 require development proposals make adequate provision for waste and recycling storage and collection.
- 6.44 Waste and recycling storage is shown to be located at the front of site, although exact details of the enclosure are not provided. A condition is being imposed requiring such design details of the enclosure to be submitted and approved.

Basement development

- 6.45 DPD policy DM18 ('Residential Basement Development and Light Wells') requires proposals for basement development to demonstrate that they will not adversely affect the structural stability of the application site and neighbouring buildings; do not increase flood risk to nearby properties; avoid harm to the established character of the surrounding area and do not adversely impact the amenity of adjoining properties. Policy DM24 reiterates the requirement of new development to manage and reduce surface water runoff.
- 6.46 London Plan 2021 policy relates more specifically to large-scale basement development but in paragraph 3.10.6 it is recognised and outlined that small-scale basement excavations, where they are appropriately designed and constructed, can contribute to the efficient use of land, and provide extra living space. Paragraph 3.10.5 equally highlights the need to manage sensitively through the planning application process potential impact on the local environment and residential amenity.
- 6.47 Although Haringey does not have formally adopted basement development guidance, the approach taken to-date is similar to that of other councils. One such requirement referred to in Camden's guidance is that where there is "higher risk of surface water floods" then scoping and on-site investigations will be required to be undertaken.
- 6.48 As outlined above the scheme is to construct a single storey property with a one storey basement/ lower ground floor to approximately 3m depth below ground level. For the purposes of this application and the policy requirements outlined above, a number of technical documents have been submitted with the application; namely a 'Structural Methodology Statement' (SMS) prepared by Halstead Associates, a 'Drainage Strategy' (DS) prepared by GT Associates and a 'Phase 1 Preliminary Risk Assessment' (PRP) prepared by SAS Ltd. The SMS outlines

the intended structural methodology for the construction of the development, while the DS seeks to demonstrate that a reduction in surface water run-off from the site can be achieved, while the PRP looks at the potential for contamination at the site and evaluates whether any remediation may be required.

- 6.49 The site is not within an area at risk from flooding as defined by the Environmental Agency. The site is within a Critical Drainage Area (CDA) as defined in Policy DM26, which requires that all proposals for new development within a CDA to incorporate measures to reduce the overall level of flood risk.

- 6.50 The site is underlain by London Clay Formation, an unproductive strata with low permeability that has negligible significance for water flow. As outlined in the reports submitted there are no obvious water courses on site or adjacent to the site. From the information provided it can be derived that no continuous groundwater table will exist below the site and so the proposed basement/ excavation works here are not expected to have an impact on hydrogeological conditions. Specifically, the geotechnical site investigation found no groundwater within the depth of the expected excavation for the basement/ lower ground floor.

- 6.51 Measures to reduce run-off generated on site are outlined in the drainage strategy, in specific the use of a green roof, porous permeable surfaces as well as opportunities for small scale bespoke SuDS elements (such as planters and filtration beds). Final details of a green roof, the use of porous permeable surfaces as well as a landscaping scheme for the site are to be secured by way of planning conditions.

- 6.52 The structural methodology for forming the new basement outlines that it is expected to be formed by way of using contiguous piling. The use of contiguous piling is to retain the soil and any surcharge loads during construction and forming of the basement. Using contiguous piling and following industry best standard practices the excavation works here are not viewed to represent a risk in terms of structural stability, ground slip or movement in connection with neighbouring buildings and sites, the nearest structure being the garage to No.8 Bidwell Gardens. The indicative method for the construction of the basement and associated excavation to the site has been reviewed by the Council's Building Control service, which raises no objection.

- 6.53 The level of information provided at the planning application stage is considered acceptable, however as a matter of course it is pointed out that more detailed on-site investigations will take place to feed into the detailed foundation design and the construction phase of the development. A condition is being imposed to ensure that the structural side of the basement/ excavation works are overseen by a suitably qualified chartered engineer. A construction management plan (CMP) is also required to be submitted to the LPA prior to the commencement of works on site; providing further information on the programme of works.

- 6.54 Lastly it is highlighted that other legislation, Party Wall Act and Building Regulations etc., also provide further safeguards to identify and control the nature and magnitude of the effect on neighbouring properties. The necessary party-wall agreements with adjoining owners would need to be in place prior to commencement of works on site. The Party Wall Act 1996 exists separately from the planning system, to reconcile differences that adjoining development might cause.
- 6.55 Subject to the conditions outlined above, the proposal is considered acceptable with regards to the basement/ excavation works proposed.

Conclusion

- 6.56 The proposed development would provide a single dwellinghouse that would make a modest contribution to identified housing delivery targets within the borough, that would make a satisfactory design response to its location and context and would not result in an unacceptable impact on the amenities of neighbouring occupants.
- 6.57 All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION

7.0 CIL

- 7.1 Based on the information given on the plans, the Mayoral CIL charge will be £5,933.9 (98sqm x £60.55) and the Haringey CIL charge will be £36,184.54 (98sqm x £369.23). This will be collected by Haringey after/should the scheme is/be commenced and could be subject to surcharges for failure to assume liability, for failure to submit a commencement notice and/or for late payment, and subject to indexation in line with the RICS CIL Index. An informative will be attached advising the applicant of this charge.

8.0 RECOMMENDATION

GRANT PERMISSION subject to conditions

Applicant's drawing No.(s)

9.0 Subject to the following condition(s)

1. The development hereby authorised must be begun not later than the expiration of 3 years from the date of this permission, failing which the permission shall be of no effect.

Reason: This condition is imposed by virtue of the provisions of the Planning & Compulsory Purchase Act 2004 and to prevent the accumulation of unimplemented planning permissions.

2. The approved plans comprise drawing nos: Daylight, sunlight and Overshadowing Study by BVP ref. 11758 October 2020, Structural Methodology Statement by Halstead Associates October 2020 ref 18141, Drainage Strategy by Patrick Parsons ref. A20193 September 2020, Arboricultural Method Statement Rev A by Arbtech 7 January 2021, Arbtech Tree Survey 5 January 2021, Design & Access Statement by gt associates October 2020 Rev C, EX-100, EX-101, EX-102, EX-103, EX-104, PL-100 Rev. D, PL-150 Rev. C, PL-200, PL-201 Rev. A, PL-202 Rev. C, PL-203 Rev. A, Energy & Sustainability Statement by eb7 dated 8th March 2021. The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.

Reason: In order to ensure the development is carried out in accordance with the approved details and in the interests of amenity.

3. Before any above ground development commences the following details in relation to the building hereby approved shall be submitted to and approved in writing by the local planning authority:

- i) plan, elevation and section drawings indicating jamb, head, cill, reveal and surrounds of external windows and doors at a scale of 1:10;
- ii) details of brickwork including projecting brick work detail, as well as door and window frame detail.

The development shall be carried out in accordance with the approved details.

Reason: In order for the Local Planning Authority to retain control over the exact materials to be used for the proposed development, assess the suitability of the details submitted and to ensure a satisfactory standard of design in the interests of visual amenity, consistent with policy D3 of the London Plan 2021, Policy SP11 of the Haringey Local Plan 2017 and Policy DM1 of The Development Management DPD 2017.

4. Notwithstanding the approved plans, prior to the commencement of all works on site, details of all hard and soft landscaping and boundary treatment for the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the following:

- details of materials and scaled elevations of boundary treatments
- location, type and materials to be used for hard landscaping and specifications for the permeable paving
- the locations, species, heights and densities of trees and other planting.

The development thereafter shall be implemented in accordance with such approved details within the first planting season following completion of the built development.

Any new trees that die, are removed or become severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.

Reason: In order to provide a suitable setting for the proposed development in the interests of visual amenity consistent with Policy D4 of the London Plan 2021, Policy SP11 of the Haringey Local Plan 2017 and Policy DM1 of The Development Management DPD 2017.

5. Prior to the commencement of development, details of the living roof must be submitted to and approved in writing by the Local Planning Authority. The roof must be planted with native flowering species that provide amenity and biodiversity value at different times of year. Plants must be grown and sourced from the UK and all soils and compost used must be peat-free, to reduce the impact on climate change. The submission shall include:
 - i) A roof plan identifying what area of the roof will be planted;
 - ii) A section demonstrating substrate levels of no less than 120mm for extensive living roofs;
 - ii) A plan showing details of the diversity of substrate depths and types across the roof to provide contours of substrate, such as substrate mounds in areas with the greatest structural support to provide a variation in habitat;
 - iv) Details of the location of log piles / flat stones for invertebrates;
 - v) Details on the range of native species of (wild)flowers and herbs planted to benefit native wildlife. The living roof will not rely on one species of plant life such as Sedum (which are not native);
 - vi) Relationship with photovoltaic array; and
 - vii) Irrigation, management and maintenance arrangements.

The approved living roof shall be installed before the dwelling is first occupied and shall be managed thereafter for the lifetime of the development in accordance with the approved management arrangements.

Reason: To ensure that the development provides the maximum provision towards the creation of habitats for biodiversity and supports the water retention on site during rainfall. In accordance with Policies G1, G5, G6, SI1 and SI2 of the London Plan (2021) and Policies SP4, SP5, SP11 and SP13 of the Haringey Local Plan (2017).

6. No development shall take place until a Construction Management Plan, to include details of:
- a) parking and management of vehicles of site personnel, operatives and visitors
 - b) loading and unloading of plant and materials
 - c) storage of plant and materials
 - d) programme of works (including measures for traffic management)
 - e) provision of boundary hoarding behind any visibility zones
 - f) wheel washing facilities:

have been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented and retained during the demolition and construction period.

Reasons: To ensure there are no adverse impacts on the free flow of traffic on local roads and to safeguard the amenities of the area consistent with Policy T4 of the London Plan 2021, Policies SP0 of the Haringey Local Plan 2017 and with Policy DM1 of The Development Management DPD 2017.

7. The building hereby permitted shall not be occupied until the drop kerb has been installed at the carriageway edge and a vehicle cross-over constructed across the footway fronting the site in accordance with the approved plans and retained in that form thereafter for the lifetime of the development.

Reason: In order to ensure that the proposed development does not prejudice the free flow of vehicular and pedestrian traffic or the conditions of general safety of the highway and consistent with Policy T4 of the London Plan 2021

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (and any order revoking and re-enacting the order) no extensions or outbuildings shall be built and no new window or door openings inserted into any elevation of the building (other than that development expressly authorised by this planning permission), unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring occupiers and the general locality.

9. The development hereby approved shall be constructed in accordance with the Energy & Sustainability Statement by eb7 (dated 6 March 2021) delivering a 72.3% improvement on carbon emissions over 2013 Building Regulations Part L, with SAP10 emission factors, high fabric efficiencies (min. 3.2% reduction), air source heat pump (ASHP) and 1.32kWp solar photovoltaic (PV) energy generation.

(a) Prior to above ground construction, details of the proposed heating systems and solar PV shall be submitted to the Local Planning Authority. This must include:

- Specification and efficiency of the proposed ASHP (Coefficient of Performance, Seasonal Coefficient of Performance, and the Seasonal Performance Factor), with plans showing the location of the ASHP and pipework;
- Confirmation of solar energy to be generated on the roof, with details including: a roof plan; the number, angle, orientation, type, and efficiency level of the PVs; their peak output (kWp) and the final carbon reduction at the Be Green stage of the energy hierarchy.

(b) Prior to the occupation of development, evidence that the ASHP and solar PV comply with other relevant issues as outlined in the Microgeneration Certification Scheme Heat Pump Product Certification Requirements shall be submitted to and approved by the Local Planning Authority.

The final agreed energy strategy shall be installed and operation prior to the first occupation of the development. The development shall be carried out strictly in accordance with the details so approved and shall be operated and maintained as such thereafter. The solar PV array shall be also installed with monitoring equipment prior to completion and shall be maintained and cleaned at least annually thereafter.

Reason: To ensure the development reduces its impact on climate change by reducing carbon emissions on site in compliance with the Energy Hierarchy, and in line with London Plan (2021) Policy SI2 and Local Plan Policy SP4 and DM22.

10. Prior to first occupation of the development hereby approved, a detailed scheme for the provision of refuse and waste storage and recycling facilities shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme as approved shall be implemented prior to first occupation and permanently retained thereafter.

Reason: In order to protect the amenities of the locality and to comply with Policy DM4 of The Development Management DPD 2017 and Policy SI7 of the London Plan 2021.

11. Prior to first occupation of the development hereby approved, details of the type and location of secure and covered cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until a minimum of 2 cycle parking spaces for users of the development, have been installed in accordance with the approved details. Such spaces shall be retained thereafter for this use only.

Reason: To promote sustainable modes of transport in accordance with Policies T2 and T5 of the London Plan 2021 and Policy SP7 of the Haringey Local Plan 2017.

12. No development shall commence until a Chartered Civil Engineer (MICE) or Chartered Structural Engineer (MI Struct.E) has been appointed to supervise the construction works throughout their duration and their appointment confirmed in writing to the Local Planning Authority. In the event that the appointed engineer ceases to perform that role for whatever reason before the construction works are completed those works will cease until a replacement chartered engineer of the afore-described qualification has been appointed to supervise their completion and their appointment confirmed in writing to the Local Planning Authority. At no time shall any construction work take place unless an engineer is at that time currently appointed and their appointment has been notified to this Authority in accordance with this condition.

Reason: The details are considered to be material to the acceptability of the proposal, and for safeguarding the amenity of neighbouring residential properties and to comply with the policy DM18 of the Development Management DPD 2017.

INFORMATIVE: Land Ownership

The applicant is advised that this planning permission does not convey the right to enter onto or build on land not within his ownership.

INFORMATIVE: Hours of Construction Work The applicant is advised that under the Control of Pollution Act 1974, construction work which will be audible at the site boundary will be restricted to the following hours:-

8.00am - 6.00pm Monday to Friday

8.00am - 1.00pm Saturday

and not at all on Sundays and Bank Holidays.

INFORMATIVE: Party Wall Act

The applicant's attention is drawn to the Party Wall Act 1996 which sets out requirements for notice to be given to relevant adjoining owners of intended works on a shared wall, on a boundary or if excavations are to be carried out near a neighbouring building.

INFORMATIVE: Community Infrastructure Levy

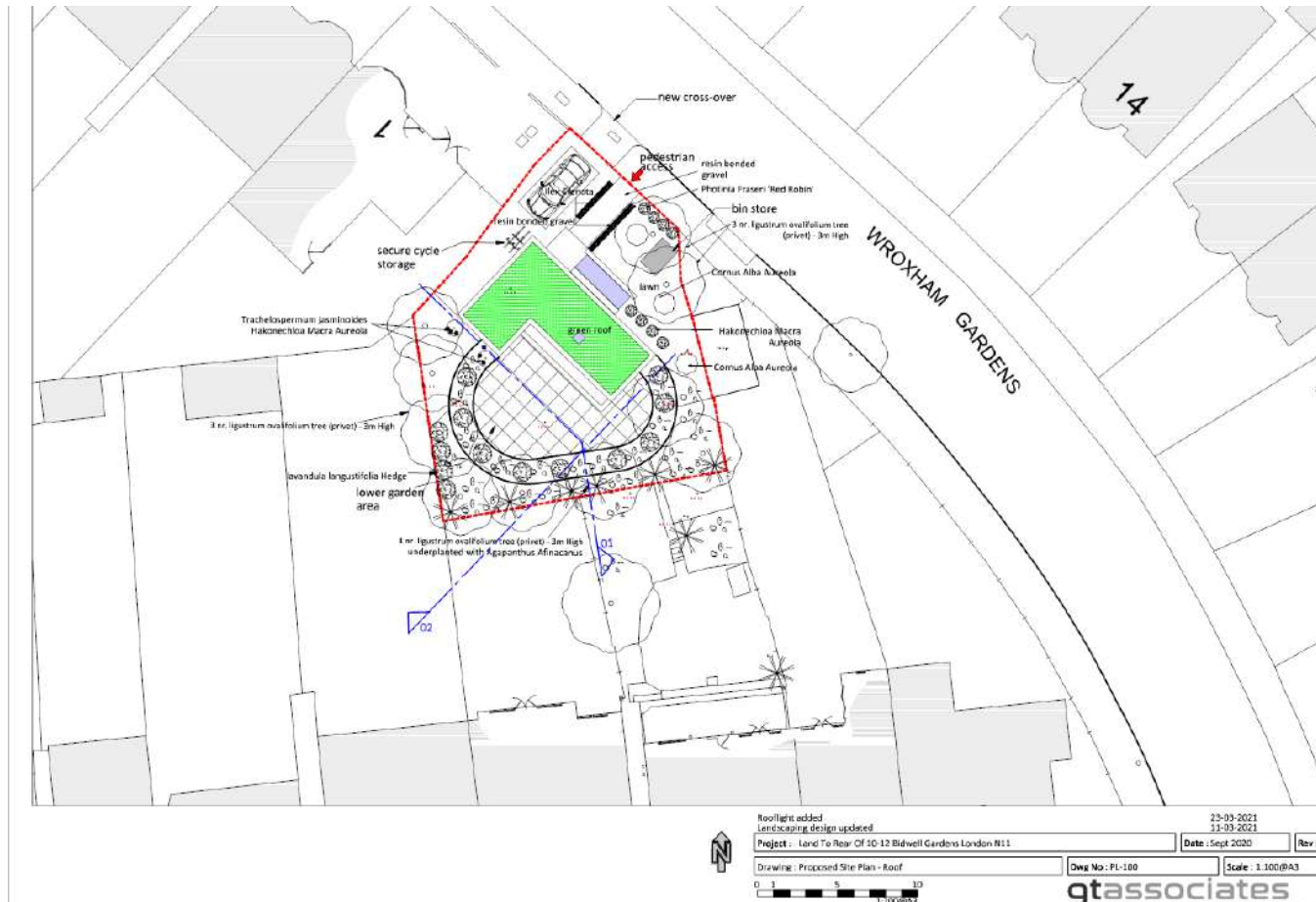
The applicant is advised that the proposed development will be liable for the Mayor of London and Haringey CIL. Based on the information given on the plans, the Mayoral CIL charge will be £5,933.9 (98sqm x £60.55) and the Haringey CIL charge will be £36,184.54 (98sqm x £369.23). This will be collected by Haringey after the scheme is commenced and could be subject to surcharges for failure to assume liability, for failure to submit a commencement notice and/or for late payment, and subject to indexation in line with the RICS CIL Index.

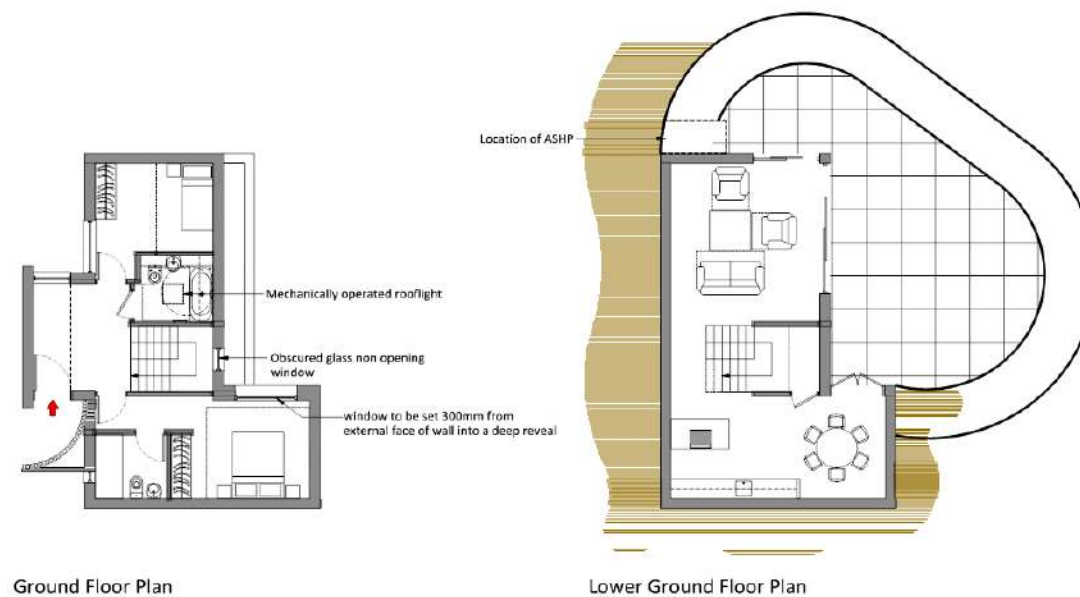
INFORMATIVE: The new development will require numbering. The applicant should contact the Local Land Charges at least six weeks before the development is occupied (tel. 020 8489 3472) to arrange for the allocation of a suitable address.

INFORMATIVE: Crossovers

The proposed development requires a new crossover to be created. The necessary works will be carried out by the Council at the applicant's expense once all the necessary internal site works have been completed. The applicant should telephone 020 8489 1316 to obtain a cost estimate and to arrange for the works to be carried out before the development is occupied.

