
Appeal Decision

Site visit made on 31 January 2017

by I Radcliffe BSc(Hons) MRTPI MCIEH DMS

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

Decision date: 10 February 2017

Appeal Ref: APP/Y5420/W/16/3160830

60-62 Muswell Hill Broadway, Hornsey, London N10 3RT

- 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 Newfield Resources Limited against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2016/1433, dated 22 April 2016, was refused by notice dated 28 June 2016.
 - The development proposed is the construction of a three storey single family dwelling at the rear yard backing the existing building.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are;
 - the effect of the proposed development on the character and appearance of the Muswell Hill Conservation Area;
 - whether the proposed development would provide acceptable living conditions for future occupiers, with regard to levels of daylight; and,
 - the level of on site parking provision and its effect on the free flow of traffic and highway safety.

Reasons

Character and appearance

3. The appeal site is located within Muswell Hill Conservation Area. The National Planning Policy Framework ('the Framework') is an important material consideration. It identifies that heritage assets are irreplaceable resources. Paragraph 132 advises that, when considering the impact of a proposed development on the significance of a designated heritage asset, such as a Conservation Area, great weight should be given to the asset's conservation.
 4. In the exercising of planning functions, the statutory test in relation to Conservation Areas is that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Policy 7.8 of the London Plan, policy SP12 of the Haringey Local Plan and policy DM9 of the Haringey Development Management Policies Development Plan Document (Pre-Submission Version) ('emerging DPD'), which seek to conserve heritage assets, are consistent with this test and the Framework. As a result, I attach significant weight to policy DM9 of the emerging DPD.
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5. The Conservation Area covers those parts of Muswell Hill that contain well designed older buildings. Typically, these buildings date from around the Edwardian era, are brick built with slated roofs and have attractive detailing. The significance of the Conservation Area is therefore architectural and historical.
6. The buildings on Muswell Hill Broadway contain shops on the ground floor and have flats on the two storeys above. In contrast to the more ornately designed front elevations of the buildings, the rear elevations are simpler and relieved only by bay or dormer windows. Along Hillfield Park Mews, between St Johns Lane and Hillfield Park, the rear yards to these buildings are occupied by single storey outriggers, set either on the back edge of the pavement or close to their rear elevations. The only exception to this is a recent two storey outrigger next door but one to the appeal site. However, its scale and mass is restrained by its set back from the pavement and the fact that the ground floor, upon the which the first floor appears to be balanced, is smaller in width and length than the floor above. As a result, it is a well-judged design that fits in with Hillfield Park Mews and does not dominate the streetscene.
7. The proposed dwelling, with its enclosed car port, would face the Mews and occupy to two storeys in height the full width and length of the plot between the rear of the building and the back edge of the pavement. As a consequence, it would be out of scale to the other outriggers and in views along Hillfield Park Mews on the approach from St Johns Lane and Hillfield Park it would be a prominent and intrusive feature. More sympathetic materials than the proposed white rendered finish to the first floor could be secured by condition. However, this would be insufficient to overcome the unrelieved size and dominance of the proposed building.
8. On the northern side of Hillfield Park, Hillfield Park Mews continues for a short distance. Here, two recently constructed two storey outriggers (No 96 -100 & No 108-112) sit on the back edge of the pavement. However, with the rear of the building on the corner of the Mews (No 86-88) occupied by a wide outrigger up to the back edge of the pavement, and the end of the Mews enclosed by the tall rectangular rear of more than one building on Muswell Hill Broadway, the context is quite different to the appeal site. As a result, these recently constructed outriggers fit in with the streetscene and do not dominate. Reference to these outriggers therefore has not altered my assessment of the appeal proposal.
9. For the reasons given above, the proposed development would have an adverse effect on the character and appearance of the Conservation Area and its significance. The harm caused by the proposed development to the significance of the Conservation Area as a whole would be less than substantial. In such circumstances paragraph 134 of the Framework advises that the harm that would be caused should be weighed against the public benefits of the proposal.
10. In accordance with the statutory duties described, I attach considerable importance and weight to the harm that would be caused to the Conservation Area. On the other side of the balance, the proposed dwelling would help boost the supply of housing in the area, although the increase would be modest. Socially, the additional house would be of benefit in providing a family sized dwelling. Economically, the scheme would generate some construction

employment, although by its nature it would be short lived, and an additional household would increase local spending power slightly.

