
Appeal Decision

Site visit made on 13 March 2017

by D J Board BSc (Hons) MA MRTPI

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

Decision date: 10 April 2017

Appeal Ref: APP/Y5420/W/16/3165379

Rear of Embassy Court, Bounds Green Road, N11 2HA

- 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 Mensa Management Inc. against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2016/3357, dated 28 September 2016, was refused by notice dated 21 November 2016.
 - The development proposed is erection of three storey block to form 3no self-contained flats.
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Decision

1. The appeal is allowed and planning permission is granted for erection of three storey block to form 3no self-contained flats at Rear of Embassy Court, Bounds Green Road, N11 2HA in accordance with the terms of the application, Ref HGY/2016/3357, dated 28 September 2016, subject to the conditions in Annex A.

Background and Main Issue

2. The site was the subject of a previous application¹ that was subsequently allowed at appeal² for a two storey building and this is a material consideration in assessment of the current proposal. Nonetheless, I note the differences between the two schemes, especially in terms of scale, and I have taken these into account. In particular I have considered the individual circumstances of this current proposal in light of current national policy and guidance.
3. The main issue is the effect of the three storey block of flats on the character and appearance of the area.

Reasons

4. The site would be formed from an area to the rear of Embassy Court, a five storey building. The buildings either side are similar in scale. The areas to the rear of the buildings vary in size and layout. In addition there is a mixture of style, type and height of buildings with lower garages and two storey buildings evident.
5. The appeal scheme would be a three storey flat roofed building. It would contain three self-contained flats. The site would provide a transition between the areas to the rear and the frontage buildings. In this regard the three storey scale would not appear out of place. It would, as the previous scheme, appear subordinate to the frontage buildings. The Council has submitted a

¹ LPA Ref HGY/2016/0458

² APP/Y5420/W/16/3149307

section plan³ from a nearby scheme. Nevertheless, the submitted section drawing for the appeal scheme demonstrates that it would not appear excessive when viewed alongside the lower buildings, even taking a change in levels into account.

6. The building would be constructed from a mix of brick, panels and glazing beneath a flat roof. This approach would pick up some of the characteristics of Embassy Court itself. It would incorporate materials that complement the neighbouring developments. The elevations of the building would be broken up by the materials and balconies. Views of the buildings would be limited given its location to the view behind Embassy Court. Therefore the building would sit comfortably within the varied rear area in this location.
7. I therefore conclude that the proposed building would not have a harmful effect on the character and appearance of the area. It would not be in conflict with policies 3.5, 7.4 and 7.6 of the London Plan, SP11 of the Haringey Local Plan, saved policy UD3 of the Unitary Development Plan and emerging policy DM1 of the Development Management Development Plan Document which amongst other things seek to ensure that new development responds to the character and appearance of its surroundings.

Other matters

8. Whilst not a reason for refusal I have carefully considered the comments of interested parties in Parkdale regarding privacy. The elevation that would face Parkdale would be set away from the common boundary. The sides of balconies would be visible but it would not be directly facing these properties or the parking area. Therefore I do not consider that the appeal scheme would have a harmful effect on the living conditions of existing occupiers, with particular regard to privacy.

Conditions

9. The Council has suggested a number of conditions. I have considered these against paragraph 206 of the National Planning Policy Framework. I have attached the standard implementation condition and a condition specifying the approved plans. In the interest of character and appearance of the area I have attached a condition requiring material samples to be submitted. Given the site location it is necessary and reasonable to attach a condition requiring submission of a construction management plan. However, I agree with the appellant that it is reasonable to combine dust management with this.
10. To protect living conditions of existing occupiers it is reasonable to restrict the use of the building's roof. There is an electricity substation close to the site. In the interests of the living conditions of the future occupants the Council's suggested condition requiring a survey is reasonable in this case. In addition the requirement for wheelchair accessible homes would also be reasonable in this case.

Conclusion

11. Therefore, for the above reasons and having regard to all other matters raised I conclude that the appeal should be allowed.

D J Board

INSPECTOR

³ LPA ref HGY/2016/0323

Annex A – Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans 1077/11-18; BS5837:2012 Tree Survey, Design and Access Statement, Lifetime Homes Statement, Planning Statement.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors, and a description of the size of vehicles visiting the site
 - ii) a programme of works with specific information on the timing of deliveries to the site
 - iii) hours of operation
 - iv) storage of plant and materials used in constructing the development
 - v) the erection and maintenance of security hoarding
 - vi) wheel washing facilities
 - vii) measures to control the emission of dust and dirt during construction
 - viii) a scheme for recycling/disposing of waste resulting from demolition and construction works
 - ix) pedestrian and cyclist protection measures
 - x) measures for controlling the use of site lighting where appropriate whether required for safe working or security purposes
- 5) The roof areas of the building shall not be used as balconies, roof gardens or similar amenity areas.
- 6) Notwithstanding condition 2 the dwellings shall be constructed to meet the requirements of the National Standard for Housing Design as set out in the Approved Document M 2015 'Accessible and Adaptable Dwellings' M4 (2). Building Regulation Approval Plans and Decision Notice Advice, confirming that these requirements will be achieved, shall be submitted to, and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be constructed strictly in accordance with the approved details.
- 7) Prior to first occupation of the development a survey report on the electricity sub-station shall be submitted to and approved in writing by the Local Planning Authority. The report shall include an assessment of the associated electromagnetic field and noise generated by the sub-

station, by reference to relevant standards and studies, and any mitigation measures that may be required. Thereafter all work shall be carried out in accordance with the details approved.

END OF CONDITIONS SCHEDULE