Appendix 1 Plans and Images – Current scheme



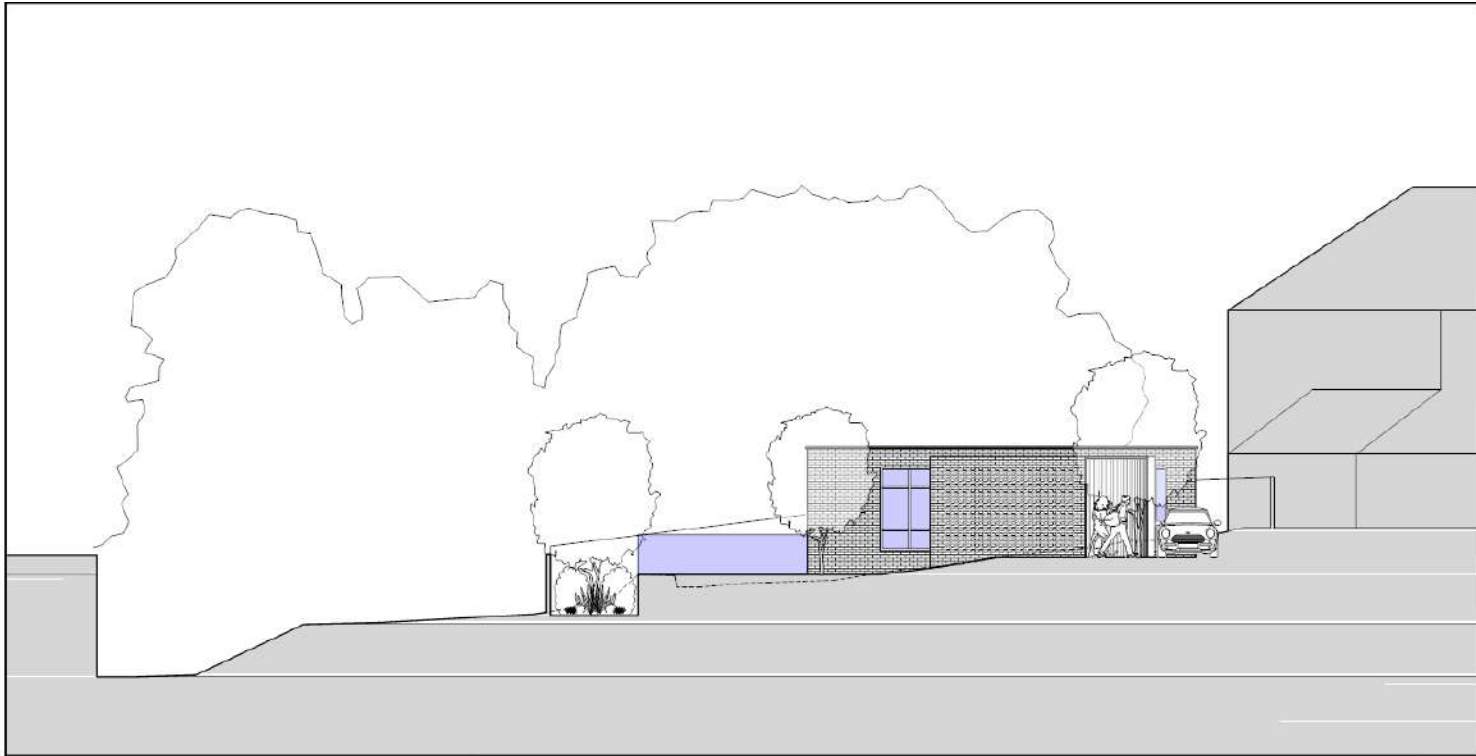


Master bedroom window amended		23-03-2021	C
Verandas added		23-03-2021	A
Bathroom window added, location of ASHP added		22-01-2021	A
Project: Land To Rear Of 10-12 Bidwell Gardens London N11		Date: Sept 2020	Rev: C
Drawing: Proposed GA Plans		DWG NO: PL-120	Scale: 1:100@A3
			



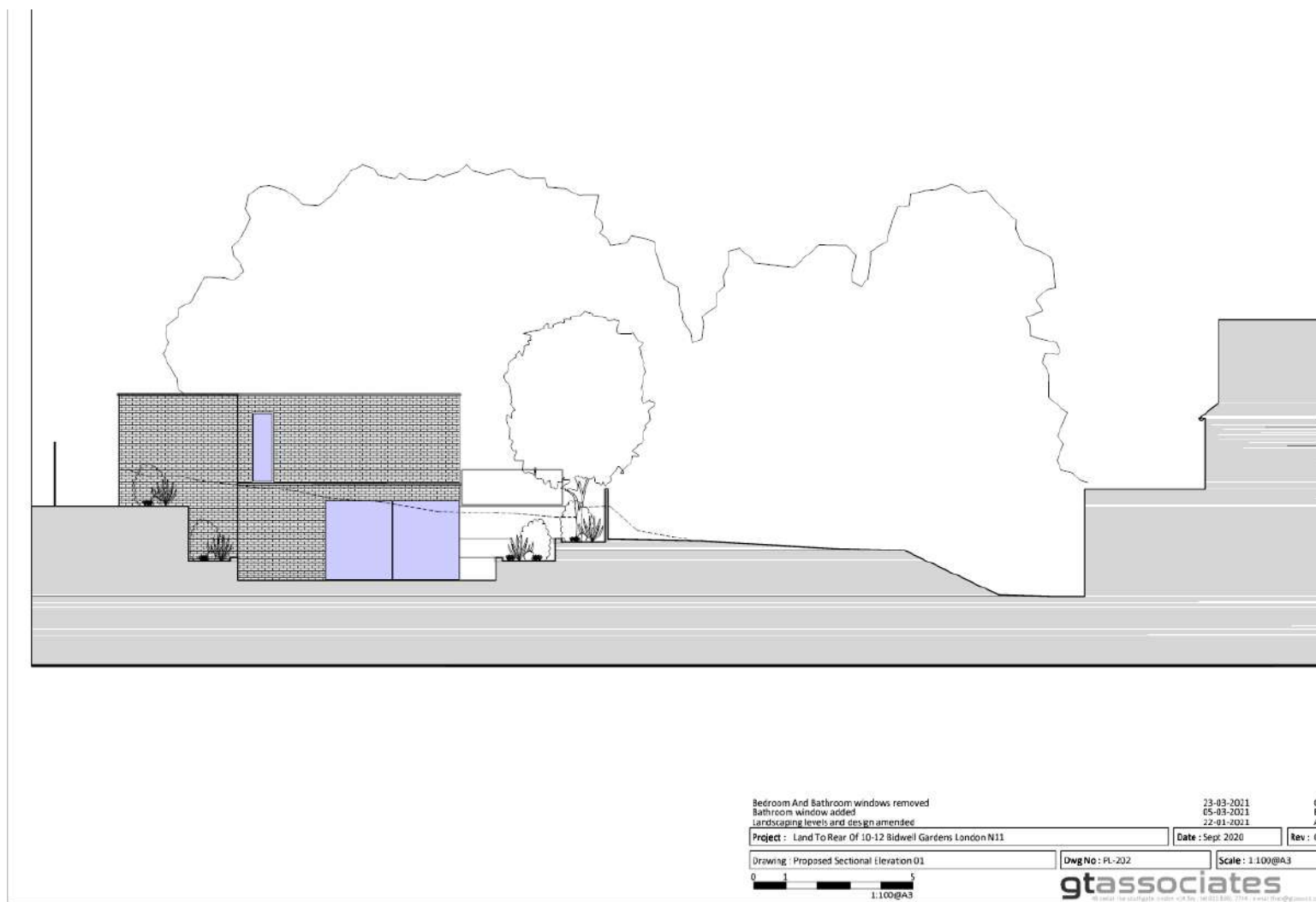
Project : Land To Rear Of 10-12 Bidwell Gardens London N11	Date : Sept 2020	Rev :
Drawing : Proposed Wroxham Gardens Elevation - Street Scene	Dwg No : P-260	Scale : 1:100@A3
 1:100@A3		

gtassociates
Planning and Design Associates Ltd, 101 Tottenham Court Road, London W1P 0LP, UK. Tel: +44 (0)20 7638 0000. Email: info@gtassociates.co.uk



Landscaping levels and design amended		22.01.2021	A
Project : Land To Rear Of 10-12 Bidwell Gardens London N11		Date : Sept 2020	Rev : A
Drawing : Proposed Wrotham Gardens Elevation (Fence Removed)		Dwg No : PL-201	Scale : 1:100@A3
0 2 4 6		1:100@A3	

gtassociates
Architectural Services Limited, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000



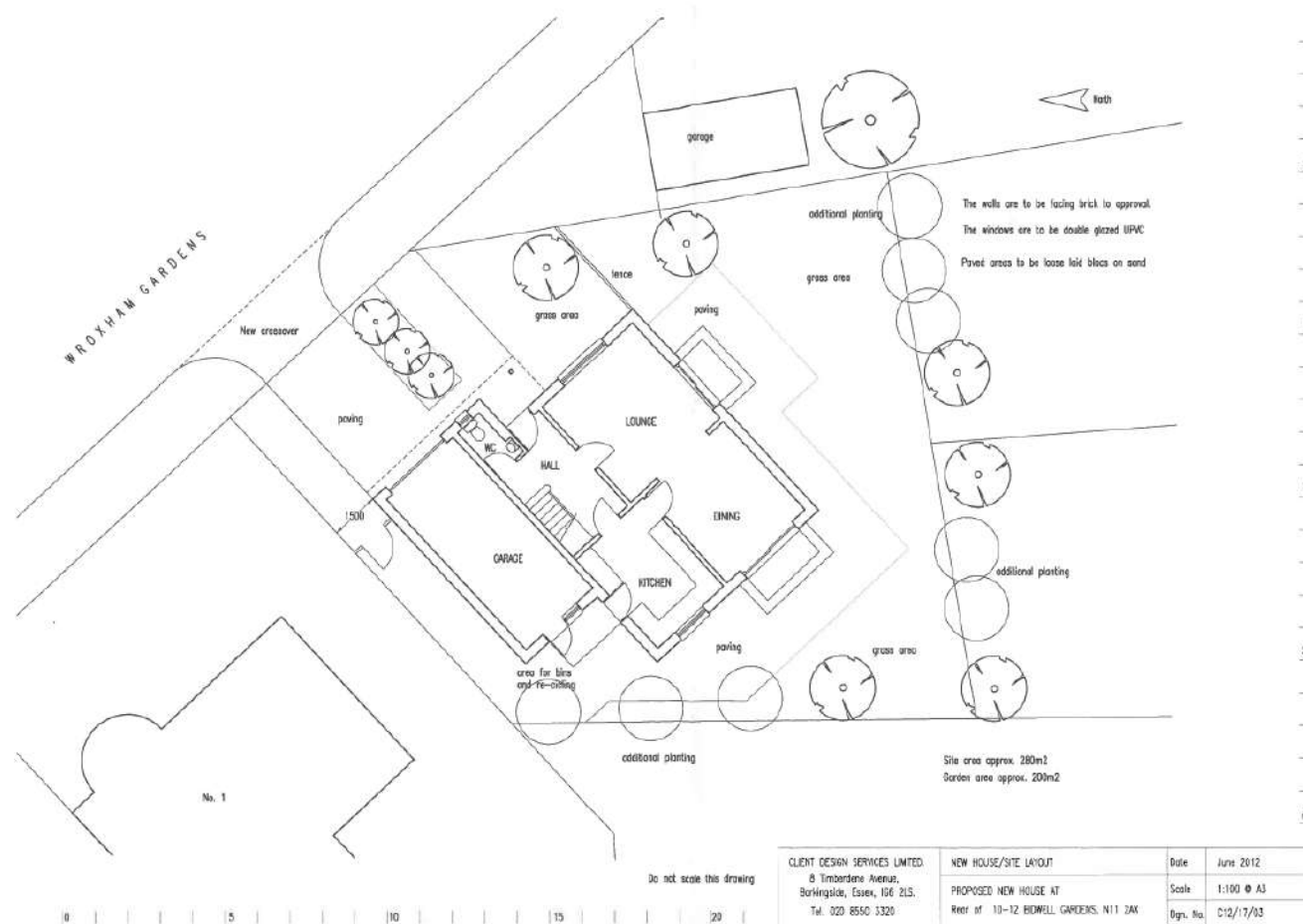
Planning Sub-Committee Report





View2-After

Appendix 2 Plans and Images - 2012 scheme/ Ref: HGY/2012/1530



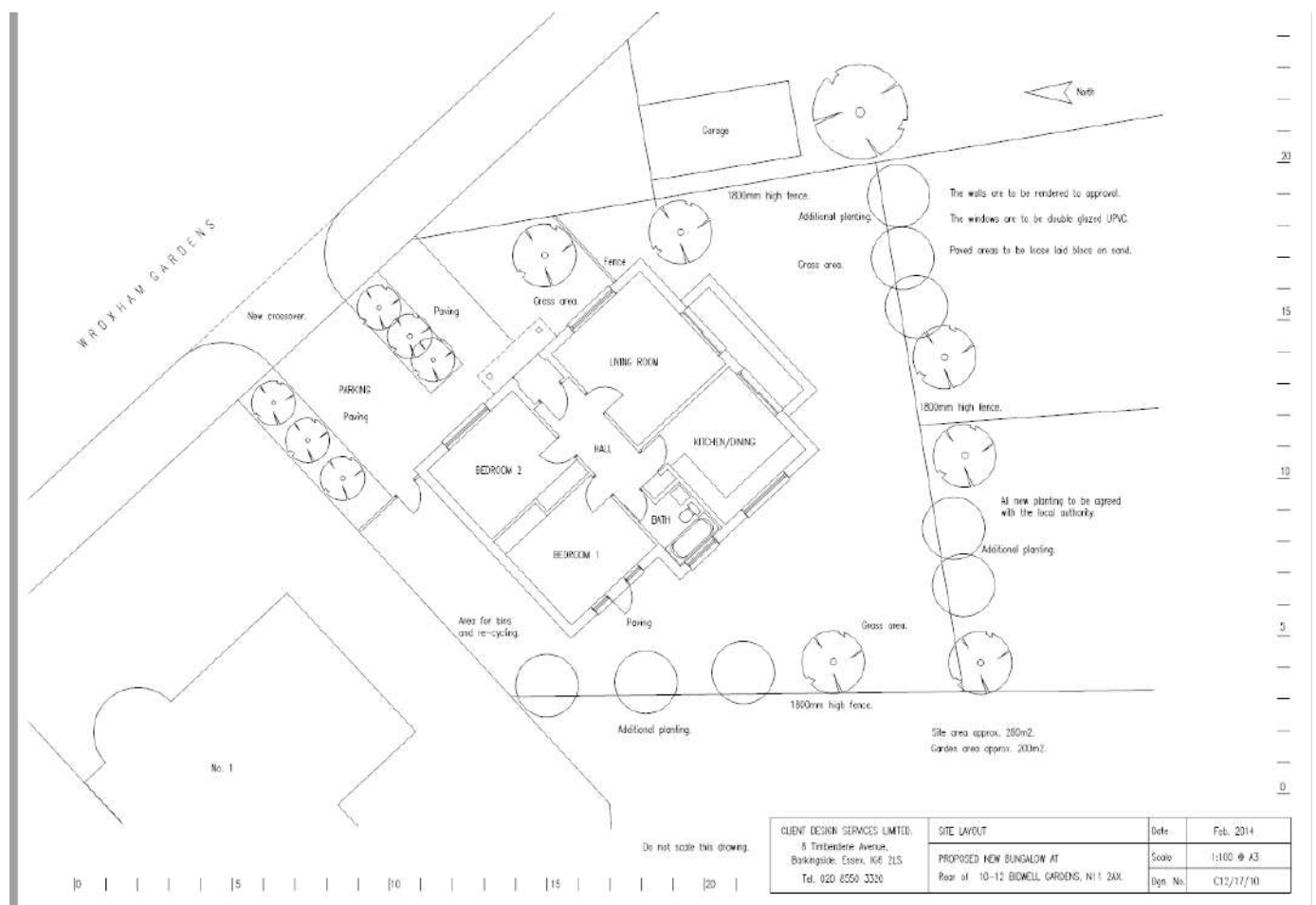


Do not scale this drawing



CLIENT DESIGN SERVICES LIMITED, 3 Timberlane Avenue, Barkingham, Essex, IG8 3LS. Tel. 020 8359 3300	ELEVATIONS	Date	February 2012
	PROPOSED NEW HOUSE AT	Scale	1:100 @ A3
	Rear of 16-12 BOWELL GARDENS, 411 24X.	Dgn. No.	C/2/17/03

Appendix 3 Plans and Images - 2014 scheme/ Ref: HGY/2014/0718





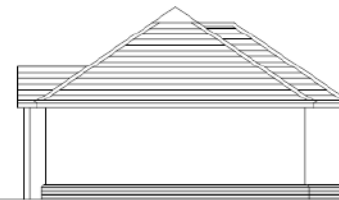
FRONT ELEVATION

Roof to be clay roof tiles, to be agreed with local authority.

Walls to be rendered with pre-finished render.

Windows to be UPVC double glazed.

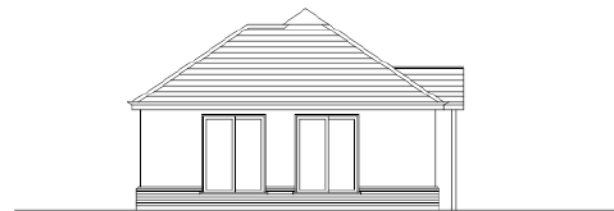
Plinth to be facing brickwork.



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

0 | | | | 5 | | | | 10 | | | | 15 | | | | 20 |

Do not scale this drawing

Rev A Dimensions added 11-02-2014

CLIENT DESIGN SERVICES LIMITED. 8 Timberdore Avenue, Barkingide, Essex, IG6 2LS Tel. 020 8550 3320	ELEVATIONS	Date	Feb. 2014
	PROPOSED NEW BUNGALOW AT	Scale	1:100 @ A3
	Rear of 10-12 BOWELL GARDENS, N11 2AX.	Dgn. No.	C12/17/12 A

Appendix 4 Consultation Responses from internal and external consultees

Stakeholder	Question/Comment	Response
INTERNAL		
LBH Transportation	- Full details of cycle storage should be provided by condition. - The access to the site would be delivered in the form of a footway crossover which is considered acceptable. A Construction Management Plan should also be conditioned.	A prior to occupation condition requiring details of cycle storage has been included in the recommended list of conditions. A pre-commencement condition requiring a construction management plan to be submitted to and approved in writing has been included in the recommended list of conditions.
LBH Building Control	- No. objection to the proposal. The development will require building regulations consent should planning permission be granted.	The impact of the basement development is assessed in detail between paragraphs 6.45-6.55 and of the report.
LBH Carbon Management	- No. objection to the proposal. The development will require building regulations consent should planning permission be granted.	A condition has been included in the recommended list of conditions requiring the development to be carried out in accordance with the Energy & Sustainability Statement, and for further details of the Air Source Heat pump, solar panels and green roof to be submitted to and approved by condition prior to the commencement of works on site.
Councillor Rossetti (Alexandra Ward)	- The architecture of the development is out of character with the surroundings. - Overlooking of neighbouring properties - Potential problems with ground movement resulting from basement development	- The design and appearance of the proposed development is considered between paragraphs 6.14 – 6.21 of the report - Paragraph 6.25 addresses matters of privacy and overlooking - The impact of the basement development is assessed in detail

Stakeholder	Question/Comment	Response
		between paragraphs 6.45-6.55 and of the report.
EXTERNAL		
Muswell Hill & Fortis Green Association	- The character and appearance of proposal fails to complement the surroundings.	- The design and appearance of the proposed development is considered between paragraphs 6.14 – 6.21 of the report
Bounds Green & District Residents' Association	- The should be kept as garden land and not developed. - The proposed development does not fit in with the street scene - The development would have a visually overbearing impact on residents in Bidwell Gardens - Overshadowing	- The principle of development is considered between paragraphs 6.7 – 6.13 of the report - The design and appearance of the proposed development is considered between paragraphs 6.14 – 6.21 of the report - The impact on shading resulting from the development is considered at paragraph 6.24 of the report
NEIGHBOURING PROPERTIES		
	<u>Design and character</u> - Design is out of keeping with the locality - Loss of greenery - Development would be a precedent for similar development - Over-development - Potential to further extend the dwelling if approved and built	- The design and appearance of the proposed development is considered between paragraphs 6.14 – 6.21 of the report - The issue of landscaping and existing verdant character is considered at paragraph 6.39 of the report - The issue of precedent is addressed at paragraph 6.13 of the report.

Stakeholder	Question/Comment	Response
		- This matter is considered within the design and appearance section of the report - A restrictive condition has been recommended to be imposed on the development that would remove permitted development rights to alter or extend the dwellinghouse without the need for full planning permission.
	<u>Highways, transportation and construction</u> - Additional vehicular access will reduce highway/pedestrian safety - The ground on which the development would be located is unsuitable for basement development - Disruption to neighbours during construction. Potential for subsidence and drainage problems	- The location of the proposed vehicular access has been considered by officers to not result in any unacceptable impact on highway or pedestrian safety - The impact of the basement development is assessed in detail between paragraphs 6.45-6.55 and of the report.
	<u>Environment</u> Impact of development on local wildlife	This issue is considered within paragraphs 6.36 and 6.39 of the report.
	<u>Amenity</u> - Overlooking - Loss of outlook and privacy - Visual overbearing impact - Development should be well-screened with appropriate trees and soft landscaping	- Matters of overlooking and privacy are considered at paragraph 6.25 of the report - Matters of outlook and visual overbearing impact are considered at paragraph 6.24 of the report - Paragraphs 6.21 and 6.39 set out that the development will be subject to a generous soft

Stakeholder	Question/Comment	Response
		landscaping scheme, details of which shall be required by condition.

APPENDIX

'B'



Pre-Application Planning Advice Note

Ref: PRE/2020/0113

Date of meeting: 10/07/2020

Thank you for attending the recent Pre-Application Planning advice meeting with Haringey Council to discuss your proposal. We hope you found the meeting useful. The points discussed at the meeting are outlined below, along with feedback from the Planning Service about aspects that were good, could be improved, or are unlikely to obtain planning permission as currently proposed. We hope this summary will provide you with useful guidance about the steps you will need to take before submitting an application for planning permission.

