
Appeal Decision

Site visit made on 31 May 2017

by Alex Hutson MATP CMLI MArborA

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

Decision date: 23 June 2017

Appeal Ref: APP/Y5420/W/17/3170606

Land rear of Yew Tree Close, Hornsey, London N22 7UY

- 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 Fix Properties Ltd against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2016/2553, dated 28 July 2016, was refused by notice dated 4 November 2016.
 - The development proposed is Erection of 4 detached houses.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The appellant has indicated on the appeal form an intention to make a costs application. However, I have not been provided with any further details in this respect. As such, I have not considered this matter any further.
3. One of the Council's reasons for refusal on its decision notice relates to harm to the outlook of the occupiers of 258 and 260 Albert Road and 1-5 Rhodes Avenue. However, subsequent to the lodging of this appeal, an Inspector found that a similar proposal¹, whilst giving rise to harm to the outlook of the occupiers of 258 and 260 Albert Road, would not result in harm to the occupiers of 1-5 Rhodes Avenue in this regard. On this basis, the Council has confirmed it no longer wishes to pursue this reason for refusal insofar as it relates to the occupiers of 1-5 Rhodes Avenue. I have determined the appeal on this basis.
4. The appellant has submitted revised plan 433115-3 Rev C as part of the appeal in an attempt to overcome the Council's concerns in respect of outlook. This revised plan indicates that the proposed dwelling on Plot 4 has been reduced in height by approximately 300mm. However, having regard to the 'Wheatcroft Principles' it would be unreasonable for me to accept this amended plan given that it may deprive the consultees of the original proposal the opportunity to provide representations on the amendments. In addition, the Council has not provided an assessment of the merits or otherwise of the revised plan and therefore I cannot be certain that they have seen it and have had an adequate opportunity to comment on it. Furthermore, the revisions do not appear to have been carried through to plan 43115-5 Rev B which shows the elevations

¹ Appeal Ref APP/Y5420/W/16/3158352

of the proposed dwelling on Plot 4. Thus, there would appear to be a discrepancy between this plan and the revised plan were I to accept it.

5. Moreover, the Procedural Guide for Planning Appeals – England dated 31 July 2015, in Annexe M paragraph M.1.1, sets out that a fresh planning application should normally be made if an applicant thinks that amending their application proposals will overcome the local planning authority's reasons for refusal. My determination of this appeal is therefore based on the plans submitted with the original application.

Main issues

6. The main issues are the effect of the proposal on the character and appearance of the area; and the effect of the proposal on the living conditions of the occupiers of 258 and 260 Albert Road with particular regard to outlook.

Reasons

Character and appearance

7. The appeal site is accessed via Yew Tree Close, a cul-de-sac, which runs from Albert Road. It comprises an open plot of land located to the rear of dwellings along Albert Road and Rhodes Avenue. Dwellings along these roads tend to be of a traditional appearance and two storeys in height. Yew Tree Avenue also serves two existing dwellings; one single storey and one two storeys in height. As such, there are examples of backland development in the area. However, I observed that both these dwellings have flat roofs and this, combined with their single storey and two storey heights, affords them a subordinate relationship with surrounding dwellings and limits their visual prominence.
8. The proposal seeks to introduce two, three storey dwellings and two, two storey dwellings onto the appeal site. Each dwelling would also comprise a basement level. The dwellings would be contemporary in appearance and their external treatment would comprise a mixture of white painted render and timber cladding.
9. The dwellings would complete and add visual enclosure to the cul-de-sac. I observed that a number of other dwellings in the area are painted white. In addition, the existing two storey dwelling along Yew Tree Close appeared to utilise elements of timber in its construction. As such, the proposed materials would not appear out of character in the area. I also consider that the proposed dwellings, through the incorporation of balconies and contrasting materials, would display interesting and attractive architectural variety and would not appear utilitarian. Furthermore, given the detached nature of the dwellings, they would not appear as a single flattened block.
10. Nevertheless, the height and scale of the proposed three storey dwellings would appear at considerable odds with the height and scale of the existing dwellings along Yew Tree Close and that of dwellings along Albert Road and Rhodes Avenue. As such, these dwellings would fail to integrate well with their surroundings and would fail to reflect the prevailing subordinate form of backland development in the area. This would result in significant harm to the character and appearance of the area.
11. I acknowledge that the density of the proposal overall may reflect that of other plots locally. However, this does not mean that the relationship of the

proposed three storey dwellings to their surroundings would be satisfactory for the reasons set out above.

12. The proposal would therefore be contrary to saved Policy UD3 of the Haringey Unitary Development Plan 2006 (UDP); Policy SP11 of the Haringey Local Plan 2013 (Local Plan); and draft Policies DM1, DM7 and DM12 of the emerging Haringey Development Management DPD (emerging DPD). It would also be contrary to Policies 3.5, 7.4 and 7.6 of the London Plan 2016 (London Plan). These policies require, amongst other things, development to be of a high quality, to respect local character, to have regard to the form and structure of an area, to be of a design appropriate to its context and to relate appropriately and sensitively to the surrounding area.
13. The Council also cites conflict with draft Policy DM2 of the emerging DPD. However, this policy does not relate to character and appearance is therefore not of relevance to this main issue.

Living conditions

14. The occupiers of 258 and 260 Albert Road currently enjoy an open outlook beyond their rear boundary fences, given the lack of any built form on the appeal site. The proposed two storey dwelling on Plot 4 would be sited within close proximity to and would extend across a substantial width of the rear boundary of No 258. It would also extend across some of the width of the rear boundary of No 260. The close proximity and considerable height of this proposed dwelling to the boundaries of these properties would result in a substantial sense of enclosure to their rear garden areas and, as such, would have an overbearing effect on the occupiers of these properties. This effect would be amplified given that the appeal site is located at a markedly higher level than the rear gardens of these properties. Consequently, the proposal would give rise to significant harm to the outlook of the occupiers of Nos 258 and 260 Albert Road, which would detrimentally affect the enjoyment of their respective rear gardens.
15. Therefore, whilst I acknowledge that the dwelling on Plot 4 has been reduced in height from the dwelling on this plot considered under the previous appeal, the reduction in height, which is in my view modest, is not sufficient to overcome the previous Inspector's concerns in this regard.
16. The proposal would therefore be contrary to saved Policy UD3 of the UDP; Policy SP11 of the Local Plan; draft Policies DM1 and DM7 of the emerging DPD; and Policies 7.4 and 7.6 of the London Plan. These policies require, amongst other things, development to be of a high standard of design, to ensure people feel comfortable with their surroundings and to respect residential amenity.

Other matters

17. I acknowledge that the proposed dwellings would occupy a location with a good level of access to local services and facilities for any future occupiers. They would be built using sustainable construction techniques. I also recognise that they would make a contribution, albeit a limited one, to housing supply in the Borough and would provide good living conditions for the intended occupiers. These benefits weigh in favour of the proposal. However, they are not sufficient in my view to outweigh the harm I have identified.

Conclusion

18. For the reasons set out above and having regard to all other matters, including flood risk, sunlight, daylight, privacy, emergency vehicle access, land ownership, refuse, affordable housing, subsidence and highway safety, I conclude that the appeal should be dismissed.

Alex Hutson

INSPECTOR