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

23 May 2025

Haringey Council
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By email only

Dear Council,

Development at Harcourt House N8 9JB **Planning application reference: HGY/2024/0921**

- 1 We are instructed by a group of leaseholders ("our client") at Harcourt House who have written to the Council previously to set out their objections to this application (23 May 2024 and 10 March 2025). We previously wrote to you on 11 March on their behalf requesting re-consultation. Since then, the new consultation deadline was extended to 23 May. However, our client still objects strongly to the development.

Summary of concerns

- 2 Our client maintains several major concerns:
- (a) The application is contrary to both national and local planning policies and regulations;
 - (b) The development will cause significant harm to amenity of existing outdoor spaces and surrounding properties;
 - (c) The development is represented in a series of drawings, reports and 3D models which are inconsistent, contradictory and therefore misleading as to what exactly is being considered for approval and will be built.
 - (d) Further, that what has been depicted as the development design will not be physically possible to build;
 - (e) That there are significant gaps in information, contradictory and misleading statements provided by the applicant such that any decision to approve would be unsafe. Public consultation has been incomplete and piecemeal.

For all these reasons, the application should be refused or, if recommended for approval, be decided by members at committee in accordance with the Council's own policy. Taking each of these points in turn.

The development is contrary to policy

- 3 Harcourt House sits within the Crouch End Conservation Area, and the Council is required to pay special attention to preserving or enhancing the character or appearance of the area¹. The local character is set out in the Crouch End Conservation Area Appraisal from 2010, which noted its regular streets of Victorian buildings generally no higher than 2-3 storeys. There is a traditional feel:

"When walking through the conservation area's quiet streets one has the impression of well maintained buildings and maturely planted gardens with many trees within their gardens and lining the streets."

Harcourt House has been significantly altered from its original Victorian shape, with 1920s additions, but this has a "neutral effect" on the Conservation Area and the streetscape.

- 4 NPPF para 135 states:

Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

- 5 This is reflected in local policies. Haringey Local Plan Strategic Policies 2013-26 (Adopted 2013) Policy SP11 states:

All new development should enhance and enrich Haringey's built environment and create places and buildings that are high quality, attractive, sustainable, safe and easy to use. To achieve this all development shall: Be of the highest standard of design that respects its local context and character and historic significance, to contribute to the creation and enhancement of Haringey's sense of place and identity;

Policy SP12 continues:

The Historic Environment should be used as the basis for heritage-led regeneration and as the basis for good design and positive change.

- 6 In this context the proposed development for an additional storey at roof level will make

¹ S72 Planning (Listed Buildings & Conservation Areas) Act 1990

Harcourt House 5 storeys tall, and unmatched to the remainder of the existing building in terms of scale and design. It does not respect the sense of place or historic character of the Conservation Area in terms of massing and dominance of the streetscape.

- 7 Not only is the design unacceptable in macro terms; in micro design terms it runs against policy. The development will be single aspect, north facing. Haringey Local Plan² at Policy D6.C states:

Housing development should maximise the provision of dual aspect dwellings and normally avoid the provision of single aspect dwellings. A single aspect dwelling should only be provided where it is considered a more appropriate design solution to meet the requirements of Part D in Policy D3 Optimising site capacity through the design-led approach than a dual aspect dwelling, and it can be demonstrated that it will have adequate passive ventilation, daylight and privacy, and avoid overheating.

London Housing Design Standards LPG further defines in Appendix 3:

A dual aspect dwelling is one with opening windows on two external walls, which may be on opposite sides of a dwelling or on adjacent sides of a dwelling where the external walls of a dwelling wrap around the corner of a building.