If you have any questions about the feedback we have provided, please contact the named officer who will be able to clarify the advice. If you require further advice, our website can provide you with some information about the things we take into consideration when determining a planning application, or you can book a second pre-application advice meeting.

Site Address: Rear of 10-12 Bidwell Gardens N11 2AX

Proposal: New two storey 2 bed 3 Person residential house at the rear of 10-12 Bidwell Gdns N11

Submitted Documents: Pre-app statement June 2020 gassociates, Site location plan scale 1:1250,

Attendees: Roland Sheldon (Planning Officer)

Summary of Council's response

Overall RAG Rating	Reason for rating
	Whilst the principle of development and general design approach is acceptable, alterations are required to the layout to ensure a satisfactory standard of accommodation and to protect neighbouring amenity. Alterations would also be required to improve the quality of the design to the front elevation. A high quality landscaping scheme will be integral to the delivery of such a scheme and in the preparation of a formal planning submission.

Review of submitted proposal

The assessment of the proposal submitted uses a RAG rating system (see below). Comments are provided on the reasons for the rating given.

Red = This element of the element is not currently considered to be acceptable.

Amber = This element of the proposal has not been adequately addressed within the submission.

Green = This element of the proposal is considered to be acceptable by officers.

NOTE: The rating assigned is a result of the officer's consideration of the proposal against the current planning policy (see below) and all other material planning considerations insofar as they are known at this stage (i.e before consultation with the neighbours has taken place).

Policy aspect				Comments
The principle of the proposal			✓	Government policy as set out in the NPPF 2019 requires Local Planning Authorities to significantly boost the supply of housing (para. 59). Paragraph 68 supports approval on small sites and outlines that such sites can make an important contribution to meeting the housing requirement of an area, and often can be built out relatively quickly. The principle of additional housing is supported by the London Plan (2016) Policies 3.3 'Increasing Housing Supply' and 3.4 'Optimising Housing Potential'. It is also supported by

			Haringey's Local Plan Policy SP2 'Housing'. Policy SP2 states that the Council would seek to ensure a mix of dwelling sizes arising from development and recognises that there is a lack of family sized housing in the Borough. The Haringey Local Plan has a target of 19,820 dwellings between 2011 and 2026. Policy DM7 covers development on infill, backland and garden land sites. Part A of the policy outlines that there would be a presumption against the loss of garden land unless it represents comprehensive redevelopment of a number of whole land plots. The proposal includes land within 2 plots of land and therefore complies with Part A of the policy. As such, it is considered that there is scope to erect a modest dwelling in this location without undermining the overarching aims of policy DM7, which seeks to prevent inappropriate development on garden land.
Comments on character and design		✓	There have been 2 previous proposals for the erection of a dwellinghouse on land within the rear gardens of nos. 10 – 12 Bidwell Gardens in 2012 and 2014. The first development had a two-storey form whilst the subsequent scheme had a single storey form. Both schemes were refused with design being highlighted as one of the principle reasons for refusal. The current submission has attempted to address concerns previously raised with regards to the bulk, massing and elevational treatments in the refused application with a scheme that makes use of the topography of the site to create a two-storey development that is excavated to create a lower ground and ground floor level for the new dwelling. This would result in the development having the appearance of a single storey structure viewed from Wroxham Gardens. The development would be sufficiently set-back from the street to ensure it would not be overly visually prominent and would allow for a satisfactory landscaping to the front of the site. The proposed approach of contemporary design comprising a dark brick and glazing is supported. However, it is considered that the front elevation should incorporate additional features/ articulation to provide more visual interest i.e. additional glazing, hit-and-miss brickwork etc.

				There are some concerns however with the extent of the reduction in the depth of the rear gardens to Nos. 10 and 12 Bidwell Gardens, required to facilitate the development. In order to respect the pattern of development of the surrounding area it should be investigated whether the extent of garden land being lost to enable the development here can be lessened.
Impact on neighbouring amenity		✓		The development would have an L-shape form with the base of the L facing the flank elevation of no. 1 Bidwell Gardens. Whilst the development would have a 2-storey form when viewed from adjacent neighbouring properties on Bidwell Gardens, the siting, form and massing of the dwelling should ensure that it would not result in a visually overbearing impact, loss of outlook or light by neighbouring occupants. The dwelling would be located at least 18 metres away from the rear facing windows on Bidwell Gardens and is set-off the neighbouring garden boundaries a sufficient distance to ensure it would not be visually overbearing when viewed from adjacent rear windows or gardens of properties on Bidwell Gardens. In order to ensure that it does not result in an unacceptable loss of sunlight to adjacent rear gardens, an overshadowing study must be submitted alongside any formal submission. The positioning of the south and west-facing bedroom windows should be re-positioned to ensure that they do not result in an unacceptable loss of privacy.

Standard/ quality of accommodation		✓		The proposal meets the minimum floor space standards of the London Plan and would benefit from satisfactory outlook and light to habitable rooms. The layout should incorporate storage space. In order to ensure that the development meets the minimum requirements of Part M4(1) of the Building Regulations, the layout of the proposed dwelling will need to be amended so that the kitchen/living room area as well as the WC are located on the entrance storey. Any revised layout will therefore require this issue to be addressed and to ensure that it still meets minimum floor space requirements whilst providing satisfactory light and outlook to habitable rooms. The sunken courtyard amenity space provision would provide a satisfactory means of amenity for future occupants.
Trees and landscaping		✓		A high standard of soft and hard landscaping will be key to securing a high standard of development. The rear garden boundaries of the site will be required to be screened with soft landscaping to avoid a stark minimalist courtyard area against the retaining wall. A low boundary wall with soft landscaping behind could be employed within the front garden, alongside good quality fencing along the boundaries of the site. A green roof should be used and incorporated in the design of the new dwelling. It is advised that a landscape architect is employed to inform the design of the scheme at this stage prior to any formal submission being made.
Flood risk		✓		The site is located within a Critical Drainage Area. Any formal submission must include a statement that outlines the measures that will be employed within the development to reduce the overall level of flood risk.

Basement Impact Assessment		✓		The development involves a significant level of excavation in order to create the lower ground floor level and courtyard. A Basement Impact Assessment shall be required to be submitted alongside any formal submission in accordance with policy DM18 of the Haringey Development Management DPD 2017, to demonstrate that the works would not adversely affect the structural stability of neighbouring buildings, does not increase flood risk to the property or neighbouring properties and would not adversely impact on nearby infrastructure.
CIL S106		✓		The development would be liable to both Mayoral and local CIL.

Next steps

If you decide to proceed with applying for Planning Permission, the following information will be required when you submit your application:

1. The full application form (available on our website or from the [Planning Portal](#))
2. Location plan at a scale of 1:1250 with a red line around the site in question.
3. Site plan at a scale of 1:500 or 1:200 showing the direction of North, the proposed development in relation to the site boundaries and written dimensions.
4. Existing and proposed plans (elevations, floor plans, roof plans and section where appropriate). All plans/elevations must have a scale bar and dimensions.
5. Design and access statement
6. Brief statement regarding measures employed in the scheme to minimise flood risk, in accordance with DM policy DM26.
7. Basement Impact Assessment
8. Fee.
9. Energy Statement (all new buildings) which must demonstrate compliance with Local Plan Policy SP4.

The planning application process

Once you have submitted your planning application, it goes through a number of steps:

1. **Validation/Checking**

Applications are checked to make sure all required documents and fees are there, and checked for any potential issues which need addressed to ensure compliance with policy, if considered 'valid' and likely to be acceptable they are registered, applications are only checked when an officer is available so there can be a number of weeks before an application is validated and checked.

2. **Registration**

The application is entered into the register of applications and customers are informed formally that their application is registered, their application reference number, their case officer and the deadline they can expect to hear back by.

3. **Consultation** (a minimum of 21 days following registration)

Details of the application will be provided to neighbours in line with our consultation policy and they will have the opportunity to comment on the proposed development. Consultees are given a minimum of 21 days to comment on an application.

4. **Decision** (Usually as soon as the consultation has ended).

The planning service can deal with most householder applications under delegated powers and will issue a decision notice to stating whether the application has been approved or refused, and if there are any conditions that must be met.

Carrying out building works

Once you have planning permission, it is recommended that you obtain technical advice regarding building control matters. Building Control services ensure that the works carried out by your appointed builders are done safely. Building Control services can be found through your local council or an Approved Inspector service.

Haringey Building Control has extensive experience in working with clients on a wide range of projects. Should you wish to discuss your project and how Haringey Building Control may best advise you regarding compliance with relevant building control regulations, please contact Building Control on 020 8489 5504 or by email on building.control@haringey.gov.uk

List of relevant contacts

Planning Officer: Roland Sheldon
Phone: 020 8489 2038

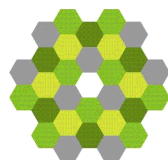
Building Control Officer: Bob McIver
Phone: 020 8489 5500

INFORMATIVE

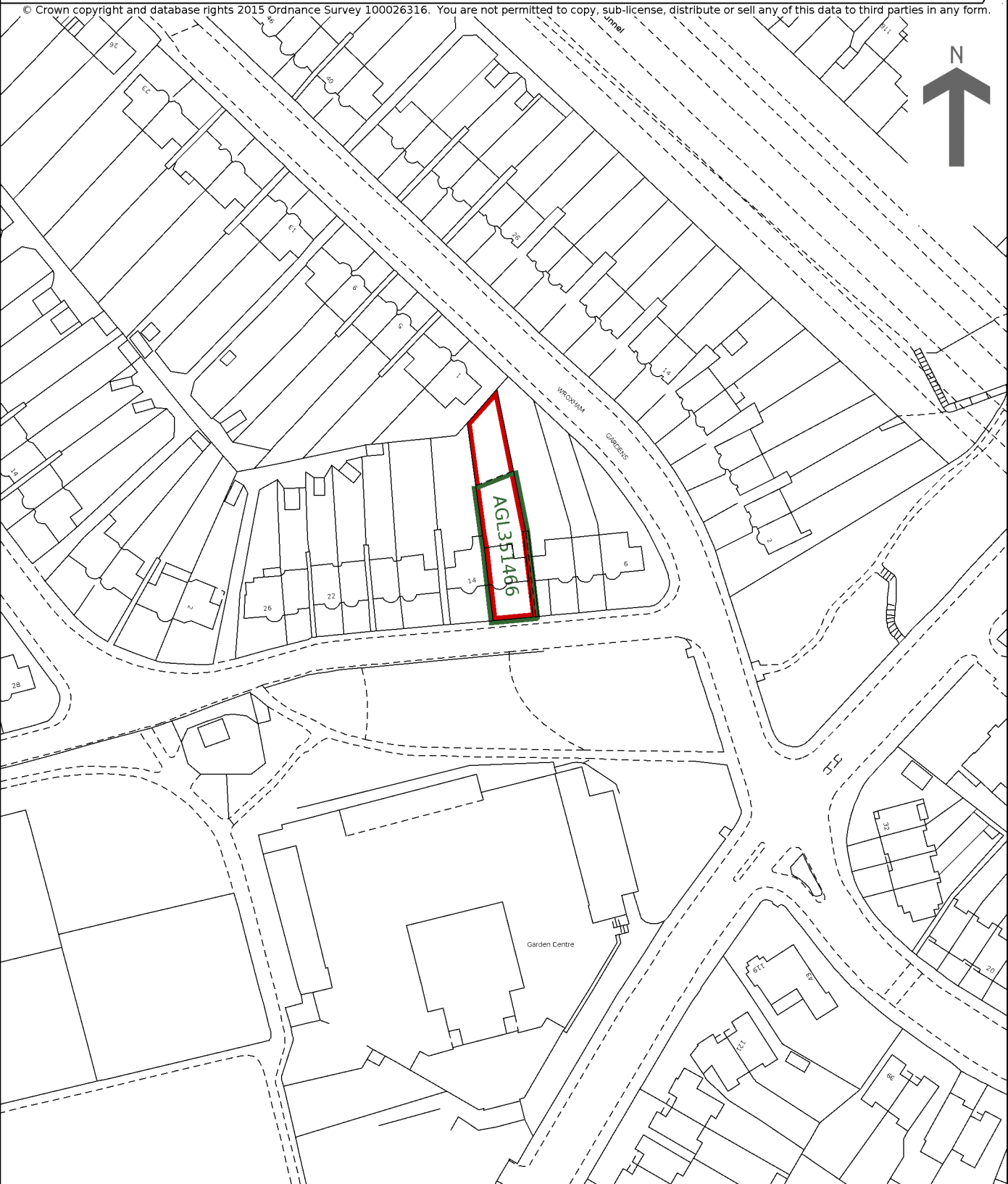
Please be advised that this response is given at officer level and does not form a formal response or decision of the Council with regard to future planning application(s) or other formal approaches. The views expressed above are given in good faith, to the best of ability, and without prejudice to the formal consideration of any future planning application, which will be subject to formal consultation and ultimately decided on by the Council.

APPENDIX

'C'



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Title Number : MX374155

This title is dealt with by HM Land Registry, Wales Office.

The following extract contains information taken from the register of the above title number. A full copy of the register accompanies this document and you should read that in order to be sure that these brief details are complete.

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This extract shows information current on 10 JUL 2020 at 16:49:16 and so does not take account of any application made after that time even if pending in HM Land Registry when this extract was issued.

REGISTER EXTRACT

Title Number	: MX374155
Address of Property	: Land lying to the north of 12 Bidwell Gardens, London (N11 2AX)
Price Stated	: Not Available
Registered Owner(s)	: CHRISTOS SOLOMON CHRISTOU and ELENI CHRISTOU of 125 Empire Avenue, London N18 1AP.
Lender(s)	: None

Title number MX374155

This is a copy of the register of the title number set out immediately below, showing the entries in the register on 10 JUL 2020 at 16:49:16. This copy does not take account of any application made after that time even if still pending in HM Land Registry when this copy was issued.

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A: Property Register

This register describes the land and estate comprised in the title.

HARINGEY

- 1 (01.12.1958) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being Land lying to the north of 12 Bidwell Gardens, London (N11 2AX).
- 2 A Conveyance dated 11 November 1958 made between (1) The Church Commissioners for England (the Commissioners) and (2) Francisco Antonio Deniz contains the following exceptions and reservations and this registration takes effect subject thereto:-

"EXCEPT AND RESERVING unto the Commissioners and their successors in title the owner or owners for the time of the adjoining and neighbouring property

(a) the free passage of water soil and other services from such adjoining land through any drains watercourses pipes and conduits now existing in or under the said property hereby conveyed or substituted therefor by the Purchaser and

(b) full and free right and liberty without obtaining the consent of or making any compensation to the Purchaser or other the owner or owners occupier or occupiers for the time being of the said property hereby conveyed to deal in any manner whatsoever with any of the said adjoining or neighbouring property and to erect and maintain or suffer to be erected or maintained on such land any buildings whatsoever whether such buildings shall or shall not affect or diminish the light or air which may now or at any time or times hereafter be enjoyed for or in respect of the said property hereby conveyed or any buildings for the time being thereon and

(c) All such rights of way and such rights of user of air light and the passage thereof as the Commissioners their lessees or tenants now have or enjoy in through over and upon the said property or any parts thereof to for or in respect of any adjoining property."
- 3 (11.08.2015) A new title plan based on the latest revision of the Ordnance Survey Map has been prepared.
- 4 (11.08.2015) The land edged and numbered in green on the title plan has been removed from this title and registered under the title number or numbers shown in green on the said plan. The property description has been altered to reflect the land remaining in the title.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (09.07.2008) PROPRIETOR: CHRISTOS SOLOMON CHRISTOU and ELENi CHRISTOU of 125 Empire Avenue, London N18 1AP.
- 2 (09.07.2008) RESTRICTION: No disposition by a sole proprietor of the

Title number MX374155

B: Proprietorship Register continued

registered estate (except a trust corporation) under which capital money arises is to be registered unless authorised by an order of the court.

C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 The land is subject to all rights of way water light or other easements (if any) affecting the same.

End of register

H. M. LAND REGISTRY GENERAL MAP

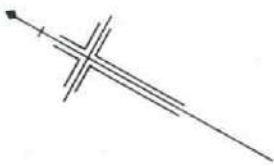
MIDDLESEX

SHEET XII. 1.

SECTION AA

Scale 1/1250 Enlarged from 1/2500

WOOD GREEN PARISH



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Filed Plan of Title No. **MX 379 898**

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Title Number : MX379898

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This extract shows information current on 10 JUL 2020 at 16:47:29 and so does not take account of any application made after that time even if pending in HM Land Registry when this extract was issued.

REGISTER EXTRACT

Title Number	: MX379898
Address of Property	: 10 Bidwell Gardens, London (N11 2AX)
Price Stated	: Not Available
Registered Owner(s)	: SOLOMON CHRISTOU and ANDROULLA CHRISTOU of 10 Bidwell Gardens, London N11 2AX.
Lender(s)	: None

Title number MX379898

This is a copy of the register of the title number set out immediately below, showing the entries in the register on 10 JUL 2020 at 16:47:29. This copy does not take account of any application made after that time even if still pending in HM Land Registry when this copy was issued.

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A: Property Register

This register describes the land and estate comprised in the title.

HARINGEY

- 1 (09.02.1959) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being 10 Bidwell Gardens, London (N11 2AX).
- 2 A Conveyance dated 25 December 1958 made between (1) The Church Commissioners for England (the Commissioners) and (2) The Mayor Aldermen and Burgesses of the Borough of Wood Green (Purchaser) (purchaser) contains the following exceptions and reservations and this registration takes effect subject thereto:-

"EXCEPT AND RESERVING unto the Commissioners and their successors in title the owner or owners for the time being of the adjoining and neighbouring property

(a) the free passage of water soil and other services from such adjoining land through any drains watercourses pipes and conduits now existing in or under the said property hereby conveyed or substituted therefor by the Purchaser and

(b) full and free right and liberty without obtaining the consent of or making any compensation to the Purchaser or other the owner or owners occupier or occupiers for the time being of the said property hereby conveyed to deal in any manner whatsoever with any of the said adjoining or neighbouring property and to erect and maintain or suffer to be erected or maintained on such land any buildings whatsoever whether such buildings shall or shall not affect or diminish the light or air which may now or at any time or times hereafter be enjoyed for or in respect of the said property hereby conveyed or any buildings for the time being thereon and

(c) All such rights of way and such rights of user of air light and the passage thereof as the Commissioners their lessees or tenants now have or enjoy in throughover and upon the said property or any parts thereof to for or in respect of any adjoining property."
- 3 A Transfer dated 10 May 1982 made between (1) The Mayor and Burgesses of the London Borough of Haringey and (2) Geoffrey Charles Andrew and Ruby Florence Andrew was made pursuant to Chapter 1 of Part 1 of the Housing Act 1980 and the land has the benefit of and is subject to the easements and rights specified in paragraph 2 of Schedule 2 of the said Act.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (07.07.1987) PROPRIETOR: SOLOMON CHRISTOU and ANDROULLA CHRISTOU of 10 Bidwell Gardens, London N11 2AX.

Title number MX379898

End of register

APPENDIX

'D'

Dr Niall Keenan | Bushey | Amazon Business Sign In | final_hottap_2021.pdf | WebCAT planning tool - TfL

tf.gov.uk/info-for/urban-planning-and-construction/planning-with-webcat/webcat

Address or co-ordinates
 eg. NW1 6XE or 530273, 179613

Access level (PTAL) Time mapping (TfM)

PTAL: a measure which rates locations by distance from frequent public transport services.

Map key - PTAL

0 (Worst)	1a
1b	2
3	4
5	6a
6b (Best)	

Map layers
 PTAL (cell size: 100m)

Scenario
 Base Year
☐ Highlight locations where PTALs have changed from Base Year

What is WebCAT?
 WebCAT Updates



You can click anywhere on the map to change the selected location.

