

Appeal Decisions

Site visit made on 12 September 2017

by J Dowling BA(Hons) MPhil MRTPI

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

Decision date: 6th October 2017

Appeal Ref: APP/Y5420/W/17/3168233 – Appeal A Gisburn Mansions, Tottenham Lane, Hornsey, London N8 7EB

- 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 Whetstone Properties Ltd against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2015/1273, dated 29 April 2015, was refused by notice dated 29 July 2016.
 - The development proposed is erection of new third storey and new roof to provide 12 no. two-bedroom flats.
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Appeal Ref: APP/Y5420/W/17/3179754 – Appeal B Gisburn Mansions, Tottenham Lane, Hornsey, London N8 7EB

- 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 Whetstone Properties Ltd against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2017/0698, dated 24 January 2017, was refused by notice dated 18 May 2017.
 - The development proposed is erection of new third storey and new roof to provide 12 no. two-bedroom flats.
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Decision

1. Appeal A should be dismissed and Appeal B should be allowed and planning permission granted for the erection of new third storey and new roof to provide 12 no. two-bedroom flats at Gisburn Mansions, Tottenham Lane, Hornsey, London N8 7EB in accordance with the terms of the application, Ref HGY/2017/0698, dated 24 January 2017 subject to the conditions set out in the attached schedule.

Procedural Matter

2. Due to an administrative error the Council were not notified of the date and time of the site visit. However, I was given access to the site by the appellant and proceeded to visit the site on an access required basis. The Council were advised of this and provided with a file note detailing what was observed during the visit. The Council were given the opportunity to comment on the viewpoints visited or advised that the site could be revisited at a time when they could attend. No comments on the site visit observations or a request for a further site visit have been received and I have therefore proceeded with determining the appeal.
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3. Since both of the original applications were determined the Council have adopted the Haringey Development Management DPD (the DPD) in July 2017 and this along with the Local Plan: Strategic Policies consolidated with alterations since 2017 (the Local Plan) and the London Plan (2016) form the development plan for the borough.
4. The decision notices refer to policies DM1, DM9 and DM32 of the Haringey Development Management Development Plan Document (pre-submission version January 2016) and saved policy UD3 of the Haringey Unitary Development Plan (2006). These policies have now been replaced by policies DM1, DM9 and DM32 of the DPD. As this forms part of the current development plan for the borough I have considered the appeal against these policies. Policies SP11 and SP12 of the Local Plan also detailed in the decision notice remain valid.
5. Since the appeal has been submitted the appellant has submitted a number of completed Unilateral Undertakings which would deliver amongst other things financial contributions towards off site provision of affordable housing; to construct the development in accordance with the Considerate Contractor's Scheme; to make contributions towards and raise awareness of car club membership and to restrict future residents from applying for Resident's Parking Permits. I consider that these undertaking address the Council's second and third reasons for refusal and I have therefore adjusted the main issues accordingly.

Main Issue

6. The main issue is the effect of the proposal on the character and appearance of the host property, the surrounding area with particular reference to the setting of the Hornsey High Street Conservation Area.

Reasons

7. Gisburn Mansions is a three storey Edwardian mansion block located on the junction of Gisburn Road and Tottenham Lane. With the exception of the roof and the windows, which have recently been replaced with UPVC units, the building appears to remain largely unaltered. The property is not listed nor is it located within a conservation area. However, the edge of the Hornsey High Street Conservation Area runs along the northern boundary of the site. Hornsey High Street Conservation Area is a long linear area which extends from Rectory Gardens in the west to the junction of Tottenham Lane and the High Street in the east. As a result it contains a variety of both residential and commercial buildings which vary in terms of age, size, character and materials. These features, along with a number of Listed Buildings, contribute positively to the character and appearance of the Conservation Area.
8. Both appeals would result in the erection of another storey and new roof at the property. The difference between the schemes is that Appeal A would be of a contemporary design using a contrasting palette of materials including metal cladding. Appeal B would be of a more traditional design using materials that would match the existing building and incorporate original design features such as the front gable ends, stonework detailing and chimney stacks.
9. The Council consider that the proposal would comply with the relevant residential standards; would be of an appropriate density and mix and has been designed in such a way that the living conditions of neighbouring

- properties would not be adversely affected. From the evidence I have read and what I observed on site I have no reason to disagree with this position.
10. The Local Plan advocates that all new development should enrich the boroughs built environment through buildings that deliver a high standard of design that reflects local context, character and historic significance (policy SP11). Furthermore policy SP12 requires that development should ensure the conservation of the Council's heritage assets.
 11. Policy DM1 of the DPD requires that new development must contribute to the character and amenity of the local area by amongst other things relating positively to neighbouring structures by having regard to building heights; form, scale and massing around the site; urban grain; local architectural styles; detailing and materials. Policy DM9 states that development near heritage assets should be assessed against the significance of the asset and its setting and the impact on that setting.
 12. These policies are consistent with the policies 7.4, 7.6 and 7.8 of the London Plan and the National Planning Policy Framework (the Framework) which requires high quality design and a good standard of amenity¹. It acknowledges that the significance of a designated heritage asset such as a Conservation Area can be harmed by development within its setting² and as heritage assets are irreplaceable any harm or loss needs to be clearly justified and where a proposal would lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal³.
 13. Having visited the site and the surrounding area, including viewing the site from various points along the Conservation Area boundary, I consider that views of the appeal site from the Conservation Area are very limited and restricted to long distance or glimpsed views. Furthermore, with the exception of an oblique view from the junction of Tottenham Lane and the High Street, where the whole of the front façade is visible, due to the screening provided by intervening buildings views are limited to sections of the building such as a flank wall; parts of the roof or a corner of the building.
 14. In terms of views into the Conservation Area the Council consider the views along Tottenham Lane are significant in terms of the 'approach' to the Conservation Area of which the current building forms a key element. However, I observed on my site visit that due to the curvature of the road views along Tottenham Lane into the Conservation Area are limited. The Conservation Area only becomes visible from around the junction with Gisburn Road. Furthermore the view from this area is restricted to the eastern most edge of the Conservation Area which consists of the road junction, railway bridge and the open space around the river.
 15. As a result, whilst I accept that proposed works are relatively extensive I consider that in terms of their impact on the setting of the Conservation Area this would be very limited. In coming to this conclusion I have taken heed of the Barnwell Manor judgement⁴. As a consequence whilst the proposal would alter the setting of the Conservation Area I am of the opinion that it would not harm the setting and as a result I consider that the proposal would comply with

