
Appeal Decision

Site visit made on 8 May 2017

by D J Board BSc (Hons) MA MRTPI

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

Decision date: 13 June 2017

Appeal Ref: APP/Y5420/W/17/3166955

65 Ladysmith Road, Tottenham, London, N17 9AP

- 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 M Matossini against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2016/3247, dated 26 July 2016, was refused by notice dated 28 October 2016.
 - The development proposed is new dwelling on vacant land.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the new dwelling on (a) the character and appearance of the area; (b) the living conditions of the existing occupiers of No 65 Ladysmith Road, with particular regard to outlook and (c) whether the scheme would provide appropriate living conditions for future occupiers, with particular regard to the size and layout of accommodation.

Reasons

Character and appearance

3. Ladysmith and Holcombe Road both contain terraces of dwellings. The properties front the road and have gardens to the rear, some with single storey outbuildings. The appeal site would be formed from a rear portion of the garden of No 65 Ladysmith Road. I note that there was a garage on the site at some point but this has since been demolished. As such it would sit between the rear of No 65 and that of No 68 Kimberley Road.
 4. The new dwelling would be a single two storey dwelling described by the appellant as '*contemporary in style*'. I appreciate that in terms of scale the building would not appear out of place and that quality materials would be used. Nevertheless, the provision of a single dwelling in this location would be a distinct contrast to the existing terraced blocks in the area. In addition the site would have limited dimensions. To accommodate a dwelling of the size proposed the footprint would use the entire site area. As such no space would remain around the dwelling. As a result it would appear cramped and incongruous.
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5. The appellant has referred to a specific example of a similar form of development at 57 Dowsett Road¹. I understand from the Council's statement that this was granted in 2008 and that the building it replaced was substantial and it has a doctor's surgery adjacent on one side rather than a residential garden. In this regard it is not entirely comparable with the appeal scheme. I have in any event judged the appeal scheme on its individual merits. Therefore the presence of this building does not alter my finding on character and appearance.
6. I therefore conclude that the proposal would harm the character and appearance of the area. It would be in conflict with London Plan (LP) policies 3.5, 7.4 and 7.6, policy SP11 of the Haringey Local Plan (HLP), saved policy UD3 of the Haringey Unitary Development Plan (UDP) and Emerging Policy DM1 of the Development Management Development Plan Document (DPD) which amongst other things require the design of new development to respect local context and character.

Living conditions of existing occupiers

7. The introduction of the dwelling into the area to the rear of No 65 would reduce the depth of its garden. No 65 also has windows in the rear elevation that would face the appeal site. The side wall of the new building would face the garden and rear elevation of No 65. This would be made up of a blank wall which the plans show to be about 2.60m in height and a roof on top that would slope away to the maximum height of about 5.20m. This would all be visible from the home and garden of No 65. It would be in close proximity and there is no scope for mitigation due to the site constraints. Therefore, irrespective of the quality of the final appearance and the size of patio provided for No 65, it would be prominent when viewed from the home and garden of No 65. The effect would be overbearing. It would result in substantial harm to outlook.
8. I therefore conclude that the proposal would have a harmful effect on the living conditions of the occupiers of existing dwellings. It would be in conflict with HLP policy SP11, saved UDP policy UDC and emerging DPD policy DM1 which amongst other things seek to ensure that new developments do not have an adverse impact on surrounding residential uses and are sensitive to the surrounding area. It would also be in conflict with the National Planning Policy Framework (the Framework) which seeks to secure a good standard of amenity for all existing occupiers of land and buildings.

Living conditions of future occupiers

9. The dwelling would have two levels. I note from the grounds of appeal that it have a Gross Internal Area (GIA) of about 38m². However, the Council's view is that this should not apply to a split level property. I understand that the standards in the Mayors Housing SPG separate out one and two storey dwellings. Nevertheless, I am conscious of the need to avoid inflexible standards, especially in an urban context. Floor area is not the sole determining factor. In this case the plans demonstrate that a kitchen dining area and living area could be provided with circulation space and light. The bed would be provided in a recessed area to maximise layout.

¹ LPA Ref HGY/2008/1876

10. The second point raised relates to the provision of garden space. The relevant standard for a one person unit would be a minimum of 5m². In this case there is no outside space proposed for the dwelling. There is commonality along Holcombe and Ladysmith Roads with the provision of rear garden areas of a reasonable size. I have accepted that flexibility could be applied to the floor space. Nevertheless, I do not consider that the provision of large windows and a sky view can substitute for the provision of an area to sit out.
11. Overall there would be conflict with the Mayors Housing SPG numerical standards. That said the dwelling would be well laid out with space to circulate, place furniture and adequate light. However, there would not be any outdoor space for future occupants. I acknowledge that floor space alone may not be critical. However, when combined with the other harm to living conditions due to the absence of outdoor space it adds to my concern about the suitability of the scheme.
12. I therefore conclude that the scheme would not provide appropriate living conditions for future occupiers, with particular regard to the size and layout of accommodation. It would be in conflict with the aims and purpose of LP policies 3.5, 7.4 and 7.6, HLP policies SP2 and SP11, saved UDP policy UD3, emerging DPD policy DM12 and the Mayors Housing SPG which require all new developments to be of the highest quality internally, externally and in relation to their context and to the wider environment. It would also be in conflict with the Framework which seeks to secure a good standard of amenity for all existing occupiers of land and buildings.

Other matters

13. The appellant has attached a note about the submission and validation of the scheme. However, my considerations relate solely to the planning merits of the case.

Conclusion

14. For the reasons given above and having regard to all other matters raised I conclude that the appeal should be dismissed.

D J Board

INSPECTOR