PTAL output for Base Year
3
 1 Wroxham Gardens, London N11 2AY, UK
 Easting: 529550, Northing: 191121

All public transport modes in London currently available:
 National Rail, London Overground, Tube, DLR, Tram, Buses

Reports and map downloads

Full PTAL report PDF

20°C Cloudy 15:52 24/07/2021

WebCAT PTAL Report

=====

Site Details

Grid Cell: 137573

Easting: 529545

Northing: 191152

Report Date: 24/07/2021

Scenario: Base Year

Calculation Parameters

Day of Week: M-F

Time Period: AM Peak

Walk Speed: 4.8 kph

Bus Node Max Walk Access Time (mins): 8

Bus Reliability Factor: 2.0

LU Station Max Walk Access Time (mins): 12

LU Reliability Factor: 0.75

National Rail Station Max Walk Access Time (mins): 12

National Rail Reliability Factor: 0.75

Mode	Stop	Route	Distance (metres)	Frequency (vph)			Walk Time (mins)			SWT (mins)		TAT (mins)	EDF	Weight AI
Bus	DURNSFORD ROAD	ALBERT RD	299	315.71	4	3.95	9.5	13.45	2.23	0.5	1.12			
Bus	DURNSFORD ROAD	ALBERT RD	184	315.71	7	3.95	6.29	10.23	2.93	0.5	1.47			
Bus	DURNSFORD ROAD	ALBERT RD	102	315.71	7.5	3.95	6	9.95	3.02	1	3.02			
LUL	Bounds Green	'Cockfosters-LHRT4LT '	768.22	4.67	9.6	7.17	16.78	1.79	0.5	0.89				
LUL	Bounds Green	'RayLane-Cockfosters '	768.22	3.67	9.6	8.92	18.53	1.62	0.5	0.81				
LUL	Bounds Green	'LHRT4LT-ArnosGrove '	768.22	4.67	9.6	7.17	16.78	1.79	0.5	0.89				
LUL	Bounds Green	'ArnosGrove-RayLane '	768.22	0.33	9.6	91.66	101.26	0.3	0.5	0.15				
LUL	Bounds Green	'ArnosGrove-Nthfields'	768.22	3	9.6	10.75	20.35	1.47	0.5	0.74				
LUL	Bounds Green	'Oakwood-RayLane '	768.22	0.33	9.6	91.66	101.26	0.3	0.5	0.15				
LUL	Bounds Green	'Nthfields-Cockfoster'	768.22	1	9.6	30.75	40.35	0.74	0.5	0.37				
LUL	Bounds Green	'LHRT5-Cockfosters '	768.22	6	9.6	5.75	15.35	1.95	1	1.95				
LUL	Bounds Green	'Uxbridge-Cockfosters'	768.22	3.67	9.6	8.92	18.53	1.62	0.5	0.81				
LUL	Bounds Green	'Ruislip-Cockfosters '	768.22	2.33	9.6	13.63	23.23	1.29	0.5	0.65				
LUL	Bounds Green	'ArnosGrove-Uxbridge '	768.22	1	9.6	30.75	40.35	0.74	0.5	0.37				

LUL	Bounds Green	'Oakwood-Uxbridge	'	768.22	0.33	9.6	91.66	101.26	0.3	0.5	0.15
LUL	Bounds Green	'Oakwood-Ruislip	'	768.22	0.33	9.6	91.66	101.26	0.3	0.5	0.15

Total Grid Cell AI: 13.68

PTAL: 3

APPENDIX

'E'



Appeal Decision

Site visit made on 9 July 2013

by Rosalyn C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 August 2013

Appeal Ref: APP/Y5420/A/13/2194285

Rear of 10-12 Bidwell Gardens, Wood Green, London N11 2AX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Androulla Christou against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2012/1530, dated 23 July 2012, was refused by notice dated 16 October 2012.
 - The development proposed is new 3 bedroom detached house at the rear of 10 and 12 Bidwell Gardens (Wroxham Gardens) with new crossover.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - the effect of the proposal on the character and appearance of the area, having regard to the design of the new dwelling, and
 - the effect upon the living conditions of existing residents, having particular regard to outlook and privacy.

Reasons

Character and appearance

3. Both Bidwell Gardens and Wroxham Gardens are pleasant residential roads with attractive uniformly designed, semi-detached, bay fronted houses, set behind established front gardens with long gardens to the rear. The area has an open, verdant character, with the front gardens of the dwellings, and tree lined road contributing to this, as well as the large area of open space to the front of the properties in Bidwell Gardens.
4. The appeal site is enclosed by a fence on the boundary with Wroxham Gardens, which along with the boundary fence to the side of No. 6 Bidwell Gardens detracts from the character of the area. The site therefore makes a limited contribution to the prevailing character of the area, particularly when viewed from the public realm. The new house would follow the building line of No. 1 Wroxham Gardens and would have a similar hipped roof design. A front garden area would be provided that would be in keeping with other properties within the road. It would be of a size that would comply with the Council's

- minimum floor space requirement for a three bedroom dwelling and provide a private garden area.
5. However, the detached form of the new dwelling, and the design approach adopted, with a flat fronted façade, and integral garage would not reflect the local vernacular. The choice of materials proposed would also be out of keeping with the established character of the area, although this matter could be controlled through the imposition of a planning condition. Furthermore, the resultant plot shape and size, and the building to plot ratio would be out of keeping with this character.
 6. The proposal would therefore conflict with the objectives of Policies UD3 and UD4 of the Haringey Unitary Development Plan (UDP), and the adopted Supplementary Planning Guidance SPG 1a Design Guidance and the Housing Supplementary Planning Document (SPD), which require development proposals to complement the character of the surrounding area and be of a high design quality. The proposal would also conflict with the core planning principle of the National Planning Policy Framework (the Framework) relating to high quality design, and the account that should be taken of the character of different areas.

Living conditions

7. The new dwelling would be sited at a higher level than those in Bidwell Gardens and at a lower level than No.1 Wroxham Gardens, and the properties on the opposite side of the road.
8. The relationship of, and distance between the new dwelling and those in Wroxham Gardens would ensure that there would be no harm to outlook from the existing dwellings. Furthermore there would be no loss of privacy to the existing dwellings or their garden areas, given the design of the new house and its siting relative to its neighbours.
9. However, the new dwelling would be sited approximately 3 metres at its closest from the party boundary with No. 14 Bidwell Gardens, and 4 metres from No. 12. Given the elevated nature of the site, relative to the levels of Nos. 12 and 14, the new two storey house would be dominant and overbearing in the view from the rear windows of these properties, and also from the rear gardens. This would result in a loss of outlook which would be harmful to the living conditions of residents of these properties in Bidwell Gardens.
10. A bedroom and a bathroom window would be provided on the rear elevation of the new dwelling. These windows would be at an oblique angle to the rear windows in Nos. 12 and 14. It is unlikely that there would be a loss of privacy to the rooms within the rear elevation of these properties, given this relationship. However, given the elevated nature of the site and the position of the rear bedroom window to the party boundary, direct views would be obtained into the rear garden of No. 14 and its patio area at the rear of the house. This would result in a loss of privacy to the rear garden environment of No. 14, and to a lesser degree to that of No. 12.
11. I accept that the existing dwellings have an outlook over neighbouring gardens, and that there may be views from the rear windows into them. However, these views are not likely to be of the garden closest to the rear of the houses, where patio areas are located. Furthermore, any views are partially obscured by the mature vegetation within the gardens.

12. I therefore conclude that the siting and design of the new dwelling would be detrimental to the living conditions of existing residents at Nos. 12 and 14 Bidwell Gardens, through loss of outlook and privacy. The proposal would therefore conflict with the objectives of Policy UD3 of the UDP relating to residential amenity, and the guidance on privacy, overlooking, aspect and outlook within the SPD. Furthermore, the proposal would conflict with the core planning principle of the Framework which seeks to secure a good standard of amenity for all existing occupants of land and buildings.

Conclusion

13. I have had regard to the current overgrown nature of the site, its sustainable location and the new dwelling contributing to the housing stock within the Borough. However, given that I have found that the proposal conflicts with guidance within the Framework concerning character, design and living conditions, I conclude that the new dwelling would not be sustainable development for which the Framework indicates there is a presumption in favour.
14. For the above reasons, and having regard to all other matters raised, the appeal should be dismissed.

Rosalyn C Kirby

INSPECTOR

Mr P Toouli
Client Design Services Ltd
8 Timberdene Avenue
Barkingside
Essex
IG6 2LS

On behalf of
Mrs Androulla Christou
10 Bidwell Gardens
London
N11 2AX

Planning Application Reference No. **HGY/2012/1530**

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1995 (AS AMENDED)

NOTICE OF REFUSAL OF PLANNING PERMISSION

Location: **Rear of 10-12 Bidwell Gardens N11**

Proposal: **Erection of new 2 storey 3 bedroom detached dwelling with new crossover to Wroxham Gardens**

In pursuance of their powers under the above Act, the London Borough of Haringey as Local Planning Authority hereby **REFUSE** the above development in accordance with the application dated 01/08/2012 and drawing numbers: C12/17/01, C12/17/02, C12/17/03, C12/17/04, C12/17/05 & C12/17/06

SEE SCHEDULE OF REASONS ATTACHED

16/10/2012

Paul Smith
Head of Development Management
Planning, Regeneration & Economy

NOTE: Attention is particularly drawn to the schedule AP1 attached to the notice which sets out the rights of Applicants who are aggrieved by the decisions of the Local Planning Authority.

SCHEDULE OF REASONS FOR REFUSAL FOR DECISION REFERENCE No. HGY/2012/1530

The application shown above has been refused for the following reason:

1. The proposal by reason of its size, design, siting and overall mass is considered to be unduly dominant and oppressive and would have an overbearing and detrimental visual affect on the residential and visual amenities of neighbouring properties and the level of privacy currently enjoyed. In addition the dwelling would have an adverse affect on the character and appearance of the streetscene, would be out of keeping with the area and reduce an existing open and verdant space. As such the proposal is contrary to Policies UD3 General Principles, UD4 Quality Design, SPG1a Design Guidance and SPD Housing of the Haringey Unitary Development Plan.

16/10/2012

Paul Smith
Head of Development Management
Planning, Regeneration & Economy

APPEALS TO THE SECRETARY OF STATE TOWN AND COUNTRY PLANNING ACT 1990

Notes for guidance about appeal procedures in England.

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for the Environment under Section 78 of the Town & Country Planning Act 1990.
- If you want to appeal then you must do so within six months from the date of the local planning authority's decision against which you are appealing or if the decision relates to the same or substantially the same land and development as is already the subject of an enforcement notice you must appeal within 28 days of the date of this notice. If an enforcement notice is subsequently served then you have 28 days from the date of the enforcement notice or 6 months of this decision whichever period expires earlier, using a form which you can get from:-

The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Tel: 0117 372 6372 Fax: 0117 372 8782

www.planning-inspectorate.gov.uk

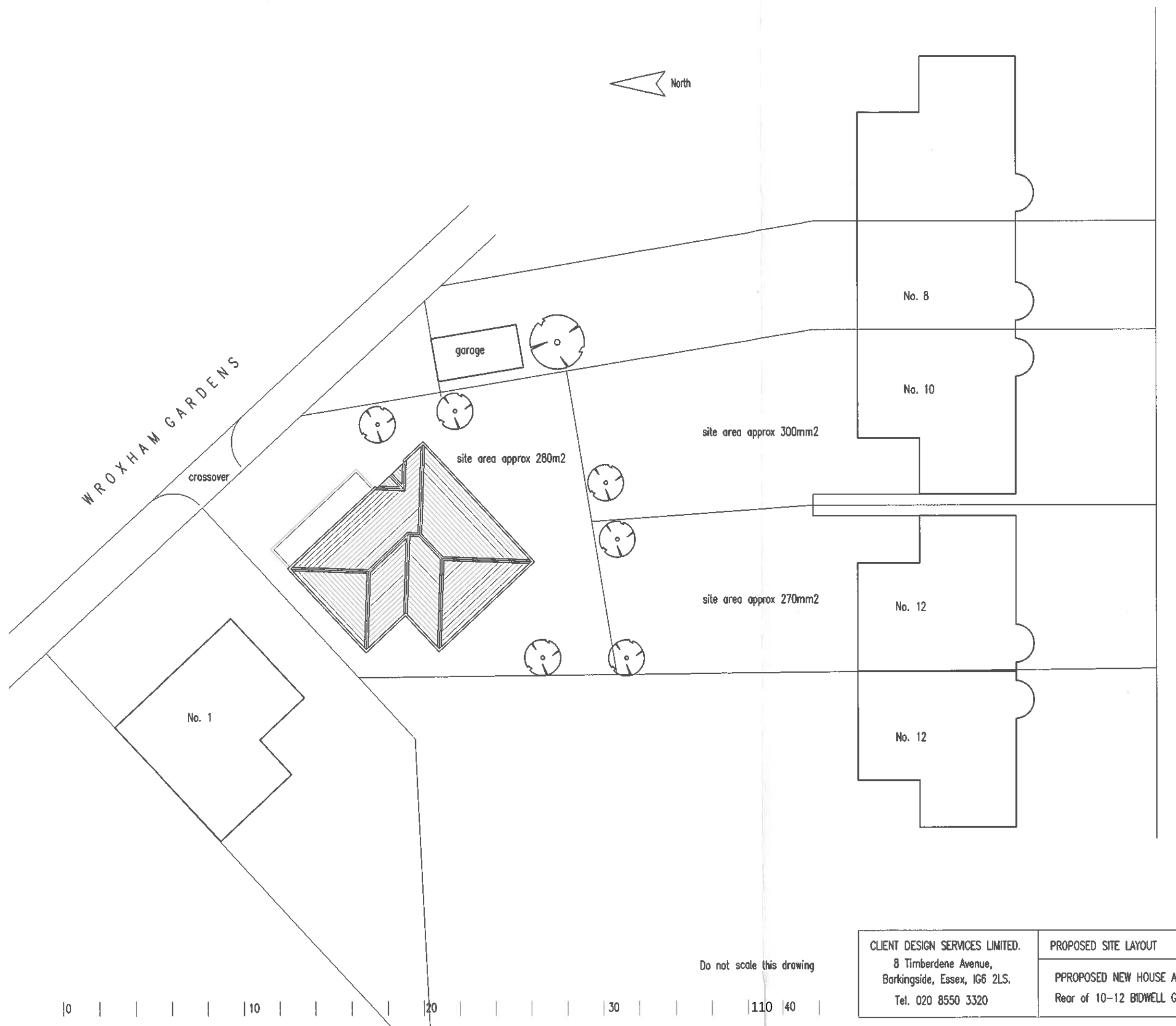
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provision of the development order and to any directions given under the order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

Purchase Notices

- If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the London Borough Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Compensation

- In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State on an appeal or on reference of the application to him.
- These circumstances are set out in Parts IV and V and related provisions of the Town and Country Planning Act 1990.

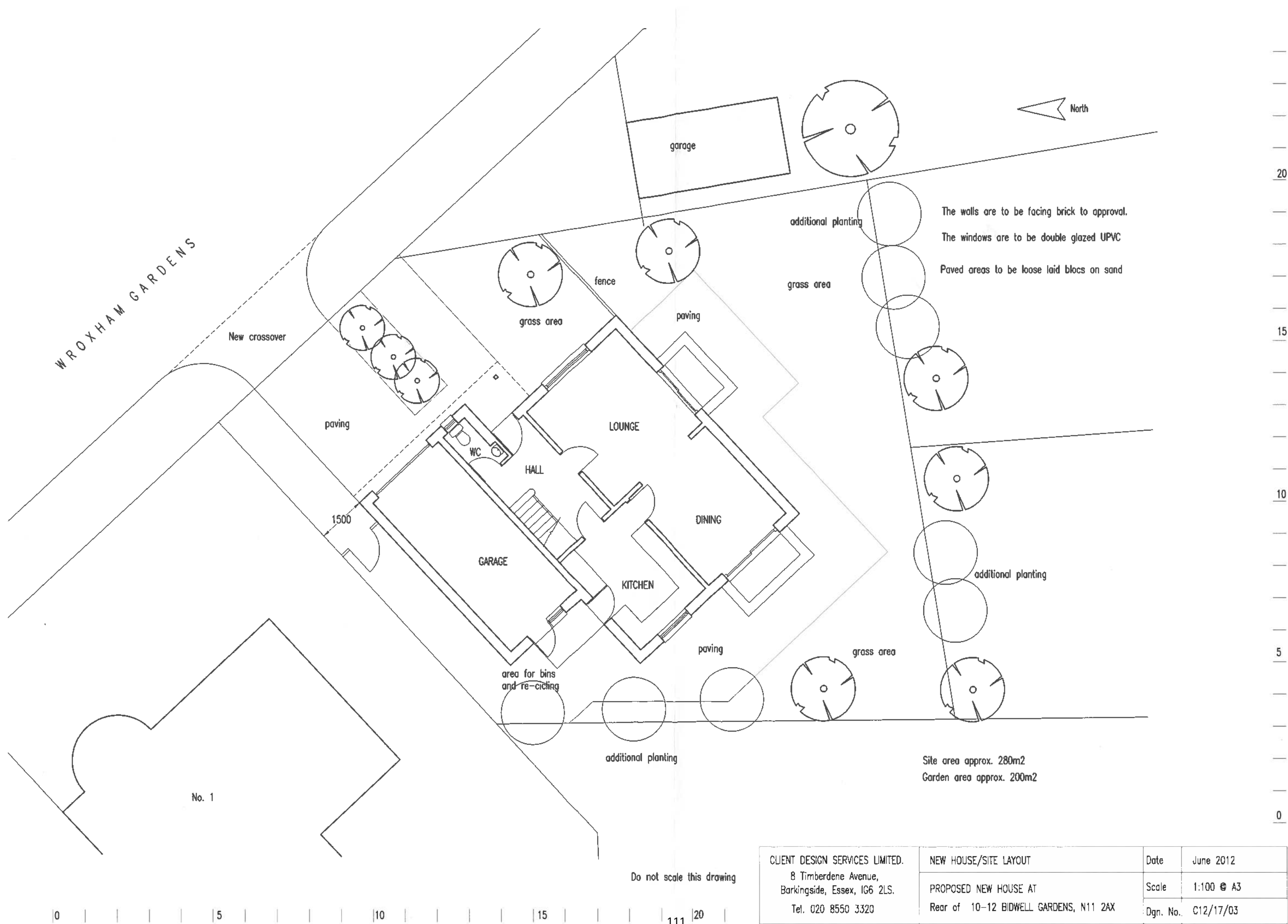


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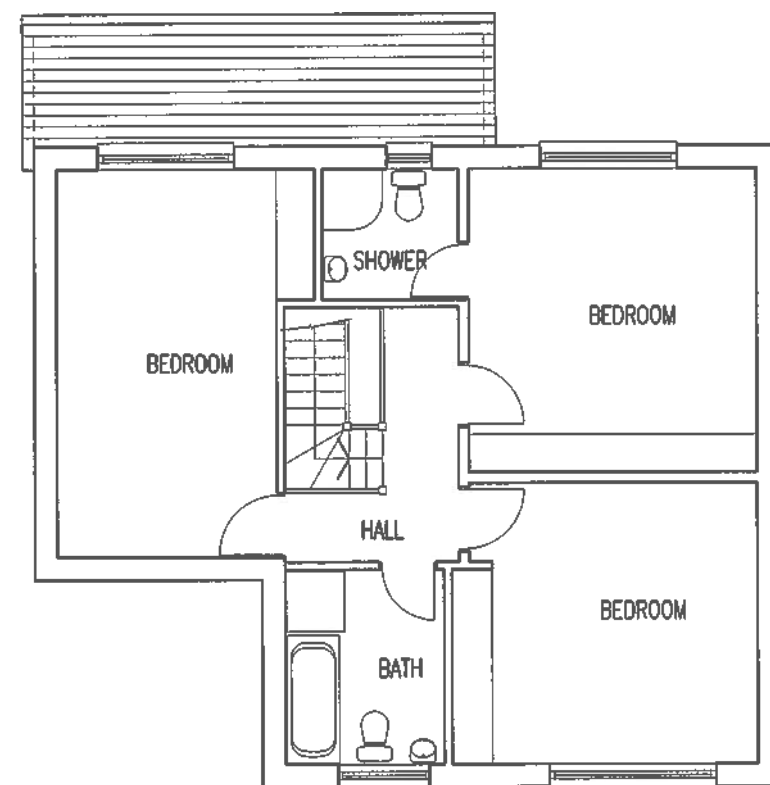
CLIENT DESIGN SERVICES LIMITED. 8 Timberdene Avenue, Barkingside, Essex, IG6 2LS. Tel. 020 8550 3320	PROPOSED SITE LAYOUT	Date	Jan 2012
	PPROPOSED NEW HOUSE AT	Scale	1:200 @ A3
	Rear of 10-12 BIDWELL GARDENS, N11 2AX.	Dgn. No.	C12/17/02

BIDWELL GARDENS

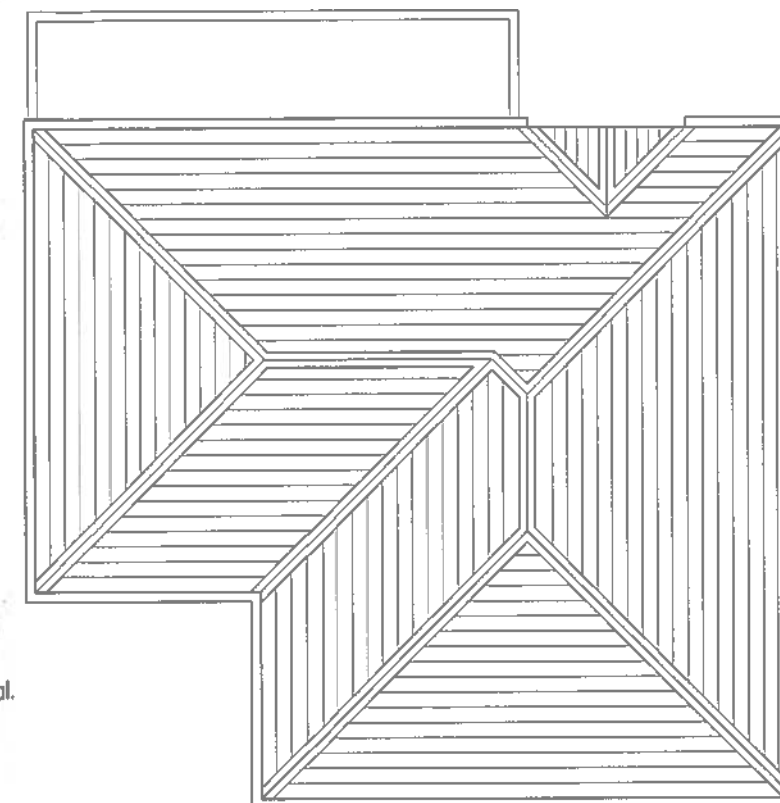
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CLIENT DESIGN SERVICES LIMITED. 8 Timberdene Avenue, Barkingside, Essex, IG6 2LS. Tel. 020 8550 3320	NEW HOUSE/SITE LAYOUT	Date	June 2012
	PROPOSED NEW HOUSE AT	Scale	1:100 @ A3
	Rear of 10-12 BIDWELL GARDENS, N11 2AX	Dgn. No.	C12/17/03



FIRST FLOOR PLAN



ROOF PLAN

Walls to be facing brick to approval.
Roof to be clay tiles to approval
Windows to be double glazed UPVC

