



Appeal Decision

Site visit made on 7 February 2022

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st February 2022

Appeal Ref: APP/Y5420/W/21/3279945

Land to Rear of 10 and 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 Elena, Christos and Androula Christou against the decision of London Borough of Haringey.
 - The application Ref HGY/2020/2762, dated 26 October 2020, was refused by notice dated 7 May 2021.
 - The development proposed is described as new build Detached House (2 Bedroom).
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Decision

1. The appeal is allowed and planning permission is granted for a new build detached house (2 bedroom) at Land to Rear of 10 and 12 Bidwell Gardens, Wood Green, London N11 2AX in accordance with the terms of the application, Ref HGY/2020/2762, dated 26 October 2020, subject to the conditions set out at the end of this decision.

Main Issues

2. The main issues are:
 - The effect upon the character and appearance of the area; and
 - The effect upon the living conditions of adjoining residential occupiers, having particular regard to privacy.

Reasons

Character and appearance

3. The site is in a residential area where properties tend to be semi-detached or terraced and of similar traditional design, set upon consistent building lines and located upon generously sized and often well-planted individual plots. A formal, spacious and green residential character and appearance is thus identifiable local to the site. The site itself is formed of residential garden land of sloped topography that borders Wroxham Gardens, where access is intended to be provided.
4. The proposed dwelling would be of modern appearance, incorporating a flat green roof, sizeable expanses of glass at lower ground level and elements of projecting brickwork to its front elevation (facing Wroxham Gardens). Notwithstanding the consistent and traditional style of local properties, the National Planning Policy Framework (July 2021) (the Framework) indicates that appropriate innovation or change should not be prevented or discouraged.

5. In this instance, the new dwelling would occupy a modest footprint and be setback from the highway in conformity with the front building line followed by neighbouring development to the northwest. Owing to the sloping nature of the site and the not insignificant extent of ground excavation proposed, the new dwelling would appear as low-level when experienced from Wroxham Gardens. These factors would temper the dwelling's visual prominence and promote that it integrates successfully with its surroundings.
6. Policy DM7 of the Haringey Development Management Development Plan Document (July 2017) (the HDMDPD) sets out that there will be a presumption against the loss of garden land unless it represents comprehensive redevelopment of a number of whole land plots, which is not the case here. Even so, the same policy lays out various requirements that offer the potential for infill, backland and garden land proposals to be considered positively. In this instance, a street frontage would be incorporated, and the dwelling would appear ancillary in scale upon a newly created plot of sizeable expanse. The scheme would provide a creative site-specific response to the built and natural features of the area and relate appropriately to its surroundings, enabling broad conformity with Policy DM7.
7. The proposal necessitates the removal of various existing trees. However, consistent with the findings of a submitted Tree Survey, I did not observe any specimen earmarked for removal to be of particularly high prominence nor obvious quality. Nevertheless, the cumulative loss of planting necessitated mean that it would be important to ensure that replacement planting akin to that illustrated upon submitted plan PL-100 Rev D would be implemented and subsequently looked after should planning permission be granted. For the avoidance of doubt, I am content that a comprehensive scheme of soft landscaping could be carried out despite the extent of excavation works planned.
8. For the above reasons, the proposal would not cause harm to the character and appearance of the area. The scheme accords with Policies D3 and D6 of the London Plan 2021, Policy SP11 of the Haringey Local Plan Strategic Policies (adopted March 2013, altered 2017) (the LPSP) and Policies DM1, DM7 and DM12 of the HDMDPD in so far as these policies require that all new development must achieve a high standard of design and contribute to the distinctive character and amenity of the local area.

Living conditions

9. The proposed dwelling has been designed such that its main living area and primary expanses of glazing would be situated at lower ground floor level, which would assist in limiting available outlook and ensuring that neighbouring privacy would not be compromised. To the dwelling's side and rear facing elevations at ground floor level, a limited number of openings would be provided to include one that would serve an internal stairwell and be of obscure-glazed specification.
10. A south-east facing bedroom window is proposed at ground floor that would offer opportunities for outlook in the approximate direction of the rear elevations and rear garden spaces of properties that front Bidwell Gardens. Nevertheless, this is a single opening to be set within a 300mm reveal and a considerable distance back from the site's southern boundary. It is also important to recognise that the nearest opposing habitable windows occupy

positions setback not insignificant distances from the site. Even when factoring in sloping land levels, the privacy of any neighbouring residential occupier would not be unacceptably impacted upon by the proposal.

11. Whilst planting cannot always be relied upon to provide a permanent substantive screen to views, the scheme of soft landscaping that is intended would promote the establishment of soft buffers to the site's rear and side boundaries. This offers additional assurances in a privacy context.
12. I am also content that no unacceptable loss of privacy would be experienced by any nearby residential occupier situated upon Wroxham Gardens. Indeed, in the urban environment under consideration, a degree of mutual overlooking between neighbouring properties (including where situated to opposite sides of a public highway) is already commonplace.
13. For the above reasons, the proposal would not cause harm to the living conditions of adjoining residential occupiers having particular regard to privacy. Moreover, no unacceptable degree of overlooking or perception of overlooking would materialise. The scheme accords with Policies D3 and D6 of the London Plan 2021 and Policies DM1, DM7 and DM12 of the HMDPD in so far as these policies support proposals that provide an appropriate amount of privacy to their residents and neighbouring properties.