11. Taking all these matters into account, my overall conclusion is that the public benefits of the proposal do not outweigh the demonstrable harm that would be caused to the Muswell Hill Conservation Area. The proposal would therefore be contrary to the Framework, as well as failing the statutory tests. As such it would be contrary to policy 7.8 of the London Plan, policy SP12 of the Haringey Local Plan and policy DM9 of the emerging DPD. For the reasons that I have given, it would not constitute high quality design and so would also be contrary to policies 3.5, 7.4 and 7.6 of the London Plan, policy SP11 of the Local Plan, saved policy UD3 of the Unitary Development Plan (UDP) and policies DM1, DM2 and DM7 of the emerging DPD. As policies DM1, DM2 and DM7 of the emerging DPD are consistent with the Framework, I attach significant weight to them. These policies, consistent with a core planning principle of the Framework, seek high quality design.

Living conditions

12. The kitchen - dining room would be located in the basement to the proposed building. Instead of windows, a glass light, measuring 3.4m by 0.8m, set flush with the ground would allow natural light to enter through the ceiling of the room.
13. The appellant states that the orientation of the house would mean that sunlight would enter the kitchen-dining room through the glazed light in the morning, and that its position, to the side of the parking bay to the house, would mean that levels of natural light would not be obstructed. However, given the south easterly orientation of the front of the house the glazed light would receive sunlight for only a small part of the day. Given the enclosing effects of the sides of the car port and any parked vehicle present, on the basis of the available evidence, I am not persuaded that throughout most of the day adequate levels of daylight would enter the kitchen -dining room. As a result, in my judgement, future occupiers would experience a darker and gloomier living environment than it is reasonable to expect and would be dependent upon artificial lighting.
14. Taking all these matters into account, I therefore conclude that the proposal would result in poor living conditions for future occupiers of the proposed development, contrary to policies 3.5 and 7.6 of the London Plan, policy SP11 of the Haringey Local Plan and saved policy UD3 of the UDP. These policies seek to prevent such harm. Policy 7.4 of the London Plan has been cited in the Council's reasons for refusal in relation to this issue. However, as this policy relates to local character it is not relevant to the consideration of living conditions within the proposed building.

Parking

15. In order to encourage the use of sustainable modes of transport, the London Plan and the UDP have maximum parking standards for new residential development. In providing one space to a single two bedroom property, the proposed development would comply with policy 6.13 of the London Plan and policy M10 of the UDP. However, the rear yard, where the house would be built, provides two parking spaces for two flats at No 60-62 that received planning permission last year. With the existing flat in the building three flats could therefore exist at the property. If the appeal proposal went ahead no parking would be provided to these flats.

16. Whilst the site is close to local services and facilities and has good public transport accessibility, the appeal site is not within a controlled parking zone which discourages residents from parking in surrounding streets. As a result, the proposed development, by turning the approved flats into a car free development, would be contrary to saved policy M10 of the UDP. Be that as it may, the London Plan's parking standards, to which policy 6.13 refers, advise that in areas with good public transport accessibility significantly less than one parking space per unit should be provided. The Council describes the appeal site as having good access to public transport and I agree with that assessment. Consequently, the effect of the proposal on parking provision to the flats would comply with policy 6.13 of the London Plan.
17. As the most recent version of the London Plan was only adopted last year, it is a far more recent part of the development plan than the UDP, which was adopted in 2006. As a result, I place greater weight on the approach of the policy 6.13 of the London Plan to parking provision than the approach of the policy M10 of the UDP.
18. Roads in the area are heavily parked and there are restrictions along Hillfield Park Mews and nearby streets to prevent parking that would be unsafe or adversely affect the free flow of traffic. Subject to enforcement of these restrictions, which is a reasonable expectation, the loss of parking spaces that would occur as a result of the proposed development is unlikely to result in parking on the highway that would be unsafe or cause congestion.
19. Taking all these matters into account, I therefore conclude that the proposal would not result in the obstruction of the free flow of traffic or harm to highway safety. The proposal would therefore comply with policy UD3 of the UDP which seeks to prevent harm to highways and traffic conditions. Although the effect of the proposal on parking provision would be contrary to saved policy M10 of the UDP, it would comply with policy 6.13 of the more recent London Plan to which I attach greater weight.

Conclusion

20. The site is in an accessible location and the proposal would create an additional dwelling with good views, for which there would be demand. However, these considerations are comprehensively outweighed by the harm the proposal would cause to the character and appearance of the area and the living conditions of future residents. For these reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Ian Radcliffe

Inspector