Do not scale this drawing

CLIENT DESIGN SERVICES LIMITED. 8 Timberdene Avenue, Barkingside, Essex, IG6 2LS. Tel. 020 8550 3320	PROPOSED FIRST FLOOR AND ROOF PLANS	Date	June 2012
	PROPOSED NEW HOUSE AT Rear of 10-12 BIDWELL GARDENS, N11 2AX	Scale	1:100 @ A3
		Dgn. No.	C12/17/04

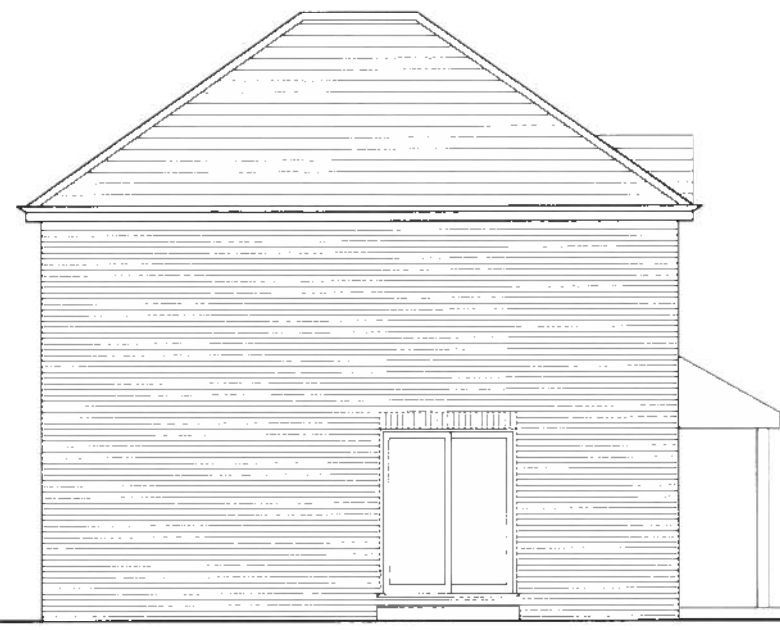
FIRST FLOOR CEILING

FIRST FLOOR

GROUND FLOOR



FRONT ELEVATION



SIDE ELEVATION

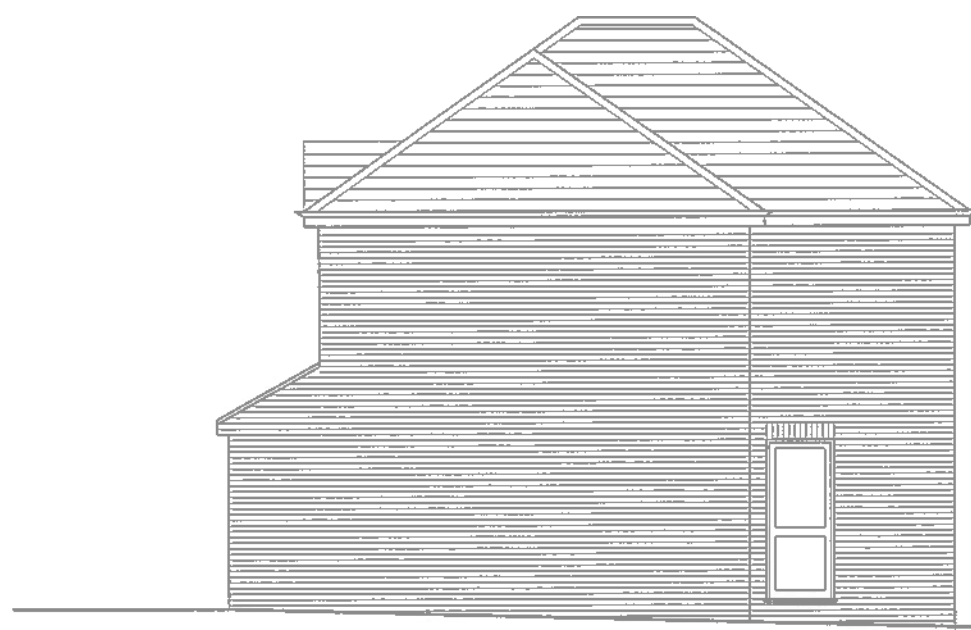
FIRST FLOOR CEILING

FIRST FLOOR

GROUND FLOOR



REAR ELEVATION



SIDE ELEVATION

Do not scale this drawing

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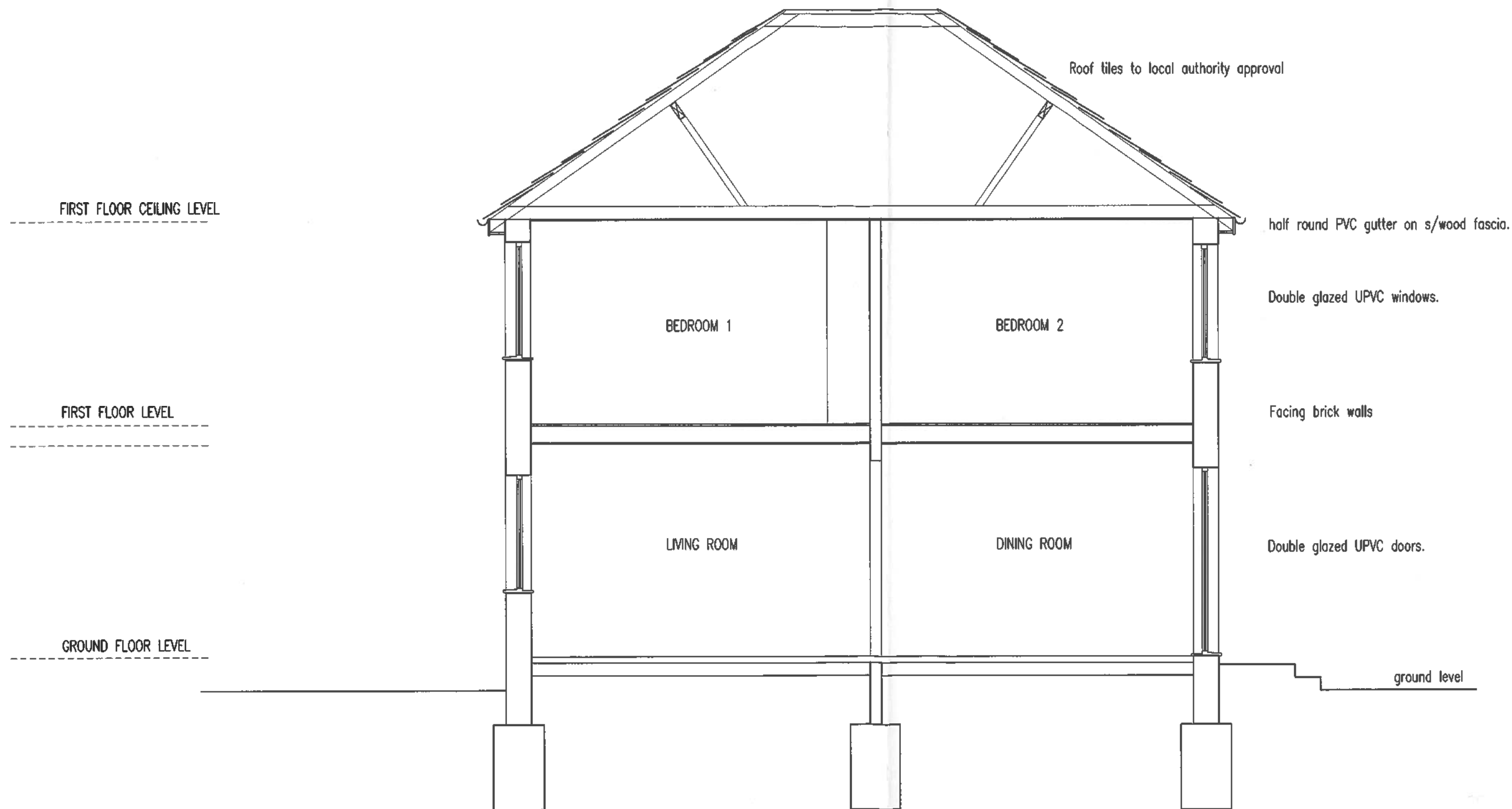
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CLIENT DESIGN SERVICES LIMITED. 8 Timberdene Avenue, Barkingside, Essex, IG6 2LS. Tel. 020 8550 3320	ELEVATIONS	Date	February 2012
	PROPOSED NEW HOUSE AT Rear of 10-12 BIDWELL GARDENS, N11 2AX.	Scale	1:100 @ A3
		Dgn. No.	C12/17/05



Do not scale this drawing

CLIENT DESIGN SERVICES LIMITED. 8 Timberdene Avenue, Barkingside, Essex, IG6 2LS. Tel. 020 8550 3320	SECTION – FRONT TO BACK	Date	June 2012
	PROPOSED NEW HOUSE AT	Scale	1:50 @ A3
	Rear of 10-12 BIDWELL GARDENS, N11 2AX.	Dgn. No.	C12/17/06

APPENDIX

'F'

Mr P Toouli
Client Design Services Ltd
8 Timberdene Avenue
Barkingside
Essex
IG6 2LS

On behalf of
Mrs Androula Christou
10 Bidwell Gardens
Wood Green
London
N11 2AX

Planning Application Reference No. **HGY/2014/0718**

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1995 (AS AMENDED)

NOTICE OF REFUSAL OF PLANNING PERMISSION

Location: **Rear of 10 - 12 Bidwell Gardens N11**

Proposal: **Erection of single storey 2-bed dwelling at the rear of 10 - 12 Bidwell Gardens with new crossover to Wroxham Gardens.**

In pursuance of their powers under the above Act, the London Borough of Haringey as Local Planning Authority hereby **REFUSE** the above development in accordance with the application dated 11/03/2014 and drawing numbers: C12/17/08, 10, 11A, 12A and 13A, Location Plan.

SEE SCHEDULE OF REASONS ATTACHED

06/05/2014

Emma Williamson
Head of Development Management
Planning Service

NOTE: Attention is particularly drawn to the schedule AP1 attached to the notice which sets out the rights of Applicants who are aggrieved by the decisions of the Local Planning Authority.

SCHEDULE OF REASONS FOR REFUSAL FOR DECISION REFERENCE No. HGY/2014/0718

The application shown above has been refused for the following reasons:

1. The proposal by reason of its character and appearance would conflict with the objectives of Policies UD3 and of the Haringey Unitary Development Plan (UDP), and the adopted Supplementary Planning Guidance SPG 1a Design Guidance and the Housing Supplementary Planning Document (SPD), which require development proposals to complement the character of the surrounding area and be of a high design quality. The proposal would also conflict with the core planning principle of the National Planning Policy Framework (the Framework) relating to high quality design, and the account that should be taken of the character of different areas.
2. In the absence of a full topographical survey, it has not been demonstrated to satisfaction of the Local Planning Authority that the siting and design of the new dwelling would not be detrimental to the living conditions of existing residents at Nos. 12 and 14 Bidwell Gardens, through loss of outlook and privacy. The proposal would therefore conflict with the objectives of Policy UD3 of the UDP relating to residential amenity, and the guidance on privacy, overlooking, aspect and outlook within the Housing SPD and the core planning principle of the Framework which seeks to secure a good standard of amenity for all existing occupants of land and buildings.

INFORMATIVE: In dealing with this application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our development plan comprising the London Plan 2011, the Haringey Local Plan 2013 and the saved policies of the Haringey Unitary Development Plan 2006 along with relevant SPD/SPG documents, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant during the consideration of the application.

06/05/2014

Emma Williamson
Head of Development Management
Planning Service

APPEALS TO THE SECRETARY OF STATE TOWN AND COUNTRY PLANNING ACT 1990

Notes for guidance about appeal procedures in England.

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for the Environment under Section 78 of the Town & Country Planning Act 1990.
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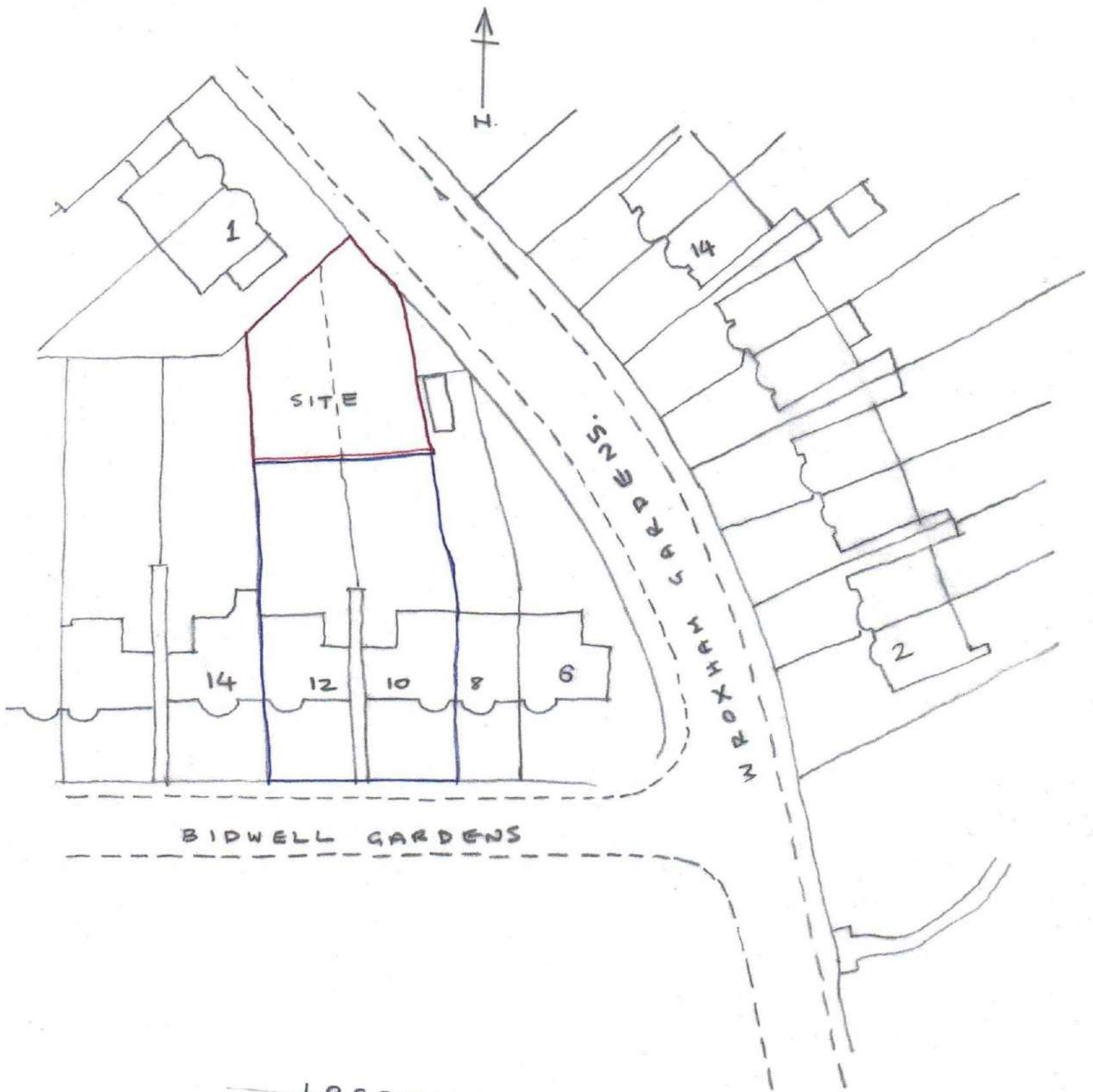
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- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

Purchase Notices

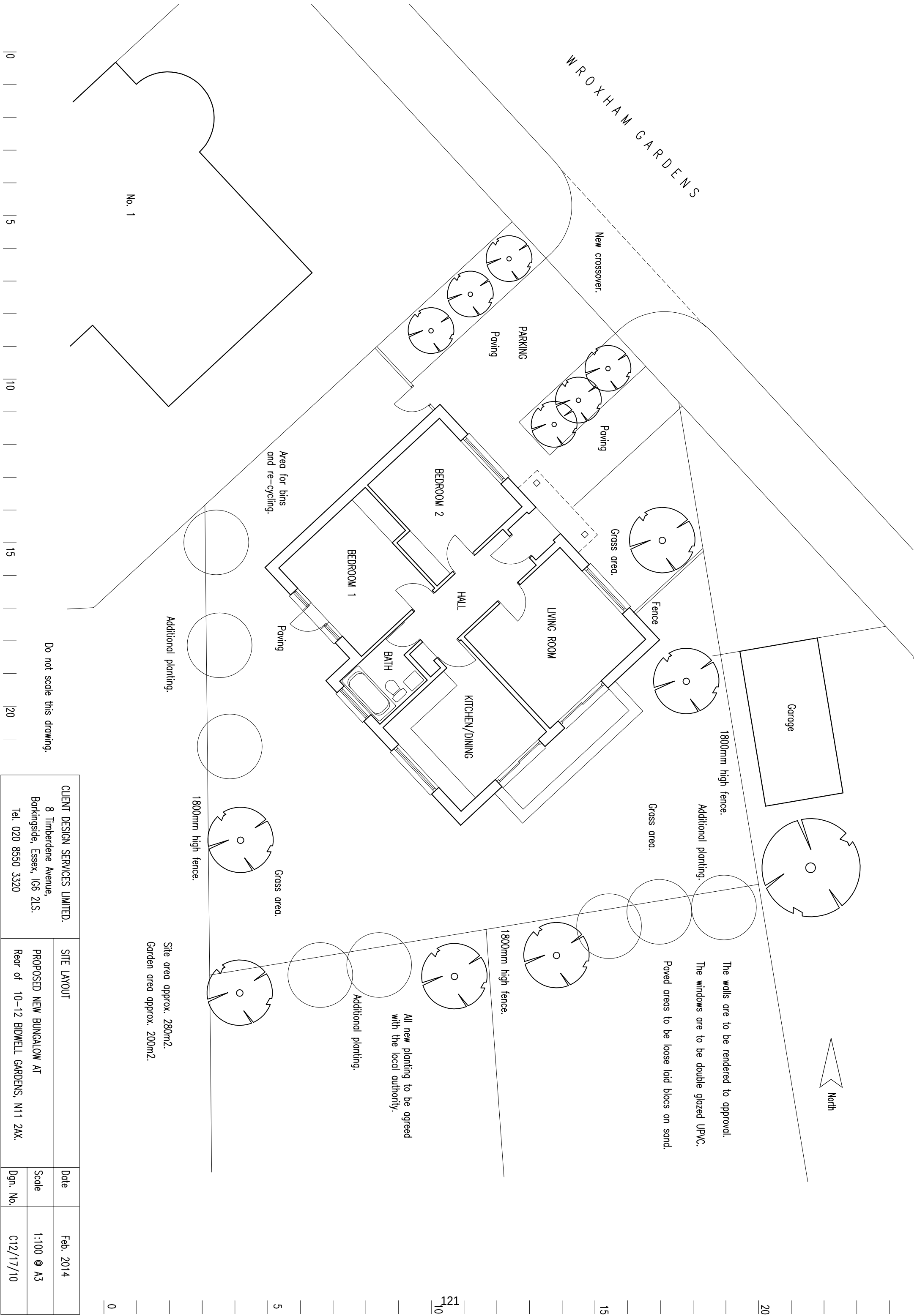
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- In these circumstances, the owner may serve a purchase notice on the London Borough Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Compensation

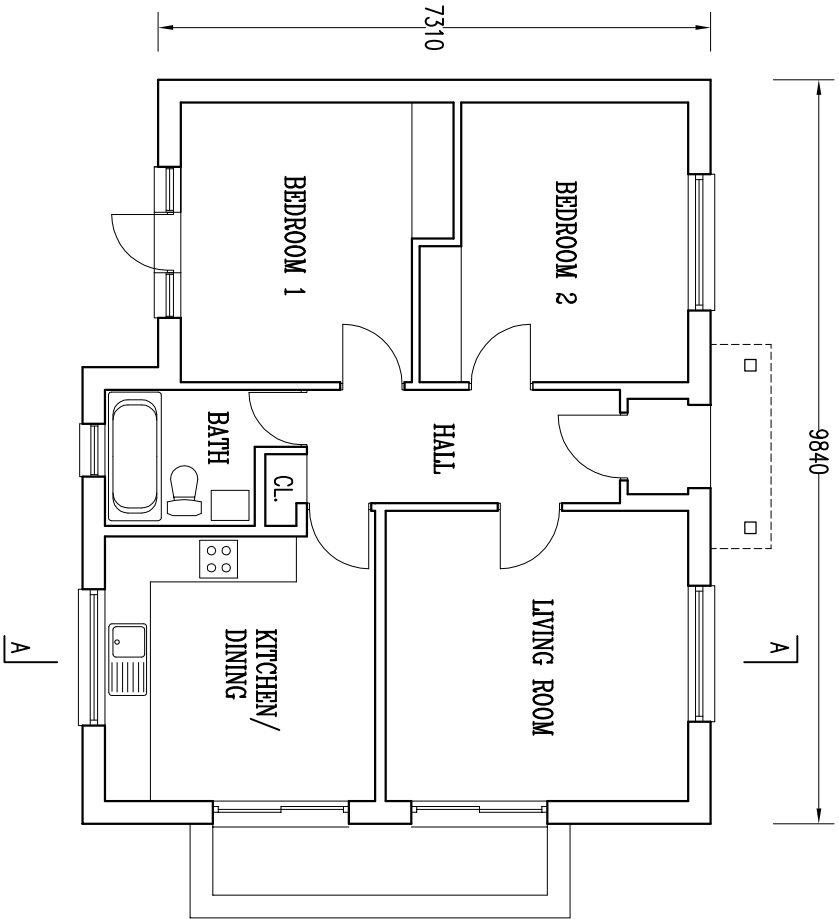
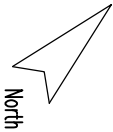
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- These circumstances are set out in Parts IV and V and related provisions of the Town and Country Planning Act 1990.