- 8 Appendix 3 to the policy defines what dual aspect means in this context, and specifically excludes rooflights or windows closely facing a neighbouring wall, which is the case in relation to one living room window. This is set out fully in our client's previous objection.
- 9 Rooflights and windows closely facing a neighbouring wall therefore cannot constitute an alternative aspect. The two proposed units in the development therefore do not meet the criteria for dual aspect units, as supported by the client's commissioned professional assessment³. This is further detailed within the Design Standards section, and critiqued fully in our client's previous objection.
- 10 In addition, some windows face blank walls, chimney flues and privacy screens, contrary to the GLA's policy C4.7⁴:
- All habitable rooms (including a kitchen/dining room) should receive natural light and have at least one openable window that provides a view out when seated.
- 11 A point made further down regarding the potential inaccuracy of planning drawings, particularly the roof plan, could significantly affect the percentage of Gross Internal Area (GIA) achieving the required 2.5m ceiling height. This may lead to further non-compliance with London Plan Policy D6. We note that this policy regarding habitable areas is a minimum requirement and not a guideline.
- 12 The applicant's Design & Access Statement acknowledged the importance of adhering to London Plan Policy D6, as requested during the pre-application phase. However, the submitted plans still fail to meet several requirements. These include insufficient built-in storage as per London Plan Table 3.1 and a lack of level access to the proposed outdoor balconies, contravening C10.1 of the Housing Design Standards LPG.

² Haringey Local Plan Strategic Policies 2013-26 (Adopted 2013)

³ Page 3, Savill's Objection Letter, 22.05.24

⁴ Housing Design Standards LPG 2023 (GLA) C4.7

The development will cause substantial harm to amenity

- 13 Haringey Local Plan Policy DM1 states that:

“Development proposals must ensure a high standard of privacy and amenity for the development’s users and neighbours. The Council will support proposals that: a) Provide appropriate sunlight, daylight and open aspects (including private amenity space where required) to all parts of the development and adjacent buildings and land;”

- 14 The proposed development will add considerable height to the already dominating Harcourt House and overshadow residential properties and private and communal gardens to the north. More specifically, the development will reduce the daylight to the private gardens at Harcourt House, the only outdoor spaces for the existing family units, potentially causing an unacceptable loss of amenity.
- 15 Indeed, the applicant’s own daylight assessment for 1 Pinehurst Mews indicates an unacceptable loss of daylight based on BRE guidelines. Given Harcourt House’s closer proximity, its private gardens are likely to experience the same, if not greater, adverse effects, yet the applicant has omitted this from assessment. Harcourt House residents have previously highlighted this omission.
- 16 Our client has obtained (via FOI requests) the correspondence between the applicant’s planning consultant and the case officer. The applicant argues that the significant daylight loss to 1 Pinehurst Mews’ private garden is justified because the development will be on brownfield land. This is misleading: brownfield status is only one policy element in the planning balance, where impact on the Conservation Area (a statutory duty) is weightier. Impacts on the Conservation Area will necessarily include how the development is experienced in neighbouring gardens and how shading will change the character of the area. Consequently, the Council must take serious note of how the existing gardens of Pinehurst Mews and Harcourt House will change as a result of the loss of daylight.

Fire Regulation

- 17 The London Plan’s Policy D12 states that “The fire safety of developments should be considered from the outset.” and all new development “*must achieve the highest standards of fire safety*. How a building will function in terms of fire, emergency evacuation, and the safety of all users should be considered at the earliest possible stage to ensure the most successful outcomes are achieved, creating developments that are safe and that Londoners can have confidence living in and using”⁵ This is particularly relevant to the new legislation introduced after the tragic Grenfell fire.
- 18 The policy continues:

*“The matter of fire safety compliance is covered by Part B of the Building Regulations. However, to ensure that development proposals achieve the highest standards of fire safety, reducing risk to life, minimising the risk of fire spread, and providing suitable and convenient means of escape which all building users can have confidence in, applicants should consider issues of fire safety before building control application stage...”*⁶

⁵ London Plan 2021, 3.12.1

⁶ London Plan 2021, 3.12.2

However, as set out more fully in our client's previous objection⁷, no fire strategy or fire risk assessment has been provided, and the requisite smoke vents, sprinklers, and lobbies are all omitted from the submitted drawings.

- 19 Not only does this render it impossible for the Council to assess whether this policy is met, but more fundamentally these elements cannot be incorporated into the scheme as set out in the current drawings (see further para 20 *et seq* below). Changes to accommodate these elements would require significant amendments to the scaled measurements of the scheme, which may impact on how high the roof must be to accommodate the changes, or the location of service units to the exterior. These would all be material changes.