Other Matters

14. My attention has been drawn to past unsuccessful planning applications at the same site, one of which was tested unsuccessfully at appeal¹ in 2013. However, any development proposal must be adjudged on its own individual merits. It is also apparent that the previous Inspector was considering a detached house of noticeably greater scale and height when compared to that now proposed. The site's planning history is thus of limited relevance to my considerations.
15. In part owing to the limited scale of development under consideration, there would be no undue impact upon levels of outlook, sunlight or daylight experienceable by adjoining occupiers either when situated inside their homes or within private garden spaces. This finding is supported by the conclusions of a Daylight, Sunlight and Overshadowing report.
16. I have noted concerns raised as regards the proposal's potential effect upon local wildlife and understand that various native wildlife species have a presence locally. However, my inspection of the site itself did not clearly indicate high levels of biodiversity nor an abundance of valuable habitat. Furthermore, the proposal would not prejudice the potential movement of wildlife on to or through the site. Indeed, the submitted plans indicate a modest development footprint and an array of new planting. I also note that the site is not formally designated as a green/ecological corridor (or similar).
17. The proposal would realistically be anticipated to generate limited additional vehicular movements and would not noticeably intensify the use of the junction where Bidwell Gardens meets Wroxham Gardens. The level of on-site parking provision intended is also acceptable. The scheme would not prejudice highway safety. Furthermore, it would not realistically have a material impact upon experienceable air quality locally.

¹ APP/Y5420/A/13/2194285

18. The scheme is supported by a Drainage Strategy that illustrates the intended disposal of surface water from the site into the existing public sewer at a restricted rate. The strategy incorporates the laying of porous surfacing and would be assisted by the provision of a green roof. It has been adequately demonstrated that the proposal would not increase the risk of surface water flooding. Furthermore, there is no indication from the relevant statutory undertaker that the area's drainage/sewerage infrastructure has insufficient capacity or capability to accommodate the proposed development.
19. It has been implied that the scheme would set a precedent for similar forms of development to come forward elsewhere in the local area. However, any development proposal must be considered upon its own individual merits based on the specific site and case circumstances to hand.
20. The 2021 Housing Delivery Test results published in January 2022 indicate that the presumption in favour of sustainable development, as set out at paragraph 11 of the Framework, does not automatically apply by virtue of recent levels of housing delivery. Different circumstances applied at the point in time when the planning application that is now the subject of this appeal was determined. Even so, and whilst a limited contribution would be made by the scheme to the Borough's housing supply, the proposal accords with the development plan when read as a whole and material considerations do not lead me to a decision otherwise.

Conditions

21. The Council has suggested conditions that the appellants have had the opportunity to comment upon and which I have considered against advice in the Framework and Planning Practice Guidance. As a result, I have amended some of them for consistency and clarity purposes.
22. In the interests of certainty, a condition specifying the approved plans and documents is required. In the interests of protecting the character and appearance of the area, a condition requiring full details of the external materials/detailing to be submitted for approval is reasonable and necessary. For the same reason, as well as in the interests of safeguarding residential amenity, a condition requiring the submission and implementation of a landscaping and boundary treatment scheme is required. In recognition of the importance of promoting the establishment of planting to the site's edges, a ten-year maintenance period is reasonable to impose. For the avoidance of doubt, given the ever-evolving nature of soft landscaping, I find that any conditional requirement for newly planted features to be managed/replaced in perpetuity would likely be unduly problematic to enforce effectively.
23. In the interests of promoting biodiversity enhancement and on-site surface water retention, a condition requiring full details and the implementation of a green roof is reasonable and necessary. In the interests of ensuring sustainable construction methods, a condition requiring full adherence with the approved Energy and Sustainability Statement and the submission of associated final details is also reasonable to impose. To encourage the use of sustainable travel modes, a condition securing full details of cycle storage facilities in addition to their implementation and retention is reasonable to impose.

24. In the interests of highway safety, a condition requiring the provision and subsequent retention of a dropped kerb and crossover is reasonable. For the same reason, and to safeguard the general amenities of the area, a condition requiring the submission of (and adherence to) a Construction Management Plan is necessary. This is even though excessive noise/disturbances associated with the construction of a single dwelling would be unlikely to occur. To protect the general amenities of the area, a bin storage condition is also required.
25. In recognition of the excavation works intended and the level changes necessitated, a condition requiring the presence of a structural engineer for the duration of construction work has been accepted as necessary by the appellants and is reasonable to impose in the interests of promoting ground stability and structural soundness.
26. The Framework sets out that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. However, most particularly due to the relative proximity of the new dwelling to neighbouring development, it is reasonable and necessary to withdraw permitted development rights with respect to extensions, outbuildings or any additional window or door openings. This condition would be in the interests of protecting the character and appearance of the area and safeguarding the living conditions of neighbouring occupiers.

