

Appeal Decision

Site visit made on 18 April 2017

by R W Allen B.Sc PGDip MRTPI

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

Decision date: 28 April 2017

Appeal Ref: APP/Y5420/W/16/3161708

46 Takoma House, Coleridge Road, Hornsey, London N8 8ED

- 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 Ms A Gata (Ordan UK Ltd) against the decision of the London Borough of Haringey.
 - The application Ref HGY/2016/2332, dated 1 July 2016, was refused by notice dated 5 September 2016.
 - The development proposed is railings and screen planting to mitigate overlooking and harm by the use of the roof terrace.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has acknowledged an error in its decision notice, in which the first and second reasons for refusal are identical. The Council states that the first reason for refusal should in fact express that it considers the proposed development would harm the character and appearance of the Crouch End Conservation Area. As the Council has made these concerns known in its officer's report, and the appellant has had an opportunity to respond in her final comments, I am content to consider this matter as part of the appeal, and I am satisfied that no party is prejudiced by me taking this decision.
 3. The appeal before me concerns only the installation of a screen fence and planting to be positioned on the western side of the roof area located behind Nos 44 to 50 Coleridge Road. My decision is made accordingly on the merits of the case. The general thrust of the cases advanced by both the Council and the appellant however centre on a dispute as to whether the said roof area can or cannot be lawfully used as a terrace and outdoor amenity space for the surrounding flats; and this forms the basis for the Council's second and third reasons for refusal. However, the lawful use of the roof did not form part of the original application and it is not a matter before me. My decision makes no judgment on, and prejudices no party's case, as to whether this area can or cannot be lawfully used for this purpose.
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Main Issues

4. The main issues are:

- Whether the proposed development would preserve or enhance the character or appearance of the Crouch End Conservation Area and the street scene; and
- The effect of the proposed development on the living conditions of surrounding occupiers to the west having specific regard to privacy.

Reasons

Whether preserve or enhance the Conservation Area

5. The appeal site lies within the Crouch End Conservation Area. S.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in the exercise of planning powers in conservation areas, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Paragraph 132 of the National Planning Policy Framework (the Framework) says great weight should be given to a heritage asset's conservation. Paragraph 134 of the Framework states that where less than substantial harm is identified to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Policy CV5 of the Haringey Unitary Development Plan 2006 (UDP) and policy DM9 of the emerging Development Management Development Plan Document (eDPD) state that alterations and extensions to buildings must preserve and maintain the character of conservation areas without being overbearing or intrusive.
6. Neither main party has advanced any particular view on the characteristics of the Conservation Area. From the observations at my site visit, I find many of the buildings are consistent in terms of their age, height and grouping, and in their architectural detailing and use of materials. The buildings relate well to one another; the historic street pattern remains largely intact; and the presence and attractiveness of the town centre shopping area and centrally located clock tower all amount to notable features which I find define the significance of the Conservation Area.
7. I did not observe any roof mounted screens at my site visit and none have been drawn to my attention. Accordingly, no evidence is before me as to whether the proposed structure is a particular feature of the Conservation Area. In my judgement, the proposed screen is not well designed and would be an unattractive and oppressive addition to the roof area, irrespective that it would be adorned with climbing planting. Furthermore, because of its height and positioning on a roof, it would be both a visually prominent and dominant structure which would be readily visible and noticeable from the surrounding properties.
8. I find that the proposed structure would not preserve the character and appearance of the Crouch End Conservation Area or the area generally. While I note the principle aim of the fence is to protect privacy of surrounding occupiers, as the roof area's lawful use is not established I afford very little weight to these public benefits.

9. The proposed development would not accord with UDP policy CV5 and eDPD policy DM9; details of which I have set out above. It would also not accord with policies 7.4, 7.6 and 7.8 of the London Plan (consolidated with alterations since 2011) 2016, and the relevant parts of Policy SP11 of the Haringey Local Plan 2013 (Local Plan); with UDP policy UD3 and with eDPD policy DM1. These policies require extensions to be subordinate in scale and respect the architectural character of a building.

Living conditions

10. The appellant asserts that the reason for the proposed screen is to prevent overlooking and mitigate harm to occupiers of neighbouring properties to the west, including those occupiers of dwellings in Frederick Place. The Council does not dispute this. I question the effectiveness and overall need for this, but nevertheless it would achieve its intended purpose. In that respect the proposed development would accord with the relevant parts of Local Plan policy SP11, with UDP policy UD3 and with eDPD policy DM11. As stated above, whether the use of the roof terrace itself would have such an effect is not a matter before me.

Conclusion

11. For the reasons given above I conclude that the appeal should be dismissed.

R Allen

INSPECTOR