Inconsistencies and contradictions

- 20 The fundamental difficulty with the application is that, despite amendments to the drawings, what is depicted (1) shows contradictions between drawings; and (2) cannot physically be built.
- 21 This was explained in detail in our client's objection⁸ and we refer you to the technical note prepared by our client's Architect⁹ and plans marked up by our client's architect, which gives more examples to the following:
- If constructed to scale the door access to the roof and water tank would be only 1m high, not 2m high as drawn.¹⁰
 - Comparing the roof plan and proposed flank (west) elevation, it is clear that the plan with two neat seams/creases/ridges of the roof is completely different from what the elevations and the 3D model used in the Design and Access statement show. Furthermore, rooflights and angles of the roof are misrepresented on both internal and external roof plans.
 - Comparing front elevation with proposed roof plan, it is clear that the new external access door to the water tank storage is impossible to construct, use or safeguard, as the bottom of this door is directly above an existing window and below the existing roof line. If approved, it will immediately need to be changed to be constructable.
 - The proposed eastern window for Flat 10, as shown on plans (CF-214-DR-1130B and CF-214-DR-1140-C) and elevations (CF-214-DR-1310-B and CF-214-DR-1130-B). However these active chimneys are absent from the section (CF-214-DR-1230-A). If drawn correctly, the window will face the neighbouring wall and chimney flues.
 - The proposed external staircase as shown on plan (CF-214-DR-1130-B) cannot be 6 steps tall as the level change according to the plan is between +11.330 and +11.630.
 - The proposed design lacks any details or allowance for the necessary structure for the roof extension. A structural report¹¹ commissioned by our client indicates that steel beams with a minimum depth of 350-400mm will be needed, which are not currently accounted for in the plans. This undermines the assertion in

⁷ Objection Letter, 10.3.25,

⁸ Objection Letter, 10.3.25, see particularly sections 3 & 4

⁹ Ashton Architecture, Technical Note on Amended Drawings, 22.05.25

¹⁰ Objection letter, 10.3.25, para 4.2.1

¹¹ Akera Engineers, Structural Assessment, 2.5.24

correspondence our client has seen between the applicant's planning consultant and the case officer¹² that the building can support the extension, and the assertion itself was not backed up with further reports/detail.

The Daylight and Sunlight Report (prepared by CHP Surveyors) shows a single-pitch roof extension has been used for the daylight and sunlight analysis, while the Design and Access Statement and the planning drawings set (prepared by Cooke Faucett Architects) show a multi-pitch roof form. Further details and evidence that a wrong model has been used to assess impact of the development on all surrounding properties can be found in our client's daylight & sunlight consultant report¹³ to be submitted by our client under separate cover today.

- The latest version PR2V of the Planning Stage Sustainability Statement (prepared by John Francis) does not mention any Photovoltaic (PV) panels in the proposal while the proposed roof plan (CF-214-DR-1140-C) shows 9 PV panels on the roof. There seems to be a confusion within the Council and the applicant as to what energy and sustainability strategy is going to be adopted and how it will meet the mandated standards.

- 22 Moreover, the applicant claims in the application form compliance with Building Regulations AD Part M4(2) to meet London Plan D7's step-free access requirement¹⁴ for dwellings. While London Plan 3.7.6 permits flexibility in exceptional circumstances, it explicitly restricts such exemptions to buildings of four storeys or less:

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

Harcourt House, currently four storeys, will become five storeys after the proposed development. Consequently, the requirement for step-free access and adherence to Building Regulations AD Part M4(2) is mandatory.

