
Appeal Decision

Site visit made on 4 January 2017

by Roy Merrett BSc(Hons) DipTP MRTPI

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

Decision date: 25 January 2017

Appeal Ref: APP/Y5420/W/16/3158352

Land at Rear of Yew Tree Close, Hornsey, London N22 7UY

- 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 Brendan Morrissey, Fix Property Ltd against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2016/0628, dated 5 January 2016, was refused by notice dated 1 July 2016.
 - The development proposed is erection of four detached houses.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council has been provided with a basement impact assessment which has resolved its concerns in this regard. Consequently the Council is no longer pursuing Refusal Reason No 2 and this is not therefore a main issue in this appeal.

Main Issue

3. The main issue is the effect of the development on the living conditions of adjacent residents in Albert Road and Rhodes Avenue with particular regard to outlook.

Reasons

4. The ground level of the appeal site falls broadly from south-west to north-east, with existing dwellings on Rhodes Avenue and Albert Road sitting at lower level in comparison to the proposed dwellings.
 5. The proposed dwellings, which would have a contemporary design, would be laid out so that the side of Plot No 4 would extend across a significant part of the width of No 258 Albert Road and some of the width of No 260 Albert Road. The side of Plot 4 would be three storeys in height across the entire depth of the elevation and would be in very close proximity to the rear boundary of the aforementioned Albert Road properties.
 6. When taking into consideration that the new dwellings would be at the higher ground level, the scale and siting of Plot 4 would result in a dominant and overbearing impact in terms of outlook from the rear garden area of No 258 and to a degree from the rear garden of No 260. This would result in a much
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greater sense of enclosure and oppressive living conditions for the residents of those properties. I note that the appellant proposes to incorporate an extensive 'green wall' over the upper parts of the side elevation. Whilst this would soften the appearance of the dwelling to a degree, it would not remove the dominant and imposing form of the building.

7. The rear of the existing dwellings at Nos 1-5 Rhodes Avenue would face the rear or side elevations of the proposed plot Nos 2-4. Whilst the proposed buildings would be relatively tall, some three storeys in height, at higher ground level, and in the case of Plots 3 and 4 spaced closely together, they would be significantly set back from the rear boundary with the Rhodes Avenue dwellings. Accordingly whilst existing residents would experience a significant change to the present open and spacious outlook, the relationship between plots would not lead to the overbearing visual impact and oppressive living conditions which I have identified above with regard to the Albert Road properties. Notwithstanding this it would not justify setting aside that harm.
8. I conclude that the development would result in unacceptable harm to the living conditions of adjacent residents at Nos 258 and 260 Albert Road in terms of the quality of outlook from the rear gardens of those properties. It would therefore conflict with Policies 7.4 and 7.6 of the London Plan 2015; Policy SP11 of the Haringey Local Plan 2013; Saved Policy UD3 of the Haringey Unitary Development Plan 2006; emerging Policies DM1 and DM7 of the Council's Development Management Development Plan Document and the National Planning Policy Framework insofar as they seek to promote good design, safeguard living conditions and ensure a good standard of amenity for all.

Other Matters

9. The appellant has sought to highlight various positive attributes of the development. These include that the proposed dwellings would be energy efficient, designed to support the transition to a low carbon future; would comply with relevant density standards and would be adaptable to lifetime homes standards and in an accessible location close to shops and services. I note that the Council has not disputed these considerations or the principle of residential development on the site. However in any event, this does not overcome the harm that I have identified.

Conclusion

10. For the aforementioned reasons, and having had regard to all other matters raised including that there have been letters in support of the development, I conclude that the appeal should be dismissed.

Roy Merrett

INSPECTOR