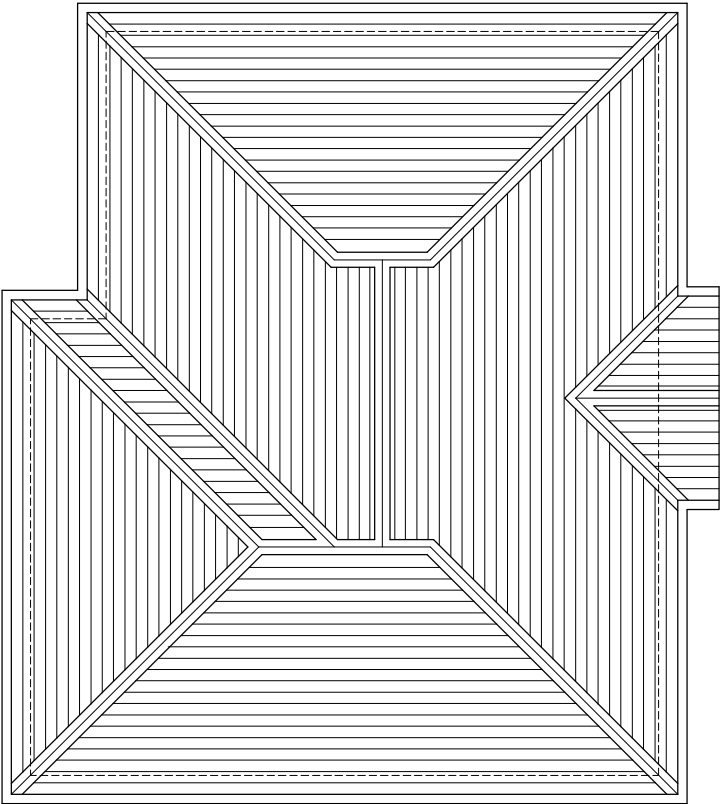
LOCATION PLAN 1:500
REAR OF 10-12 BIDWELL GARDENS N11 2AX



CLIENT DESIGN SERVICES LIMITED. 8 Timberdene Avenue, Barkingside, Essex, IG6 2LS. Tel. 020 8550 3320		SITE LAYOUT		Date	Feb. 2014
PROPOSED NEW BUNGALOW AT Rear of 10-12 BIDWELL GARDENS, N11 2AX.		Scale	1:100 @ A3	Dgn. No.	C12/17/10



PROPOSED GROUND FLOOR PLAN



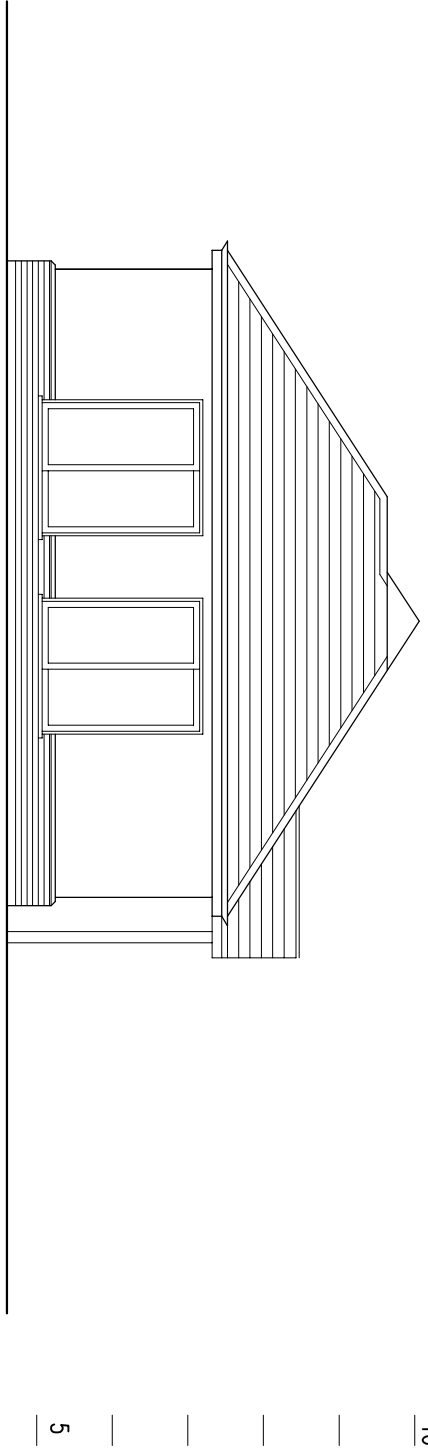
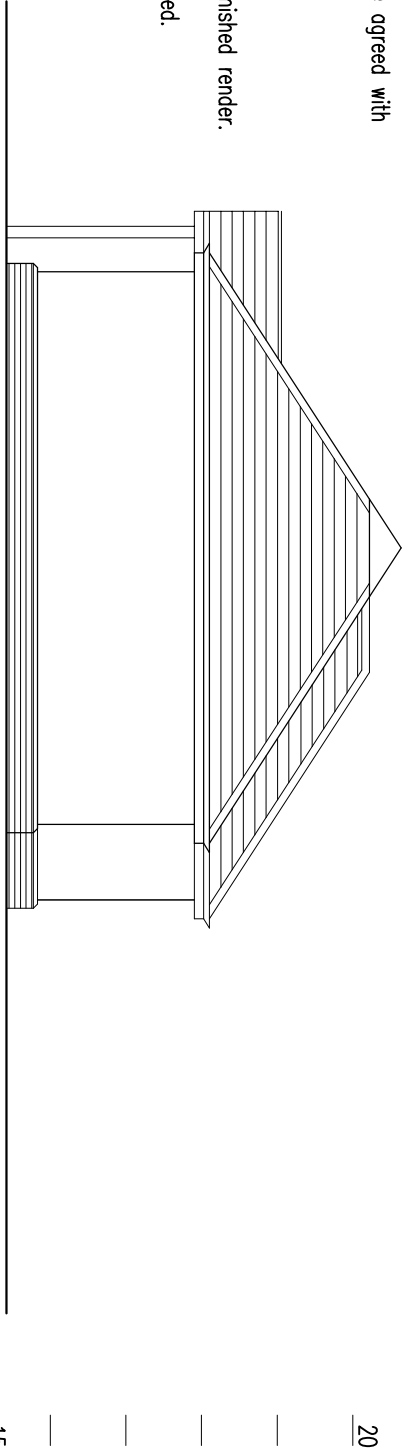
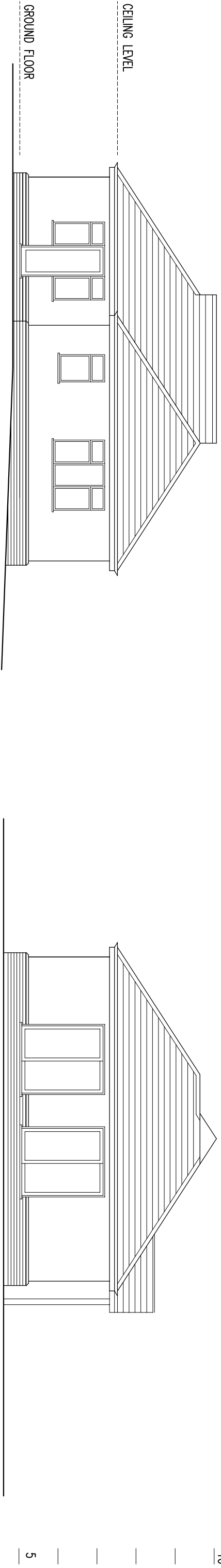
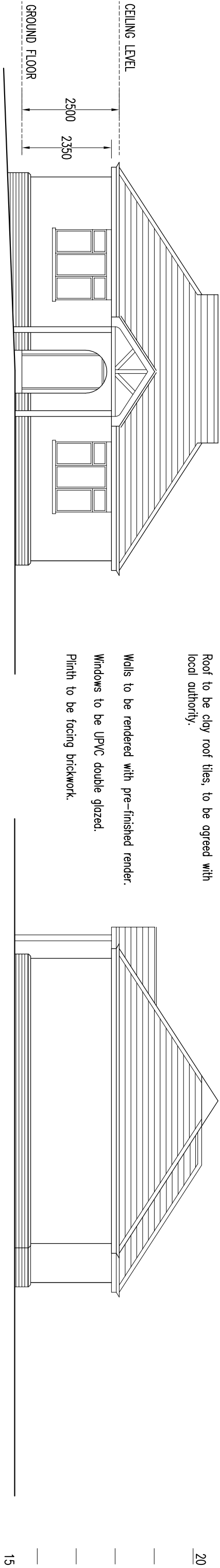
ROOF PLAN

- Walls to be rendered to approval.
- Roof to be clay tiles to approval.
- Windows to be double glazed UPVC.

Do not scale this drawing.

CLIENT DESIGN SERVICES LIMITED. 8 Timberdene Avenue, Barkingside, Essex, IG6 2LS. Tel: 020 8550 3320		PROPOSED GROUND FLOOR AND ROOF PLANS		Date	Feb. 2014
PROPOSED NEW BUNGALOW AT Rear of 10-12 BIDWELL GARDENS, N11 2AX.		Scale	1:100 @ A3	Dgn. No.	C12/17/11 A

Rev A Dimensions added 11-03-2014

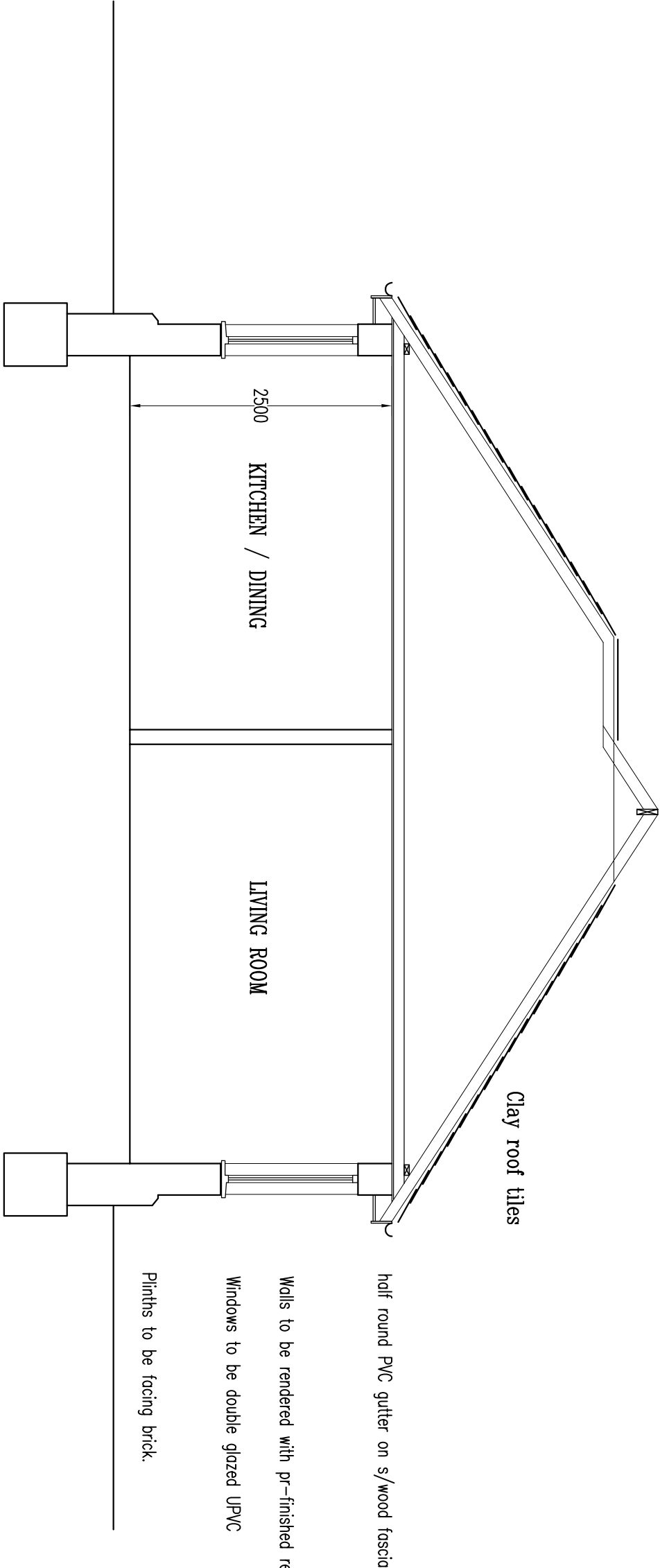


Rev A Dimensions added 11-03-2014

Do not scale this drawing.



CLIENT DESIGN SERVICES LIMITED. 8 Timberdene Avenue, Barkingside, Essex, IG6 2LS. Tel: 020 8550 3320		ELEVATIONS		Date	Feb. 2014
PROPOSED NEW BUNGALOW AT Rear of 10-12 BIDWELL GARDENS, N11 2AX.		Scale	1:100 @ A3	Dgn. No.	C12/17/12 A



Rev. A Dimension added 11-03-2014

CLIENT DESIGN SERVICES LIMITED. 8 Timberdene Avenue, Barkingside, Essex, IG6 2LS. Tel. 020 8550 3320	PROPOSED SECTION A – A		Date	Feb. 2014
	PROPOSED NEW BUNGALOW AT Rear of 10-12 BIDWELL GARDENS, N11 2AX.		Scale	1:50 @ A3
			Dgn. No.	C12/17/13 A

APPENDIX

'G'

MINUTES OF MEETING PLANNING SUB COMMITTEE HELD ON MONDAY 19 APRIL 2021, 7.00PM

PRESENT:

Councillors: Sarah Williams (Chair), Gina Adamou (Vice-Chair), Dhiren Basu, John Bevan, Luke Cawley-Harrison, Liz Morris, Peter Mitchell, Sheila Peacock, Reg Rice, Viv Ross and Yvonne Say

517. FILMING AT MEETINGS

The Chair advised that the meeting would be live streamed on the Council's website.

518. PLANNING PROTOCOL

Noted.

519. APOLOGIES

Apologies for absence had been received from Councillors Adamou and Hinchcliffe.

Councillor Morris was in attendance as substitute for Councillor Hinchcliffe.

520. URGENT BUSINESS

None.

521. DECLARATIONS OF INTEREST

Councillors Bevan and Peacock advised that they attended regular meetings with Tottenham Hotspur Football Club in relation to the operation of the stadium, although this would not be considered as a pecuniary or prejudicial interest.

Councillor Say advised that she had been in attendance at a meeting of the Bounds Green Residents Association where the application at Bidwell Gardens had been discussed, but she had not commented on the application herself.

522. MINUTES

RESOLVED that the minutes of the Planning Committee held on 8 March 2021 be approved, subject to the following amendment:

- Minute 512, second from last paragraph to be amended to read: "Councillor Rice requested that an informative be included to state that work should commence on site *no later than* six months after permission was granted..."

523. HGY/2020/1615 26-28 BROWNLOW ROAD N11 2DE

The Committee considered an application for the demolition of existing buildings; erection of a part 3 and part 4 storey building comprising 23 (1 x studio, 6 x 1 bed, 14 x 2 bed, 3 x 3 bed) flats; erection of 1 detached dwelling to the rear with 1 parking spaces, provision of 3 disabled parking spaces at the front; cycle, refuse and recycling storage; provision of new access onto Brownlow Road and accessway to the rear.

Officers responded to questions from the Committee:

- There were 24 units in the development – 23 flats and one house.
- The affordable housing contribution would provide two large homes in a Council build scheme – Council homes for Council rent.
- Permitted development rights would apply to the house only.
- There was a one communal bin store for all properties. A waste management plan would be developed to set out how waste would be dealt with.
- The rear communal garden would be accessed by an existing accessway to the south of the building, and could also be accessed on the northern side.
- There were 7 single aspect units, but these were not either north or south facing and so were considered to be acceptable to the scheme.
- The scheme had been amended since previous applications and officers were satisfied that previous objections had been satisfied.

Rob Steward spoke in objection to the application. He considered that the scheme barely met minimum space standards and would cause privacy issues for neighbouring properties. The proposal did not harmonise with existing buildings in Bounds Green. The land had been neglected for several years and a better use would be to create an in-fill garden.

Adele Lorente spoke in objection to the application. She objected on the grounds of knocking down an old house. The new development would not add architectural value to the area. The new development would add more dwellings to the area, but did not provide for any extra services.

Simon Wallis, Applicant Team, addressed the Committee. The new submitted scheme was considered to be more sensitive design and the applicant had worked with officers on detail and design matters. A sunlight and daylight assessment had been carried out and there was no unacceptable loss of light on the scheme. The scheme would be subject to early and late stage reviews by the Building Control.

The Applicant Team and Officers responded to questions from the Committee:

- All apartments had been designed to be open plan with kitchen and living areas as open spaces.
- Condition 5 could be tweaked to prohibit the installation satellite dishes on the flats only.

The Chair moved to the vote to grant the application with the amendment to condition 5 to reflect that satellite dishes shall be prohibited on the flats only. Following a vote it was unanimously

RESOLVED

- i. That planning permission be GRANTED and that the Head of Development Management or the Assistant Director Planning, Building Standards & Sustainability be authorised to issue the planning permission and impose conditions and informatives subject to the signing of a section 106 Legal Agreement providing for the obligations set out in the Heads of Terms and a section 278 Highways Agreement.
- ii. That delegated authority be granted to the Head of Development Management or the Assistant Director to make any alterations, additions or deletions to the recommended heads of terms and/or recommended conditions as set out in this report and to further delegate this power provided this authority shall be exercised in consultation with the Chair (or in their absence the Vice-Chair) of the Sub-committee.
- iii. That the section 106 legal agreement referred to in resolution (i) above is to be completed no later than 19 July 2021 or within such extended time as the Head of Development Management or the Assistant Director shall in her/his sole discretion allow.
- iv. That following completion of the agreement(s) referred to in resolution (i) within the time period provided for in resolution 2.3 above, planning permission be granted in accordance with the Planning Application subject to the attachment of the conditions listed in full at Appendix 1.
- v. That in the absence of the agreement referred to in resolution 2.1 above being completed within the time period provided for in resolution 2.3 above, the planning permission be refused for the following reasons:
 - (i) In the absence of a legal agreement securing 1) the provision of a financial contribution in-lieu of onsite affordable housing and 2) viability review mechanisms, the scheme would fail to foster mixed and balanced neighbourhoods where people choose to live, and which meet the housing aspirations of Haringey's residents. As such, the proposal is contrary to London Plan Policy H4, Local Plan Strategic Policy SP2, and Development Management DPD Policies DM11, DM13 and DM48.
 - (ii) In the absence of legal agreement securing 1) Traffic Management Order amendment contribution and 2) car club membership funding, the proposal would give rise to overspill parking impacts and unsustainable modes of travel. As such, the proposal is contrary to London Plan Policy T4, Local Plan Strategic Policy SP7 and Development Management DPD Policies DM31, DM32 and DM48.
 - (iii) In the absence of a legal agreement securing a carbon offset payment, the proposal would fail to mitigate the impacts of climate change. As such, the proposal is unsustainable and contrary to London Plan Policy SI2, Strategic Policy SP4 and Development Management DPD Policies DM21, DM22 and DM48

- (iv) In the absence of a legal agreement securing a financial contribution towards child play space, the proposal would fail to deliver an acceptable level of play and informal recreation based on the expected child population generated by the scheme. As such, the proposal is contrary to London Plan Policy S4, the Mayor's Shaping Neighbourhoods: Play and Informal Recreation SPG and Local Plan Strategic Policy SP13.
- (v) In the absence of a legal agreement securing construction training and local labour initiatives, the proposal would fail to deliver an acceptable level of support towards local residents accessing the new job opportunities in the construction phase of the scheme. As such, the proposal is contrary to Haringey's Planning Obligations SPD 2018.

524. HGY/2021/0441 807 HIGH ROAD, N17 8ER

The Committee considered an application for full planning application for the demolition of the existing buildings and the erection of a replacement building up to four storeys to include residential (C3), retail (Class E, a) and flexible medical/health (Class E, e) and office (Class E, g, i) uses; hard and soft landscaping works including a residential podium; and associated works

Officers and the Applicant Team responded to questions from the Committee:

- Percival Court was in different ownerships and the applicant would need to work with all owners to ensure that resurfacing of the front of the court could be carried out. The addendum included an additional Heads of Terms which set out that the applicant shall "implement approved surface improvements to the section of Percival Court in its ownership and use reasonable endeavours to work with adjoining landowners to secure a scheme of surface improvements to land outside the applicant's ownership prior to first occupation."
- The Co-op Funeral Services were still potential tenants for the commercial unit and the scheme had been designed with them in mind.
- There would be a centrally placed bin store with 11 wheelie bins (domestic size). On collection day these would be moved out to an agreed on-street collection point. A residential waste management plan would be devised to set out the detail, although it was intended that bins would be collected at the same time as the above shop scheme. Commercial waste was managed by a separate waste contract.

Members discussed the inclusion of an additional contract in relation to commercial waste and requested that a condition be added in relation to the collection of commercial waste from Percival Court rather than the High Road, unless permission was granted in writing by the Council.

Members also questioned the term 'reasonable endeavours' and whether the term could be made stronger. Ed Telepneff, Legal, advised that 'best endeavours' was a legal term, however 'all reasonable endeavours' or 'best endeavours' could also be used. The applicant would not be able to say that improvements would be made to the whole section of land, as they did not own the whole section.