- 23 Whilst compliance with Building Regulations is, of course, entirely separate to the planning determination, nonetheless in this instance it is material. If the building, in order to comply with the Regulations to provide a step free access, must include a lift (for example) then accommodation for this must be shown in the drawings because it may require changes that have an impact on the external appearance of the building in the Conservation Area, which is properly a planning consideration. Further examples include:

- The walkway to the water tank will need a protective rail, which will be visible in the Conservation Area but has been omitted from the plans.
- Incorporating the necessary fire lobbies and smoke vents, will require changes to the building which may not be possible to accommodate without lowering floors or raising roofs.
- There are no details, statements or consideration provided to any maintenance, servicing and cleaning access to the proposed PV panels or extended existing chimneys and flues located on top of the proposed roof structure. There are also no details for roof light cleaning access. The details for this are required by London

¹² email on 12 August 2024, obtained via FOI request

¹³ eb7, Daylight & Sunlight Review, 23.5.25

¹⁴ London Plan 2021, 3.7.5

Plan section D6 “Usability and ongoing maintenance” section.

It is unlikely that these can be added in without materially changing the design applied for.

24. It is crucially important to get this right now. It is not possible to grant permission for an impossible building and not, by doing so, set up a future breach of planning. The problem is too fundamental to be postponed to planning condition approvals.
25. This issue was recently examined in the decision of Choiceplace Properties (2021)¹⁵ where the developer applied for planning permission to knock down 2 semi-detached houses and replace them with a 3-storey block of 6 flats, based on inaccurate plans. This meant that when built to scale the new build ridge height was substantially *higher* in relation to its neighbours than the application plans, which had shown the ridge would be significantly *lower* than its neighbours. The Court upheld that the completed building was in breach of planning. In the case of Harcourt House, the Council runs the same danger but to an even greater degree: there is not one error but several, peppered throughout the drawings.

Gaps in information and piecemeal/incomplete consultation

26. Our consultation concerns were set out more fully in our first letter of 11 March 2025. Information has routinely been uploaded to the Portal as long as 4-8 months after receipt by the Council. There has been no explanation as to why this has happened. Information has been uploaded only 4 clear days before a proposed determination date, giving virtually no time for our client to make a considered response. Throughout the process there has been the very real concern that even more documents will be produced at the eleventh hour, giving our client group no time to consider and respond. We remain concerned that not all information that should be in the public domain has yet been shared.
27. This approach conflicts with the standard set out in the Council’s Statement of Community Involvement (adopted 2017), which states the Council will ensure consultation is effective and that *“affected parties have adequate time to consider and respond to the proposals”*.
28. Proceeding without a public consultation on ALL the documents (including any yet to be uploaded) is the only way to ensure the public has been fully consulted, with time to fully consider the issues and respond. Without such consultation, any determination will be unsafe; our client reserves their position on that issue in relation to any documents not yet uploaded.
29. The omissions, gaps and errors that have been made public to date have already been brought to the Council’s attention, not least in the detailed objection letter submitted by Savills in May 2024. This was accompanied by structural (Akeru), heritage (Portico Heritage) and architect (Ashton Architects) technical notes which set out the issues very clearly: the drawings are sufficiently misleading to be unreadable, and the development as depicted is unbuildable. Notwithstanding this damning evidence, we note¹⁶ that the case officer indicated in March 2025 (and has continued to indicate) that she was “minded to grant” the application. We find this deeply concerning.

Committee Determination

30. We would urge the Council to refuse this application. However, if the officers are minded to approve, despite its several fatal flaws, it is important that this application is decided by the

¹⁵ Choiceplace Properties Ltd v Secretary of State for Housing Communities And Local Government [2021] EWHC 1070 (Admin)

¹⁶ FOI request emails

planning committee. The test, according to the Council's own call-in policy, is:

- (1) The proposal is a significant development which has substantial local interest
- (2) The officer recommends approval despite the proposal being contrary to local policies in the Local Plan

31. In relation to the first criterion, more than 70 local concerned residents have registered objections, including all ward councillors and the non-statutory consultee Crouch End Neighbourhood Forum. In relation to (2), we have shown (para 3 *et seq* above) that the application conflicts with national and local plan policy. Accordingly, it should be determined in committee unless refused under delegated powers.

Yours faithfully,



RICHARD BUXTON SOLICITORS

Enc:

Architect's Technical Note as amended May 2025

Drawings marked up by client May 2025