Conclusion

27. For the above reasons, the appeal is allowed and planning permission is granted subject to conditions.

Andrew Smith

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun not later than the expiration of three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: SLP-100; EX-100, EX-101, EX-102, EX103, EX-104, PL-100 Rev D; PL-150 Rev C; PL-200, PL-201 Rev A; PL-202 Rev C; PL-203 Rev A; Daylight, Sunlight and Overshadowing Report, BVP, October 2020; Structural Methodology Statement, Halstead Associates, October 2020; Drainage Strategy, Patrick Parsons, September 2020; Arboricultural Method Statement Rev A, Arbtech, January 2021 (including accompanying tree protection plan, Arbtech AIA 01 Rev A); Tree Survey, Arbtech, January 2021; Design & Access Statement Rev C, gt associates, October 2020; Energy & Sustainability Statement, eb7, March 2021.
- 3) Prior to the commencement of any works on site, notwithstanding the approved plans, full 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:
 - i) materials and scaled elevations of boundary treatments;
 - ii) location, type and materials to be used for hard landscaping and permeable paving specifications;
 - iii) location, species, heights and densities of trees and other planting.Thereafter, the approved boundary treatments shall be erected prior to the first occupation of the development and the approved landscaping shall be carried out in accordance with the approved details prior to the conclusion of the first planting season following the first occupation or completion of the development (whichever is sooner). Any new trees or planting that dies, is removed or becomes severely damaged or diseased within ten years of planting shall be replaced. Unless further specific permission is given by the Local Planning Authority, replacement planting shall be in accordance with the approved details and shall be carried out during the first available planting season.
- 4) Prior to the commencement of development, full details of the green roof depicted upon approved plan PL-100 Rev D shall be submitted to and approved in writing by the Local Planning Authority. The roof shall be planted with native flowering species grown and sourced from the UK, and all soils and compost to be used shall be peat-free. The details to be submitted shall include:
 - i) a roof plan identifying the roof area to be planted;
 - ii) a section demonstrating substrate levels of no less than 120mm;
 - iii) a plan showing 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) locations of log piles/flat stones for invertebrates;
 - v) the range of native species of (wild)flowers and herbs to be planted to benefit native wildlife;
 - vi) the relationship with any photovoltaic array; and
 - vii) irrigation, management and maintenance arrangements.The green roof shall be installed prior to the first occupation of the dwelling hereby permitted and shall be managed thereafter for the

lifetime of the development in accordance with the approved management and maintenance arrangements.

- 5) No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include:
 - i) parking and management of vehicles of site personnel, operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials;
 - iv) programme of works (including measures for traffic management);
 - v) provision of boundary hoardings;
 - vi) wheel washing facilities.Only the approved details shall be implemented and retained during the demolition and construction period.
- 6) No development shall take place until a Chartered Civil Engineer (MICE) or Chartered Structural Engineer (MStructE) has been appointed to supervise the construction works throughout their duration and their appointment has been 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 has been 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 in accordance with the requirements of this condition.
- 7) Prior to the commencement of development above ground level, the following details in relation to the dwelling hereby permitted 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 details.Thereafter, development shall be carried out in accordance with the approved details.
- 8) The development hereby permitted shall be constructed in full accordance with the approved Energy & Sustainability Statement to deliver a 72.3% improvement on carbon emissions over 2013 Building Regulations Part L, with SAP10 emission factors, high fabric efficiencies (minimum 3.2% reduction), air source heat pump (ASHP) and 1.32kWp solar photovoltaic (PV) energy generation.

Prior to above ground construction, full details of the heating systems and solar PV to be installed shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the 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, and confirmation of the 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. Prior to the first 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 in writing by the Local Planning Authority and the final agreed energy strategy shall be installed and be operational.

The development shall be carried out strictly in accordance with the approved details and shall be operated and maintained as such thereafter, and the solar PV array shall be installed with monitoring equipment prior to completion and be maintained and cleaned at least annually thereafter.

- 9) Prior to the first occupation of the dwelling hereby permitted, a dropped kerb shall be installed at the carriageway edge and a vehicle cross-over shall be constructed across the footway fronting the site in accordance with approved plan PL-100 Rev D and thereafter these features shall be retained for the lifetime of the development.
- 10) Prior to the first occupation of the dwelling hereby permitted, 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. The approved scheme shall be implemented prior to first occupation and shall be permanently retained thereafter.
- 11) Prior to the first occupation of the dwelling hereby permitted, full details of the secure cycle parking facilities depicted upon approved plan PL-100 Rev D shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until a minimum of two cycle parking spaces for users of the development have been installed in accordance with the approved details. The installed facilities shall be retained at all times thereafter.
- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any Order amending, revoking and re-enacting that Order, no extensions or outbuildings shall be built and no window or door openings shall be inserted into any elevation of the dwelling (other than development expressly authorised by this planning permission), as permitted by Classes A or E of Part 1 to Schedule 2 of the Order, without first obtaining planning permission from the Local Planning Authority.