Councillor Bevan proposed that the application be refused on the same grounds as previous refusal and in relation to the uncertainty that Percival Court would be resurfaced to a better standard. The was seconded by Councillor Rice.

The Chair moved to the vote to refuse the application and with three in favour, six against and one abstention, the vote to refuse was not carried.

Dean Hermitage, Head of Development Management, summed up and advised that the recommendation was to grant the application. He added that an additional condition in relation to commercial waste could be added and following a discussion with the Committee, the Heads of Terms in relation to surface improvements be amended to read 'best endeavours'.

The Chair moved to the vote to grant the application with the additional condition and amendment to the Heads of Terms wording and following a vote with six in favour, three against and one abstention it was

RESOLVED

- i. That planning permission be GRANTED and that the Head of Development Management or the Assistant Director Planning, Building Standards & Sustainability is authorised to issue the planning permission and impose conditions and informative and signing of a section 106 Legal Agreement providing for the obligations set out in the Heads of Terms below .
- ii. That the section 106 legal agreement referred to in resolution (i) above is to be completed no later than **31 July 2021** or within such extended time as the Head of Development Management or the Assistant Director shall in her/his sole discretion allow.
- iii. That, following completion of the agreement(s) referred to in resolution (i) within the time period provided for in resolution (ii) above, planning permission is granted in accordance with the Planning Application subject to the attachment of the conditions.
- iv. That delegated authority be granted to the Head of Development Management or the Assistant Director to make any alterations, additions or deletions to the recommended heads of terms and/or recommended conditions as set out in this report and to further delegate this power provided this authority shall be exercised in consultation with the Chair (or in their absence the Vice Chair) of the Sub-Committee.
- v. That, in the absence of the agreement referred to in resolution (i) above being completed within the time period provided for in resolution (ii) above, the planning application be refused for the following reasons:
 - I. In the absence of legal agreement securing Traffic Management Order (TMO) amendments to prevent future residents from obtaining a parking permits, the proposals would have an unacceptable impact on the safe

operation of the highway network, and give rise to overspill parking impacts. As such, the proposal would be contrary to London Plan Policies T4 and T6.1 Spatial Policy SP7, Tottenham Area Action Plan Policy NT5 and DM DPD Policy DM31.

- ii. In the absence of a legal agreement securing the provision of financial contributions towards off-site affordable housing in the event that the commercial unit in Block A is converted in to a dwelling, the proposals would fail to secure affordable housing and meet the housing aspirations of Haringey's residents. As such, the proposals would be contrary to London Plan Policies H4 and H5, Strategic Policy SP2, and DM DPD Policies DM 11 and DM 13, and Policy TH12.
- iii. In the absence of a legal agreement securing the implementation of a further revised Energy & Sustainability Statement, including connection to a DEN, and carbon offset payments, the proposals would fail to mitigate the impacts of climate change. As such, the proposal would be unsustainable and contrary to London Plan Policy SI 3 and Strategic Policy SP4, and DM DPD Policies DM 21, DM22 and SA48.
- iv. In the absence of a legal agreement securing the developer's participation in the Considerate Constructor Scheme and the borough's Construction Partnership, the proposals would fail to mitigate the impacts of demolition and construction and impinge the amenity of adjoining occupiers. As such the proposal would be contrary to London Plan Policies SI 1 and SI 3, Policy SP11 and Policy DM1.

525. HGY/2020/2762 10-12 BIDWELL GARDENS

The Committee considered an application for the erection of a detached dwellinghouse with associated hard and soft landscaping.

Tim Loo spoke in objection to the application. It was noted that Policy DM7 of the Haringey Development Management Development Plan Document (DPD) covered development on infill, backland, and garden land sites and stated that there was a presumption against loss of garden land unless it represented comprehensive redevelopment of a number of whole land plots. The objector felt that paragraphs 6.17 and 6.19 of the report were misleading or incorrect. It was explained that paragraph 6.17 stated that the site was located in part of the rear gardens of 10 and 12 Bidwell Gardens but the site was situated in the garden of 10 Bidwell Gardens only. It was suggested that this failed to meet the requirements of Policy DM7.

The objector noted that paragraph 6.27 of the report found that there would be no unacceptable harm to the living conditions of neighbouring residents. The objector believed that the proposal would result in an unacceptable harm and loss of privacy to neighbours. It was stated that, in the proposed design, the upper window would have a view of the neighbour's primary living space, rear bedrooms on the first floor, and garden. It was commented that the proposal was a large, black building which relied on soft landscaping to limit the visual impact, but it was stated that this could be removed. It was added that the proposal would not provide any affordable housing.

Shirley Hopper spoke in objection to the application. It was stated that the proposal would impact use of the neighbouring garden. It was explained that the neighbouring garden was narrow and north-facing which meant that optimal use was enjoyed at the end of the garden, adjacent to the proposed building; it was also noted that there were a number of mature plants and trees in this area that would be affected. The objector commented that the existing gardens along Bidwell Gardens formed a green corridor which housed many birds, and that the proposal would have a detrimental impact on wildlife. It was understood that Policy DM7 was designed to prevent the building of houses in back gardens, and it was difficult to accept that the application had been recommended for approval.

Councillor Rossetti spoke in objection to the application. She noted that there had been three applications with objections and one lost appeal in relation to this proposal. It was stated that, on each occasion, the application had been rejected due to the overbearing character, loss of privacy, and detrimental impact on neighbouring properties. It was noted that the presumption in favour of sustainable development was not new and, in 2012, the appeal in relation to this proposal was still refused. Councillor Rossetti queried why the current proposal was recommended for approval as she did not consider the proposal to be sustainable development and she stated that it would not have a significant impact on solving the housing crisis. It was commented that the proposal would only provide housing for three people but would have a significant impact on local residents. It was stated that, under Policy DM1, developments should contribute to the distinctive character of an area and make a positive contribution. It was stated that the proposal would impact the local habitat and that no soft or hard landscaping could replace what was being lost. It was added that there was currently a climate emergency, that the Council had environmental and biodiversity policies, and that the local environment should be protected under Policy DM19.

The applicant team, Theo Theodosiou (architect) and Elena Christos, addressed the Committee. It was considered that there were three main objections to the proposal: overlooking, loss of outlook from other houses, and loss of wildlife. In relation to overlooking, it was stated that the building would be a single storey with the lower floor and windows sunk into the ground. There would be one window on the first floor which would face southeast; this would be located 13 metres from the boundary with 8 Bidwell Gardens, 24 metres from the rear of 10 Bidwell Gardens, and 22 metres from the rear of 12 Bidwell Gardens. It was added that the landscaping would use mature trees which would provide screening. Regarding loss of outlook, the proposal had been significantly reduced from previous schemes in terms of scale, mass, and bulk and the applicant team believed that the building would recede into the background. In relation to loss of wildlife, the applicant team believed that the proposal would improve wildlife as there would be landscaping upgrades, high quality planting, and a green roof with numerous ecological benefits.

Officers responded to questions from the Committee:

- In relation to Policy DM7, which stated that there was a presumption against the loss of garden land unless it represented a comprehensive redevelopment of a number of whole land plots, it was explained that the site had originally been two back gardens. It was added that the site was not wholly 'backland' as there was a road frontage.

- It was noted that the previous appeal decision was set out in the report; the planning application had been rejected on the basis of character and appearance, but this did not specifically prohibit the development of the site in principle. It was acknowledged that this decision had been taken before Policy DM7 was introduced but it was believed that previous backland policies had been in place at the time. It was noted that officers considered the proposal to be acceptable in terms of the infill position.
- It was clarified that garden land was considered to be any land around a house, which was a wider definition, whereas backland tended to consist of a plot within a back garden with no road frontage. It was confirmed that the site was former garden land and would be most accurately described as an infill site.
- It was added that Policy DM7 tried to avoid situations where a number of houses were accessed separately by roads. It was noted that this site was not a purely backland site, that there was a road frontage, and that there had originally been two gardens.

Councillor Mitchell proposed that the application be rejected by reason that it was contrary to Policy DM7 in relation to infill and garden land sites, it was contrary to DM12 in relation to the impact of the proposal on the privacy and amenity of neighbouring uses, and DM1 in terms of failing to contribute to the distinctive character and amenity of the local area. This was seconded by Councillor Cawley-Harrison.

Officers drew the Committee's attention to paragraph 6.12 of the report. It was explained that Haringey was subject to a presumption in favour of sustainable development as it had not delivered sufficient housing which meant that its housing policies were considered to be out of date by the government. In this situation, paragraph 11D of the National Planning Policy Framework (NPPF) stated that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits based on policies in the NPPF. Officers explained that, if the Committee was minded to reject this application, it would need to be of the view that the adverse impacts significantly and demonstrably outweighed the benefits of the development. Relevant paragraphs of the NPPF were considered to be paragraph 127 in relation to developments being sympathetic to local character, paragraph 130 in relation to poor design that failed to take the opportunities available for improving the character and quality of an area, and paragraph 70 in relation to resisting inappropriate development of residential gardens such as where development would cause harm to the local area.

Councillor Mitchell, who had proposed that the application be rejected, noted that he considered that the adverse impacts of granting this planning permission would significantly and demonstrably outweigh the benefits. He added that the proposal was only for one property and would not make a significant contribution which would outweigh the adverse impacts.

With seven in favour and three against, it was

RESOLVED

To **REJECT** the application for planning permission by reason that it was contrary to Policy DM7 in relation to infill and garden land sites, DM12 in relation to the impact of the proposal on the privacy and amenity of neighbouring uses, and DM1 in terms of failing to contribute to the distinctive character and amenity of the local area.

It was considered that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of the development and that the application was contrary to paragraph 127 of the National Planning Policy Framework (NPPF) in relation to developments being sympathetic to local character, paragraph 130 of the NPPF in relation to poor design that failed to take the opportunities available for improving the character and quality of an area, and paragraph 70 of the NPPF in relation to resisting inappropriate development of residential gardens such as where development would cause harm to the local area.

526. PPA/2020/0025 29-33 THE HALE N17 9JZ

This item was deferred as the meeting had run past 22.00hrs.

527. UPDATE ON MAJOR PROPOSALS

The Chair requested that any questions be sent directly to Dean Hermitage, Head of Development Management.

528. APPLICATIONS DETERMINED UNDER DELEGATED POWERS

The Chair requested that any questions be sent directly to Dean Hermitage, Head of Development Management.

529. NEW ITEMS OF URGENT BUSINESS

None.

530. DATE OF NEXT MEETING

5 July 2021

CHAIR: Councillor Sarah Williams

Signed by Chair

Date

APPENDIX

'H'



THE LONDON PLAN

SPATIAL DEVELOPMENT STRATEGY FOR GREATER LONDON
JULY 2011

MAYOR OF LONDON

POLICY 3.5 QUALITY AND DESIGN OF HOUSING DEVELOPMENTS

Strategic

- A Housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment, taking account of strategic policies in this Plan to protect and enhance London's residential environment and attractiveness as a place to live. Boroughs may in their LDFs introduce a presumption against development on back gardens or other private residential gardens where this can be locally justified.

Planning decisions and LDF preparation

- B The design of all new housing developments should enhance the quality of local places, taking into account physical context; local character; density; tenure and land use mix; and relationships with, and provision of, public, communal and open spaces, taking particular account of the needs of children and older people
- C LDFs should incorporate minimum space standards that generally conform with Table 3.3. The Mayor will, and boroughs should, seek to ensure that new development reflects these standards. The design of all new dwellings should also take account of factors relating to 'arrival' at the building and the 'home as a place of retreat', have adequately sized rooms and convenient and efficient room layouts, meet the changing needs of Londoners over their lifetimes, address climate change adaptation and mitigation and social inclusion objectives and should be conceived and developed through an effective design process
- D Development proposals which compromise the delivery of elements of this policy may

be permitted if they are demonstrably of exemplary design and contribute to achievement of other objectives of this Plan.

- E The Mayor will provide guidance on implementation of this policy that is relevant to all tenures.

- 3.32 Securing new housing of the highest quality and protecting and enhancing residential neighbourhoods are key Mayoral priorities. The number of new homes needed to 2031 will create new challenges for private developers and affordable homes providers, but also brings unique opportunities for new housing which will be remembered as attractive, spacious, safe and green and which help to shape sustainable neighbourhoods with distinct and positive identities.
- 3.33 New housing development should address the wider concerns of this Plan to protect and enhance the environment of London as a whole. New developments should avoid having an adverse impact on sites of European importance for nature conservation either directly or indirectly, including through increased recreation pressure on these sites. New development should also take account of the Plan's more general design principles (policies 7.2 to 7.12) and those on neighbourhoods (Policy 7.1), housing choice (Policy 3.8), sustainable design and construction (Policy 5.3), as well as those on climate change (Chapter 5), play provision (Policy 3.6), biodiversity (Policy 7.19), and flood risk (Policy 5.12).
- 3.34 Directly and indirectly back gardens play important roles in addressing many of these policy concerns, as well as being a much cherished part of the London townscape contributing to communities' sense of place and quality of life. Pressure for new housing means that they can be threatened by inappropriate development and their loss

APPENDIX

'1'



APPENDIX

'J'

Supplementary Planning Guidance (SPG)
Residential Standards

SPG 3c Backlands Development

1. INTRODUCTION

- 1.1 In assessing backland development schemes the Council will have particular regard to the following: adopted Haringey Unitary Development Plan (1998) Policies HSG 2.3, Haringey UDP First Deposit Consultation (2003) Policies UD1, UD2, HSG 1, HSG2, HSG8, OS16 and SPG 1a – 3b (inclusive), SPG 4 and 5, SPG 7a – 9 (inclusive) and this supplementary guidance.
- 1.2 N.B. In compliance with Haringey UDP Consultation Policy UD1, any application, including that for backland development, will be expected to be accompanied by both a Design Statement and a Sustainability Statement. For specific guidance on these, see SPG1a: Design Guidance; and SPG 9: Sustainability Statement – Including Checklist.
- 1.3 Supplementary guidance in this SPG is provided below regarding the following:
- Definition of backland development sites
 - Land use issues
 - Density
 - Design, amenity and sustainable development issues
 - Landscaping and trees
 - Conservation areas
 - Car parking
 - Access
 - Access for people with disabilities
 - Planning conditions and planning obligations

2. DEFINITION OF BACKLAND DEVELOPMENT SITES

- 2.1. Backland sites are generally landlocked, such as rear gardens and private open space. They are generally within predominantly residential areas, and many of them are not visible from public vantage points. Backland can usually be defined as development on land behind the rear building line of existing housing or other development, and is usually land that is formally used as gardens, or is partially enclosed by gardens. Not all of backland development is surrounded by residential, or proposes residential, however. It

does not include sites where development, as opposed to access to the development, adjoins a public highway.

- 2.2. Within Haringey backland sites might comprise a group of old lock up garages, or perhaps an old industrial building that has fallen into disrepair. A large portion of the sites are simply a piece of open land which provides an outlook for the houses that back onto them, but which is not generally accessible to members of the public. Sometimes, however, the land is accessible to members of the public, and is used as informal open space.

3. LAND USE ISSUES

- 3.1. The Council will normally only grant planning permission for development schemes which involve backland or rear garden sites where they meet all appropriate standards. Backland sites may be capable of being used for different uses and these might include new workspace, live/work units, residential, community facilities and so on. Each use will be looked at on its merits and on the basis of the policies of the UDP, the provisions of this SPG and any other material considerations. The issue of potential overlooking will be given consideration in all proposals. Any proposal should not result in a change of use which is unacceptable in terms of the general pattern of the area, or in terms of the informal open space in an area.
- 3.2. In determining whether planning permission should be given for a change of use, regard will be had to the current or last use of the site, and the relevant policies of the UDP will be taken into account.
- 3.3. If the site has previously had an employment use, but is in a residential area, and the employment use has resulted in detriment to the surrounding properties, this will be a material consideration in determining a change of use from employment to, say, residential.
- 3.4. If there are lock-up garages on the site, local need will be assessed including whether the garages are actually occupied or are vacant and unused. It will not be sufficient for owners to merely clear garages prior to submitting a planning application. The local demand for lock-up garages will be investigated by the Council as part of any planning application that involves the loss of any lock up garages. In addition the applicant will be expected to provide evidence that there has been and continues to be no demand in the area for the garages.
- 3.5. Where the land is private, and has no access by the public, regard will still be had to the number of trees on the site, the value of those trees and also impact, including the cumulative effect, of the loss of garden habitat/biodiversity (see also section below headed "Trees").

4. DENSITY

- 4.1. The Council's density standards will not generally apply to backland sites unless it can be shown that the scheme does not constitute town cramming.

5. DESIGN ISSUES

- 5.1. Where backland development is proposed, careful consideration will be given to all design issues of the application, and particular attention should be given to the following factors:

- The density and the height of the proposal and the latter should be subordinate to the frontage housing
- The privacy and outlook from existing houses and gardens
- Any proposed demolition of part or all of an existing dwelling to enable access onto the site. If this would result in an unsightly gap in the consistent street frontage or, in the case of conservation area, does not preserve or enhance the character of the conservation area, the application is likely to be resisted.
- Generally, access arrangements that cause significant nuisance to neighbouring properties will not be permitted. Vehicle intrusion can include danger, noise and visual amenity. There are no specific standards that can be applied, as the extent of the problem will depend upon the level of traffic. Schemes that propose only one or two units are not likely to result in detriment.
- Schemes that significantly reduce sunlight to existing rear gardens should not be permitted.
- Sufficient garden depth and area should be retained by existing dwellings commensurate with their size and character and development should not interrupt rear garden areas of character formed by several properties
- Where it is proposed that the site be used for housing, the layout, scale and form of any housing visible from the street should be compatible with the predominant scale of housing on the street.
- Wherever possible, the scheme should take into account principles of sustainable development design.

- 5.2. See also the other Residential Standards SPG, the Greener Resources SPGs, and SPG 9: Sustainability Statement – Including Checklist.

6. LANDSCAPING AND TREES

- 6.1. Landscaping can help to integrate new development into the local context and should be considered as an integral part of the design concept. Attention will be given to whether the landscaping has been used to create a usable place, rather than just as decoration, and whether existing landscape features have been considered for retention. Any landscaping proposal must be robust and achievable. With hard landscaping materials similar to those used traditionally in the area must be considered, especially in conservation areas. (With any proposed use care must be taken to ensure that there are not large areas of hard car parking surface which are overlooked by existing residential properties).
- 6.2. A plan for future maintenance of any landscaping must also be established where appropriate. Any application must be accompanied, where appropriate, by the following:

- A site survey – to document the existing features and methods of protecting those to be retained;
 - Landscape proposals – documenting all the proposed new work;
 - Landscape works – the method of implementing the landscape proposal including any maintenance.
- 6.3. Trees are often an important asset on such sites. Many backland sites will comprise of open land with a variety of trees and shrubbery on the site. In assessing any application, regard will be had to the value of the trees on site including any trees which are the subject of tree preservation orders, the impact of the development on the existing trees, and proposals for replacement trees on and around the site. Particular attention will be paid to protecting and enhancing tree masses and spines contributing to Urban Open Space as outlined by policy OS 16 of the Plan.
- 6.4. See also SPG 8d Biodiversity, Landscaping and Trees
- 7. CONSERVATION AREAS**
- 7.1. The Council will seek to protect and enhance the character and appearance of conservation areas and will normally refuse applications within, adjacent to or affecting a conservation area detrimental to the appearance, character or setting of the local area.
- 7.2. Where backland development is proposed, care must be taken to ensure that the design respects and is sympathetic to the character of the area and that the proposal either preserves or enhances that character.
- 7.3. The Council will normally refuse planning permission on undeveloped open green backland space in conservation areas because of the positive contribution such spaces make to the character and appearance of conservation areas.
- 7.4. On previously developed backland sites, well designed new development may be acceptable provided it:
- Promotes the greening of the environment
 - Is limited to one or two storeys
 - Does not have an adverse impact on views into, across and within the site
 - Is compatible with the established character of uses in the area
 - Respects the established pattern of development in the area in so far as this can be achieved on a backland site.
- 8. CAR PARKING**
- 8.1. Each application will be looked at by the Council's Transport Planning team and assessed in full in terms of parking and compliance with the Council's parking standards. See Appendix 1 of the UDP.

9. ACCESS

- 9.1. There is often inadequate or no vehicular access to backland sites. The demolition of an existing dwelling or part of the dwelling to create an access will not be permitted if it creates an unattractive breach in a consistent street frontage, or impacts in a detrimental way upon a conservation area. Access arrangements that would cause significant nuisance to neighbouring properties will not be permitted. The access must be sufficient for the size of the development proposed: for example where more than five residential units are proposed the access should allow for two way traffic in order to allow the free flow of cars. With all forms of development, the transportation officer will be asked to assess the application in terms of entry to and exit from the site, the likely level of vehicular activity and the parking provision on the site.

10. ACCESS FOR PEOPLE WITH DISABILITIES

- 10.1. Under the provisions of the Disability Discrimination Act 1995 and of Part M of the Building Regulations, all new buildings, including dwellings, must be accessible to people with disabilities. These provisions ensure a minimum standard for access to and into a building, access within a building, sanitary conveniences and audience or spectator seating.
- 10.2. Any disabled car parking should be located as close as possible to the fully accessible entrance of the building and clearly marked for use by disabled people only. In addition it should be sign posted at the entrance of the parking area. Parking spaces should be wide enough for vehicle doors to be fully opened.
- 10.3. See also SPG 4: Access for All – Mobility Standards.

