
Appeal Decision

Site visit made on 9 May 2017

by A A Phillips BA (Hons) DipTP MTP MRTPI

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

Decision date: 19 May 2017

Appeal Ref: APP/Y5420/W/17/3168193
278 Philip Lane, Tottenham N15 4AD

- 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 Keith Phipps against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2016/3590, dated 14 October 2015, was refused by notice dated 6 December 2016.
 - The development proposed is provision of a mezzanine floor level to 2nd floor to provide 1 No. 2 bedroom duplex flat. Insertion of 2 No. roof lights to front roof slope. Insertion of 2 No. dormer windows to side roof slope.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have noted that in its first reason for refusal the Council has referred to Policy DM9 of the emerging Haringey Development Management Development Plan Document Pre-Submission Version (January 2016). However, I have no evidence that this policy yet forms part of the development plan and therefore has limited weight in the determination of planning applications. Accordingly, even if there is conflict with the policy, that would not be sufficient reason, on its own, to withhold planning permission in this instance.

Main Issues

3. The main issues are:
 - i. Whether the proposal preserves or enhances the character or appearance of the Clyde Circus Conservation Area; and
 - ii. The effect of the proposal on the demand for on-street parking and highway safety.

Reasons

Clyde Circus Conservation Area

4. The appeal site is situated on a prominent corner adjacent to the junction of Philip Lane and Downhills Park Road in the Clyde Circus Conservation Area. The Conservation Area is characterised by its urban layout, the broadly consistent palette of materials and the high quality architectural detailing in some individual buildings and terraces.
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5. The site is situated at the end of an attractive terrace with a ground floor commercial frontage onto Philip Lane. It is a Locally Listed Building of Merit according to the Clyde Circus Conservation Area Appraisal 2009. The terrace retains its uniform appearance with ornate detailing, a continual roof ridge and tiled roof slope with a regular pattern of chimney stacks which provides a rhythm and visual interest. Given its corner location the building plays a significant role in establishing the overall consistent appearance of the terrace of which it is part. Given the form, architectural detailing and integrity of the building and the terrace they make a positive contribution to the character and appearance of the Conservation Area.
6. As required by Paragraph 132 of the National Planning Policy Framework (the Framework), in determining this appeal I attach great weight to the desirability of preserving or enhancing the character or appearance of the Clyde Circus Conservation Area within which the site is located.
7. The proposal would add two dormer windows on the side slope of the roof facing Downhills Park Road which would be clearly visible from the public realm. The dormers would disrupt the unbroken plain tiled roof slope of the property which is one of its key features. Although the dormers would not on their own be unattractive their presence on this building and on the terrace of which it is a key part would represent incongruous features which would be harmful to the overall architectural integrity and composition of the building and the wider terrace. As such the dormers would undermine the significance of this Locally Listed Building of Merit and the value of the terrace in terms of its positive contribution to the character and appearance of the Conservation Area. Therefore, the proposal would fail to preserve or enhance the character or appearance of the Conservation Area.
8. Given the scale of the proposal within the context of the Conservation Area as a whole, I consider that it would cause less than substantial harm to its character and appearance. In accordance with paragraph 134 of the Framework, I must weigh the harm against the public benefits of the proposal. In this case specific benefits that may arise from the development have not been clearly demonstrated. However, there would be some benefits from investment into the fabric of the building and optimising the use of the building. There may also be some small economic and social benefits associated with construction activity and the provision of a larger dwelling. However, these do not, in my judgment, outweigh the harm that I have found.
9. In this issue I therefore conclude that the proposal would neither preserve nor enhance the character or appearance of Clyde Circus Conservation Area. As such it would conflict with the character, design and heritage provisions of Policies 7.4, 7.6 and 7.8 of the London Plan 2016, Policies SP11 and SP12 of Haringey's Local Plan Strategic Policies 2013-2026 (Formerly the Core Strategy) 2013 (the Local Plan), Policies UD3 and CV5 of the Haringey Unitary Development Plan Saved Policies (post Local Plan Adoption) July 2006 – Policies Saved March 2013 (the UDP) and the Framework. These seek to ensure that development preserves or enhances the character or appearance of a Conservation Area, conserves the significance of heritage assets and locally listed buildings and is appropriate to its context, among other things.

On-street Parking

10. The appeal site is located at the junction of Philip Lane and Downhills Park Road where there is a mini roundabout and a zebra crossing. Double yellow lines and zig-zag road markings close to the junction restrict on-street parking in the immediate vicinity of the site. There is some short stay car parking bays along Philip Lane to serve the nearby shops and further permit only on-street car parking available on Downhills Park Road and Kirkstall Avenue. The site is also situated within the Bruce Grove Restricted Conversion Area where the development plan states that permission will not be granted for conversions in order to prevent an increase in on-street parking, among other objectives. I also understand from the evidence before me that the site has a Public Transport Accessibility Level (PTAL) of 2, which means it has relatively poor access to public transport facilities.
11. At my later afternoon mid-week site visit I observed that there was full occupancy of all on-street car parking in the vicinity of the site. Therefore, it is evident that there is insufficient capacity nearby to safely accommodate any increase in the demand for on-street parking. Furthermore, Philip Lane is a busy main road and at the time of my site visit there was evidence of queuing traffic and some congestion on the approaches to the mini roundabout at the junction of Philip Lane and Downhills Park Road.
12. I understand that from the evidence before me that the current proposal is not for an additional residential unit but rather the extension of an existing unit to provide a larger two bedroom duplex flat which could accommodate four residents. I have no details of the existing residential accommodation that would be extended should this appeal be allowed. However, the proposed larger flat would be likely to have an increased number of occupants and therefore it is reasonable to anticipate that there would be an increase in the demand for on-street car parking. Although such an increase may be only marginal, given the low PTAL rating, the prevailing highway conditions in the immediate vicinity of the site and the lack of proposals to mitigate the potential increase in demand I consider that the proposal would result in highway conditions that may pose an unacceptable risk to the safety of highway users and the safe and efficient operation of the highway, including the bus services which currently run on Philip Lane.
13. The appellant has drawn my attention to the recent grant of planning permission for a new dormer and change of use from a two bedroom self-contained flats to two flats and a studio flat, together with associated refuse and cycle storage at 268 Philip Lane. In that particular case I understand that hanging storage for one bicycle was conditioned. However, I have no evidence that such mitigation could be accommodated on the current appeal site and as such it would be unreasonable to attach a condition in this particular case.
14. Therefore, on this issue I conclude that the proposal would be likely to increase the demand for on-street parking and consequently be harmful to highway safety. As such it would conflict with Policy 6.11 of the London Plan, Saved Policies UD3, HSG11 and M10 of the UDP and Policy SP7 of the Local Plan. These seek to ensure that developments do not create unacceptable on-street parking pressure that would adversely affect the efficient flow of traffic or the effective operation of bus services, road safety or pedestrian movement, among other things.

Conclusion

15. Therefore, for the reasons given above and taking into account other matters raised I conclude that the proposal conflicts with the development plan taken as a whole and that the appeal should be dismissed.

Alastair Phillips

INSPECTOR