
Appeal Decision

Site visit made on 7 December 2016

by John Morrison BA (Hons) MSc MRTPI

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

Decision date: 19 December 2016

Appeal Ref: APP/Y5420/W/16/3158041
62 Shepherds Hill, Hornsey, London N6 5RN

- 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 Shepherds Hill Partners Ltd against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2016/0945, dated 18 March 2016, was refused by notice dated 3 August 2016.
 - The development proposed is the construction of a single storey 2 bedroom house.
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Decision

1. The appeal is dismissed.

Main Issues

2. There are two main issues. These are:
 - Whether or not the proposed development would preserve or enhance the character or appearance of the Crouch End Conservation Area (CECA); and
 - The effect of the proposed development on the living conditions of existing occupiers with specific regard to noise disturbance.

Reasons

Whether or not the proposed development would preserve or enhance the character or appearance of the CECA

3. The appeal site comprises a substantial detached two storey red brick Victorian Villa in an equally substantial curtilage which extends in a broad linear form southeast from the building. The building is in the process of being subdivided into multiple self-contained flats and has been extended but retains much of its original form, positioning and curtilage.
 4. I acknowledge the appellant's assessment of the character traits of the CECA. Nevertheless, the appeal site is one of very few surviving examples of its type in an area which over time has become dominated by more modern higher rise apartment blocks. The extent, open and unbroken nature of the curtilage to the building contributes much to its setting and thus its character. It therefore makes a positive contribution to the character and appearance of the CECA.
 5. As the proposed dwelling would be located part way down the rear garden, between the rear elevation of the building and the south eastern boundary of
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- the curtilage, it would introduce a back land form which is not characteristic of the area as well as disrupting the open, single and extensive curtilage of the existing building.
6. I am mindful of an extant planning permission¹ for the erection of a detached dwelling to the far south eastern edge of the curtilage. I accept that this would cause some harm to the character and appearance of the curtilage of the existing building and thus the CECA.
 7. In coming to a view on this extant scheme, it is clear to me that the Council attached weight to the redevelopment of an area of land of low environmental value. Moreover one that also secured the removal of some unsightly buildings. The dwelling would also be some distance away from the existing; the principle elevation would face to the south east and thus would be more distinct from it.
 8. The proposed development in the case of this appeal would add an additional tier within the otherwise open and extensive curtilage. It would be accessible from the front, via the entrance to the existing dwelling. It would therefore relate more closely to the host site and have a more harmful effect on the curtilage as a result. Harm that would be in addition to, and not instead of that which would be caused by the aforementioned extant planning permission.
 9. I acknowledge a further extant planning permission² for the erection of a garden studio which was under construction at the time of my site visit. The extent and siting of which would be identical to the proposed dwelling save for the addition of a covered car port to the front. There is no doubt therefore, that in terms of the character of the curtilage and its open and extensive nature, there would be a change should the garden studio be fully implemented.
 10. However, as an ancillary building, the garden studio would have a functional relationship with its host. In my view, the character effect of an ancillary building, even one of very similar scale to the proposed dwelling, would be wholly different to that of an independent dwelling. A dwelling which would have its own separated access and parking as well as a distinct and separated garden space. Such matters would often require, for security and demarcation purposes, a built boundary of some type. A close boarded timber fence between the existing building and the site of the garden studio was also under construction at the time of my site visit.
 11. I accept that, without having to apply for planning permission, the appellant could erect a built boundary of up to two metres to fully enclose the extant garden studio and thus, for all intents and purpose, its own 'curtilage' would be created. However, I can only attach what would be determinative weight to a material fall-back position where I am satisfied that it would have a reasonable possibility of happening. In this case, I am not persuaded that an ancillary outbuilding with a functional link to its host would in reality be entirely enclosed by a built boundary.
 12. The garden studio would therefore, in my view, maintain the extent of one single and open curtilage and for the reasons set out above it would not justify the granting of a planning permission for an independent dwelling in place of it.