11. PLANNING CONDITIONS AND PLANNING OBLIGATIONS

- 11.1 The application of planning conditions attached to any planning permission will vary from site to site. Conditions are only applied where it is considered that the proposal would be unacceptable without the conditions. For example, in backland development, careful consideration will be given to the amenity of neighbouring properties in terms of noise, daylight and sunlight. The design of any proposal may also be subjected to conditions.
- 11.2 Where applicable, a Section 106 planning obligation will need to be entered into regarding education and/or affordable housing. For further guidance on this matter see the following planning obligation SPG 10a – 10c (inclusive).

This SPG has been consulted on as part of the Haringey UDP First Deposit Consultation. As such, it is a material consideration in determining planning applications.

APPENDIX

'K'



APPENDIX

'L'



The Planning Inspectorate

Room: 3/04
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Direct Line: 0117-372-8430
Switchboard: 0117-372-8000
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<http://www.planning-inspectorate.gov.uk>

Apcar Smith Planning
28 Wellington Avenue
London
N15 6AS

Your Ref:

CA/2106

Our Ref:

APP/N1920/A/06/2013137/WF

Date:

26 July 2006

Dear Sir/Madam

Town and Country Planning Act 1990

Appeal by Mr S Agha

Site at 38 The Avenue, Radlett, Hertfordshire, WD7 7DW

I enclose a copy of our Inspector's decision on the above appeal.

The attached leaflet explains the right of appeal to the High Court against the decision and how the documents can be inspected.

If you have any queries relating to the decision please send them to:

Quality Assurance Unit
The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square, Temple Quay
Bristol BS1 6PN

Phone No. 0117 372 8252

Fax No. 0117 372 8139

E-mail: Complaints@pins.gsi.gov.uk

Yours faithfully

Paul Quinnell

COVERDL1

You can now use the Internet to submit and view documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is -
<http://www.pcs.planningportal.gov.uk/pcsportal/casesearch.asp>





Appeal Decision

Site visit made on 17 July 2006

by **P J Asquith** MA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for
Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-inspectorate.gsi.gov.uk

Date: 26 July 2006

Appeal Ref: APP/N1920/A/06/2013137

38 The Avenue, Radlett, Hertfordshire, WD7 7DW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr S Agha against the decision of Hertsmer Borough Council.
- The application Ref. TP/05/0975, received by the Council on 4 August 2005, was refused by notice dated 29 September 2005.
- The development proposed is the construction of a rear timber deck.

Summary of Decision: The appeal is allowed and planning permission granted subject to the conditions set out in the Formal Decision.

Main Issue

1. I consider the main issue in this case to be the impact of the proposal on the living conditions of adjoining residential occupiers, with particular reference to privacy, and noise and disturbance.

Inspector's Reasons

2. The timber decking the subject of this appeal has been erected and extends the full width of the rear of No. 38, a substantial detached house situated to the northern side of The Avenue. Because of the lower level of the rear garden the decking is some 1.3 to 1.5 metres above this, enabling occupants of the dwelling to walk directly out from the house onto it. For the most part the decking extends only about 1.5 metres from the rear face of the dwelling but towards its eastern end, close to the neighbouring property of Moya Khatta, it broadens out to a depth of about 5 metres.
3. Because of its raised level I was able to see that there would be the possibility of views from the decking over the rear garden of Moya Khatta above the dividing close-boarded fencing. However, there are several well developed trees within its garden along the common boundary with No. 38 and at the time of my visit these were in full leaf, providing a considerable degree of screening of this adjacent garden and rear of the house. When not in leaf, clearer views from the decking over the garden would no doubt be possible. However, evergreen shrubs have been planted within the appeal site along this boundary. These already stand over 2.6 metres in height and have the capability of quickly providing a taller dense mass that would provide additional screening throughout the year. It has been suggested that a condition could be imposed to require the heightening of boundary fencing alongside the decking and to ensure the retention of landscaping. In my view, such a condition would be reasonable and necessary and would help to ensure that there would be no undue potential overlooking and loss of privacy for the occupiers of Moya Khatta.

4. Although the decking extends to the full width of the rear of the house to its western end, a balustrade prevents access to the westernmost three metres. I do not consider that any undue overlooking of the neighbouring property to the west is likely, particularly as the decking is of only limited depth at this end of the house.
5. There is concern that the use of the decking, particularly to its eastern end where it widens out and is capable of accommodating a table and chairs, could result in noise and disturbance for the occupiers of Moya Khatta. However, the decking is within the rear garden of No. 38, which is modest in relation to the size of the house, and which would be capable of being used for all manner of domestic activities even if the decking was not there. I am not convinced that the presence of the decking would result in such levels of additional activity that any material increase in disturbance would be occasioned for the occupiers of the adjacent property.
6. Although the Council has referred to Policies D20 and D21 of the Hertsmere Local Plan, together with its Guidelines for Domestic Extensions/Alterations, I do not consider that these are pertinent to the consideration of this case, which I have accordingly considered on its own particular merits. Therefore, subject to the imposition of conditions as already referred to, I consider the proposal to be acceptable.

Conclusion

7. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Formal Decision

8. I allow the appeal, and grant planning permission for the construction of a rear timber deck at 38 The Avenue, Radlett, Hertfordshire, WD7 7DW in accordance with the terms of the application, Ref TP/05/0975, received by the Council on 4 August 2005, and the plans submitted with it, subject to the following conditions:
 1. Within three months of the date of this decision a scheme of landscaping, which shall include details of all existing trees and shrubs along the eastern boundary of the rear garden and those to be retained, together with details of additional screen fencing, shall be submitted to and approved in writing by the local planning authority. The details shall include a timetable for the implementation of the scheme. The scheme shall be fully implemented as approved.
 2. The landscaping and fencing referred to in condition No. 1 shall be permanently retained. Any tree or shrub comprising part of this landscaping which is damaged or dies shall be replaced in the first available planting season in accordance with details that shall have been previously submitted to and approved in writing by the local planning authority.

P J Asquith

INSPECTOR



The Planning Inspectorate

An Executive Agency in the Office of the Deputy Prime Minister and the National Assembly for Wales

Challenging the Decision in the High Court

Challenging the decision

Appeal decisions are legal documents and, with the exception of very minor slips, we cannot amend or change them once they have been issued. Therefore a decision is final and cannot be reconsidered unless it is successfully challenged in the High Court. If a challenge is successful, we will consider the decision afresh.

Grounds for challenging the decision

A decision cannot be challenged merely because someone disagrees with the Inspector's judgement. For a challenge to be successful you would have to show that the Inspector misinterpreted the law or, for instance, that the inquiry, hearing, site visit or other appeal procedures were not carried out properly, leading to, say, unfair treatment. If a mistake has been made and the Court considers it might have affected the outcome of the appeal it will return the case to us for re-consideration.

Different appeal types

High Court challenges proceed under different legislation depending on the type of appeal and the period allowed for making a challenge varies accordingly. Some important differences are explained below:

Challenges to planning appeal decisions

These are normally applications under Section 288 of the Town & Country Planning Act 1990 to quash decisions into appeals for planning permission (including enforcement appeals allowed under ground (a), deemed application decisions or lawful development certificate appeal decisions and advertisement appeals.). For listed building or conservation area consent appeal decisions, challenges are made under Section 63 of the Planning (Listed Buildings and Conservation Areas) Act 1990. **Challenges must be received by the Administrative Court within 42 days (6 weeks) of the date of the decision - this period cannot be extended.**

Challenges to enforcement appeal decisions

Enforcement appeal decisions under all grounds [see our booklet 'Making Your Enforcement Appeal'] can be challenged under Section 289 of the Town & Country Planning Act 1990. Listed building or conservation area enforcement appeal decisions can be challenged under Section 65 of the Planning (Listed Buildings and Conservation Areas) Act 1990. To challenge an enforcement decision under Section 289 or Section 65 you must first get the permission of the Court. However, if the Court does not consider that there is an arguable case, it can refuse permission. **Applications for permission to make a challenge must be received by the Administrative Court within 28 days of the date of the decision, unless the Court extends this period.**

Important Note - This leaflet is intended for guidance only. Because High Court challenges can involve complicated legal proceedings, you may wish to consider taking legal advice from a qualified person such as a solicitor if you intend to proceed or are unsure about any of the guidance in this leaflet. Further information is available from the Administrative Court (see overleaf).

Frequently asked questions

"Who can make a challenge?" – In planning cases, anyone aggrieved by the decision may do so. This can include third parties as well as appellants and councils. In enforcement cases, a challenge can only be made by the appellant, the council or other people with a legal interest in the land – other aggrieved people must apply promptly for judicial review by the Courts (the Administrative Court can tell you more about how to do this – see Further Information).

"How much is it likely to cost me?" – A relatively small administrative charge is made by the Court for processing your challenge (the Administrative Court should be able to give you advice on current fees – see 'Further information'). The legal costs involved in preparing and presenting your case in Court can be considerable though, and if the challenge fails you will usually have to pay our costs as well as your own. However, if the challenge is successful we will normally meet your reasonable legal costs.

"How long will it take?" – This can vary considerably. Although many challenges are decided within six months, some can take longer.

"Do I need to get legal advice?" – You do not have to be legally represented in Court but it is normal to do so, as you may have to deal with complex points of law made by our own legal representative.

"Will a successful challenge reverse the decision?" – Not necessarily. The Court can only require us to reconsider the case and an Inspector may come to the same decision again but for different or expanded reasons.

"What can I do if my challenge fails?" – The decision is final. Although it may be possible to take the case to the Court of Appeal, a compelling argument would have to be put to the Court for the judge to grant permission for you to do this.

Inspection of appeal documents

We normally keep appeal files for one year after the decision is issued, after which they are destroyed. You can inspect appeal documents at our Bristol offices by contacting us on our General Enquiries number to make an appointment (see 'Contacting us'). We will then ensure that the file is obtained from our storage facility and is ready for you to view. Alternatively, if visiting Bristol would involve a long or difficult journey it may be more convenient to arrange to view your local planning authority's copy of the file, which should be similar to our own.

Further information

Further advice about making a High Court challenge can be obtained from the Administrative Court at the Royal Courts of Justice, Queen's Bench Division, Strand, London WC2 2LL, telephone 0207 9476655; Website: www.courtservice.gov.uk

Council on tribunals

If you have any comments on appeal procedures you can contact the Council on Tribunals, 81 Chancery Lane, London WC2A 1BQ. Telephone 020 7855 5200; website: <http://www.council-on-tribunals.gov.uk/>. However, it cannot become involved with the merits of individual appeals or change an appeal decision.

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APPENDIX

'M'

Housing Delivery Test Action Plan

July 2021



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1.0 Introduction

- 1.1 It is widely acknowledged that England is facing a housing crisis and addressing this has been identified as one of the biggest and most urgent challenges facing the country.
- 1.2 The effects of the housing crisis have been particularly severe in Haringey and as such housing is identified as Priority 1 of the Council's Borough Plan. The Covid-19 pandemic has brought the essential role of adequate and high-quality housing even more to the fore with the most vulnerable residents in the borough most exposed to the pandemic.

What is the Housing Delivery Test?

- 1.3 In recent years, the Government has implemented a variety of measures in an attempt to address the multiple housing failures that make up the crisis. A key area of focus has been efforts to deliver more new homes and at a faster rate. In 2018, the Government introduced a new 'Housing Delivery Test' (HDT) as part of changes to the National Planning Policy Framework (NPPF). The Housing Delivery Test result is a percentage measurement of the number of net homes delivered against the number of homes required (the 'housing target') over a three-year period. Subject to performance over a rolling three-year period, the following consequences apply to local planning authorities:
- The publication of an action plan if housing delivery falls below 95% of a local planning authority's adopted housing requirement;
 - A 20% buffer on a local planning authority's five-year land supply if housing delivery falls below 85% of the adopted housing requirement (this in effect would require the Council to find sites for an additional 20% of the housing requirement); and
 - The application of the presumption in favour of sustainable development if housing delivery falls below 75%.

How is Haringey Performing?

- 1.4 The Government published its 2020 HDT Measurement on 19 January 2021. Having regard to the lockdown starting in March 2020 and the measurement covering the period to 31 March 2020, the Government included a grace period of one month's housing delivery in its 2020 calculation. Taking into account the above grace period, Haringey's Housing Delivery Test 2020 measurement was 60%.
- 1.5 Table 1 below shows Haringey's Housing Delivery Test performance since the policy was introduced in 2018.

Table 1 – How Haringey is Performing (2015/16 – 2019/20)

	Haringey's Housing Completions Figure (official HDT)	HDT Result	Consequences
2015/16	239	N/A	N/A
2016/17	719	N/A	N/A
2017/18	1,191	48%	Action Plan + 20% buffer
2018/19	578	55%	Action Plan + 20% buffer
2019/20	867	60%	Action Plan + 20% buffer + PIFSD

- 1.6 While the 2020 measurement of 60% is an improvement on last year's result (55%), the end of the Housing Delivery Test transitional arrangements mean that the consequences are more severe.

Presumption in Favour of Sustainable Development

- 1.7 In addition to producing this Action Plan and including a 20% buffer in the borough's five-year housing land supply, the Council is now required to apply the 'Presumption in Favour of Sustainable Development' (PIFSD) to decision-making as set out in the NPPF. This took effect on 20 January 2021; the day after the 2020 measurement was published.
- 1.8 In accordance with the NPPF, the PIFSD means the Council's housing planning policies are deemed to be out of date. The consequence of this is that national policy now expects the Council to grant permission for housing schemes unless:
- I. The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - II. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF.
- 1.9 Paragraph 12 of the NPPF is clear that the PIFSD does not change the statutory status of the development plan (the Local Plan and the London Plan) as the starting point for decision making, as the law still says that any determination on a planning application must be made in accordance with the development plan unless material considerations indicate otherwise. The NPPF is not part of the development plan but the PIFSD as part of the NPPF is a significant material consideration. While the policies in the borough's development plan still have primacy, the Council is required to give an increased amount of weight to the NPPF and PIFSD when making planning decisions.

The Importance of Delivering Housing

- 1.10 The Council's Borough Plan identifies Housing as Priority 1 for the borough and makes a commitment to deliver 1,000 new council homes at council rents. The Council prioritises housing not because buildings or estates are important in themselves, but because the home in which a family lives is one of the most important factors in determining their prosperity and wellbeing. The Haringey Fairness Commission Report set out that secure, good quality housing is a foundation of a decent life and highlighted housing disadvantage as a key factor that contributes to inequalities between different groups of residents in the borough.
- 1.11 While the Council has an ambitious programme to deliver new council homes at council rents it is unable to address the borough's housing challenges alone. The Borough Plan therefore seeks to deliver as many new, good quality homes of all kinds as we can, in good quality neighbourhoods getting as close to the Mayor of London's target for Haringey as set out in the London Plan.
- 1.12 A key benefit of new development in the borough is the delivery of new affordable homes as part of private development. Since 2011, 50.4% of all conventional housing units delivered on Major Sites (10 units and over) have been secured as affordable housing. This totals 2,055 affordable homes. New development contributes to helping ensure every resident has a safe, stable, and affordable home, and that they can participate in community life and achieve their full potential, and in turn supports the building of communities in which everyone can thrive, side by side, as equals.
- 1.13 The delivery of new development in the borough also helps to build and retain wealth in Haringey's communities. The Council is committed to a community wealth-building approach which builds the prosperity of local people and businesses as it travels through the local economy and supports and enriches Haringey's residents and communities – economically, through employment, and socially - with an emphasis on those who are struggling. New development brings significant investment into the borough helping to support the borough's places – particularly high streets and town centres – and growing a good economy in Haringey where everyone benefits.
- 1.14 A further benefit of new development is the contributions it makes to new and enhanced infrastructure in the borough. In March 2020, the Council approved spending of £2.25m of Neighbourhood Community Infrastructure Levy monies on projects across the borough and in December 2020 the Council approved spending of £14.6m of Strategic Community Infrastructure Levy monies on a range of infrastructure projects including £940,000 towards a new temporary youth space in Wood Green, £1.5m towards School Streets and £5.1m towards Streetspace Plan projects for walking and cycling.

Purpose of Action Plan

- 1.15 This Action Plan has been prepared to show how the Council is responding to the challenge of ensuring that more homes are built in Haringey and faster. In line with National Planning Practice Guidance¹, it:
- Identifies the reasons for under-delivery;
 - Explores ways to reduce the risk of further under-delivery; and
 - Sets out measures the Council intends to take to improve levels of delivery.
- 1.16 This document is intended to be a practical document focussed on effective measures aimed at improving delivery within the borough underpinned by local evidence and research of key issues.

¹ <https://www.gov.uk/guidance/housing-supply-and-delivery>

2.0 Housing Delivery in Haringey

- 2.1 The Council's housing targets are set by the London Plan and are derived from an assessment of the capacity within the borough to deliver additional housing.
- 2.2 From the 2015/16 monitoring year to the 2020/21 monitoring year the annual housing target for Haringey was 1,502 homes as set out in the London Plan 2016. Following the publication of the London Plan 2021 the Council's annual housing target has increased to 15,92 homes. This will start to apply from the 2021/22 Housing Delivery Test measurement onwards.
- 2.3 The Council's adopted Local Plan covers the period 2011 to 2026. In line with the relevant targets within the London Plan 2016 and its predecessor document, the Strategic Policies Development Plan Document (DPD) identifies a minimum strategic housing requirement of 19,802 homes over the plan period from 2011-2026. The Council is now in the early stages of preparing a new Local Plan, in part to take into account the higher housing target in the London Plan 2021, and to enable policies and proposals to be drafted that support increased delivery of new homes. The timeframe for this is set out in section 5.
- 2.4 The Ministry of Housing, Communities and Local Government (MHCLG) published its HDT 2020 Measurement on 19 January 2021 measuring delivery in the years 2017/18, 2018/19 and 2019/20. Table 2 below sets out the Government's published measurement together with the Council's own assessment of delivery measurement as reported in the Council's Authority Monitoring Report (AMR) 2019/20.

Table 2 – Housing Delivery Test Measurement

	Number of Homes Required	Number of Homes Delivered	
		MHCLG Figures	Council's own Figures
2017/18	1,502	1,191	1,210
2018/19	1,502	578	644
2019/20	1,502	867	919
Total	4,506	2,636	2,773
Housing Delivery Test Measurement		60%	62%

- 2.5 There are discrepancies between the Government's published figures and the Council's own assessment of delivery over the three monitoring years. This was raised

with MHCLG in the Council's response to the Government's consultation on Housing Supply statistics. However, notwithstanding these discrepancies, it remains the case that delivery fell considerably short of the required levels across the three-year period. It is not the case however that Haringey is a persistent under-performer in housing delivery terms. This is illustrated in the table below which shows delivery achieved so far against the cumulative target.

Table 3 – Haringey's annual housing delivery performance since 2011

	11/12	12/13	13/14	14/15	15/16	16/17	17/18	18/19	19/20
Overall Completions (net)	1,410	1,290	501	640	660	774	1,210	644	919
Cumulative Completions	1,410	2,700	3,201	3,841	4,501	5,275	6,485	7,129	8,048
Cumulative Target	820 (820)	820 (1,640)	820 (2,460)	820 (3,280)	1,502 (4,782)	1,502 (6,284)	1,502 (7,786)	1,502 (9,288)	1,502 (10,790)
Performance Against Target	590	1,060	741	561	-281	-1,009	-1,301	-2,159	-2,742

- 2.6 In the first four years of the plan period the borough over-delivered against the London Plan target, which at that time was 820 net dwellings per annum. As of 31 March 2015, there had been surplus delivery of 561 homes in Haringey.
- 2.7 In response to the publication of the 2016 London Plan which increased the Council's housing target by 83%, the Council took the proactive step of updating its Local Plan. The Council adopted alterations to its Local Plan Strategic Policies DPD in 2017 and adopted a suite of other DPDs in the same year comprising Site Allocations, Development Management Policies and Tottenham Area Action Plan documents.
- 2.8 The Local Plan sets out a comprehensive growth strategy for the borough including allocating sufficient land to achieve housing and other targets. However, despite this, actual delivery rates of housing have not matched those set out in the plan.

3.0 Sites Monitoring

- 3.1 To understand the current and future position in respect to housing delivery in the borough, information was gathered in relation to the pipeline of development sites. This process focussed on larger sites but with consideration also given to the pipeline of small sites in the borough.
- 3.2 As at February 2021, the Council's housing land supply comprised the following, as set out in the AMR 2019/20²:

Table 4 – Haringey housing land supply at February 2021

Haringey supply of deliverable housing sites (2020/21 – 2024/25)	
Sites with Planning Permission (Started)	
Large Sites	3,813
Small Sites	298
Sites with Planning Permission / Subject to S106 (Not Started)	
Large Sites	3,673
Small Sites	553
Deliverable Sites	
Large Sites	3,731
Small Sites	749
Overall Total	12,817

- 3.3 In accordance with paragraph 73 of the NPPF, a local planning authority is required to have a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies. The supply of specific deliverable sites should in addition include a buffer. Due to under-delivery of housing in the borough in the past three years the required buffer for the Council is 20%.

² <https://www.haringey.gov.uk/planning-and-building-control/planning/planning-policy/local-plan/authority-monitoring-report>

3.4 Table 5 below shows the calculation of the Council's housing land supply as at February 2021.

**Table 5 – Haringey five-year housing land supply calculation as at February 2021
(for five-year period April 2020 to March 2025)**

	Base Figure	Calculation	Cumulative
Annual Target	1,502	5 x 1,502	= 7,510
+ Shortfall	-2,742	+ 2,742	= 10,252
+ Buffer	2,050 (+20%)	+ 2,050	= 12,302
Total Requirement			= 12,302
Supply			= 12,817
Surplus		12,817 – 12,302	= 515
Years Supply	5.04 years	5 + (515/12,302)	= 5.04 years