¹ Council reference HGY/2015/2513

² Council reference HGY/2015/2175

13. I acknowledge that the modern high rise flat developments that surround the appeal site have had a substantial eroding effect on the more traditional elements of the CECA through the loss of many of the Victorian Villas. To a degree therefore, I do accept the appellant's argument that for this reason the character and appearance of the CECA has evolved over a period of time to now feature what it does. Thus the change to it proposed as part of this scheme should integrate acceptably. I am mindful however that as one of the very few remaining examples of this type of development quite the contrary approach should be taken to the appeal site and those elements that make up its significance should therefore be safeguarded against harm.
14. For the reasons set out above, the proposed development would introduce a tier and function which would disrupt the extent and single nature of a locally important and characteristic curtilage. Whilst this would result in minimal visual harm, it would nevertheless cause harm to the character of the CECA, thus failing to preserve or enhance it. The harm caused would be less than substantial and as such, as per paragraph 134 of the Framework³, it should be weighed against the public benefits.
15. I have been provided with limited evidence pertaining to the public benefits of the proposed development. I do note the appellant's assertion that the provision of a new dwelling would be positive for the Council's housing supply. However, as one single dwelling this benefit would be limited in scale. It is clear in this case therefore that the public benefits are not sufficient to outweigh the harm that would be caused to the character of the CECA.
16. The proposed development would therefore be contrary to Policies 3.5, 7.4 and 7.6 of the London Plan⁴, Policies SP11 and SP12 of the Local Plan⁵, saved Policy UD3 of the UDP⁶ and draft Policies DM1, DM7 and DM9 of the Development Management DPD⁷.
17. These Policies seek to ensure that, amongst other things and along with section 12 of the Framework, new development is of a high quality and contextually appropriate design and appearance and makes a positive contribution to and compliments local character. They also set out the importance of the appropriate and sensitive management of the Historic Environment and ensure that development does not cause harm to the character or appearance of Conservation Areas.
18. I acknowledge the appellant's questioning of both the relevance of and weight that should be attached to the use of the Policies contained within the Council's Development Management DPD which, at the time of writing, is in a Pre Submission Version. I accept that it should be considered draft emerging policy and whilst it is yet to form part of the development plan for primacy purposes, it nonetheless should be afforded some weight since it is in a fairly advanced form and follows the broad principles set out in the Framework. Notwithstanding this, I have also found harm in respect of the Council's adopted development plan as I have set out above.

³ The National Planning Policy Framework 2012

⁴ The London Plan 2015

⁵ The Haringey Local Plan 2013

⁶ The Haringey Unitary Development Plan 2006

⁷ The Haringey Development Management Development Plan Document Pre Submission Version 2016

Living Conditions

19. The proposed dwelling would be located to the rear of an existing building which would be in use by a number of other self-contained flats. Access to it would be via the frontage of the existing building and then via a separated driveway adjacent to its southwest elevation. It would be on the site of a building for which extant planning permission exists for a garden studio.
20. The garden studio would be occupied in conjunction with one of the flats and thus would have an amount of comings and goings from the host dwelling associated with it. In addition, the proposed dwelling would be reasonably separated from the existing building. Furthermore, it would have its own access which would be part and parcel of an existing one and as a modestly sized dwelling in context, would not have a significant number of movements associated with it.
21. For these reasons, I do not consider that the siting of an independent dwelling in the location proposed would give rise to any noise disturbance that would amount to an adverse effect on the living conditions of existing occupiers.
22. There would therefore be no conflict with Policies 7.4 and 7.6 of the London Plan, Policy SP11 of the Local Plan, saved Policy UD3 of the UDP or draft Policy DM1 of the Development Management DPD with regard to this particular issue. These Policies seek to ensure, amongst other things and along with one of the core principles of the Framework, a good standard of amenity for all existing and future occupiers of land and buildings.

Other Matters

23. I note the Council's reference to draft Policy DM2 of the Haringey Development Management DPD in considering the effect of the proposed development on the character and appearance of the CECA as well as the living conditions of neighbours. Having reviewed the Policy however, it appears to be more directly relevant to the safety and accessibility of new developments.

Conclusion

24. For the above reasons, and having regard to all other matters raised, the appeal is dismissed.

John Morrison

INSPECTOR