¹ Paragraphs 17, 56, 57, 58, 61, 64 and 65

² Paragraph 131

³ Paragraphs 132 and 134

⁴ Barnwell Manor Wind Farm Energy Ltd v East Northamptonshire District Council

the Framework and policies 7.8 of the London Plan; SP12 of the Local Plan and DM9 of the DPD.

16. In terms of the impact on the character and appearance of the host property and the surrounding area I shall now consider each appeal separately.

Appeal A

17. The proposed additional floor and new roof would be of a strong contemporary design. I recognise that the extension has been the result of a detailed design process with in-put and support from the Council.
18. Whilst I note the comments with regards to the desirability of establishing a contrast between the host building and the extension I consider that the proposed palette of materials; the architectural detailing including the use of recessed balconies; front dormers and contrasting window form is not reflective of either the host building or the surrounding area. As a result I consider that the use of these materials when combined with the contemporary design would increase the visual prominence of the building within the streetscene. Consequently, I consider that rather than delivering a discreet addition it would emphasise the bulk and mass of the extension and as a result the proposal would appear visually incongruous and out of character when viewed in the context of the host and neighbouring buildings.
19. Whilst the Framework advocates that planning should not impose architectural styles, stifle innovation, originality and initiative because of concerns about incompatibility with existing townscape, it also requires that development should secure high quality design, respond to local character, reflect the identity of local surroundings and materials and add to the overall quality of an area. This is reflected by policies 7.4 and 7.6 of the London Plan; SP11 of the Local Plan and DM1 of the DPD.
20. I therefore conclude that Appeal A, due to its design and the proposed palette of materials, would adversely affect the character and appearance of the host property and the wider surrounding area. Whilst recognising that any views would be very limited it must therefore follow that given the harm I have identified to the streetscene the proposal would fail to preserve or enhance the setting of the Hornsey High Street Conservation Area contrary to the requirements of the Framework and policies 7.4, 7.6 and 7.8 of the London Plan; SP11 and SP12 of the Local Plan and DM1 and DM9 of the DPD.

Appeal B

21. The Council advocate that the existing building is a fine piece of architecture of good proportions constructed of attractive materials that contributes positively to the appearance of the streetscene and the setting of the Conservation Area. To support this position the Council have referred to the fact that at one time the site was considered for inclusion in the Conservation Area and on the local list. However, given the appraisal was undertaken in 2010 and still remains in draft form I can give these potential designations no weight in coming to my conclusions.
22. Whilst I acknowledge that the existing building has a pleasant appearance and sits comfortably within the streetscene. I also consider that it represents a fairly standard example of Edwardian mansion block architecture of which there are numerous examples throughout London.

23. The Council refer to the proposal as being pastiche. However a pastiche, unlike a parody, celebrates rather than mocks the work that it imitates. The proposal would be of a traditional design that would reflect the architectural detailing and character of the host property. The existing vertical rhythm created on the front façade would be maintained through the proposed window detailing and retention of the gable end detailing and this would be continued, where practicable on the rear elevation. Other architectural detailing such as the chimney pots and stone detailing would also be included.
24. Whilst I accept that the proposal would add to the bulk and mass of the building I do not consider given the existing and surrounding buildings that such an addition would be disproportionate. Although it would result in a change in the proportions of the building I consider that the by retaining and reflecting elements of the original architectural detailing that such a change would not appear out of character.
25. I note the Council's concern that, in part, the success of the scheme would be reliant on the use of materials that match the existing building. Whilst, given the age of the building, I agree materials might be difficult to source I do not consider that it would necessarily be unachievable and subject to the use of the correct wording could be controlled through the use of a condition.
26. As a result I conclude, with regard to Appeal B, that the proposal would reflect and respect the character and appearance of the host building and the surrounding area. As a result in my judgement it would not harm the setting of the Hornsey High Street Conservation Area. The proposal would therefore be in accordance with policies 7.4, 7.6 and 7.8 of the London Plan; DM1 and DM9 of the DPD and SP11 and SP12 of the Local Plan.

Other matters

27. In order to comply with the Framework, policy SP2 of the Local Plan and policy 3.12 of the London Plan a percentage of the units would need to be affordable. A viability test was submitted with the original applications which was then independently reviewed by the Council. The review concluded that in this case an off-site contribution of £100,000 would be appropriate. Based on the evidence I have read I am satisfied that, for these appeals, such a contribution would be appropriate. The appellant has submitted completed a number of Unilateral Undertakings (UUs) under the terms of which this contribution would be delivered.
28. In addition the UUs would also require the development to be constructed in accordance with the Considerate Contractor's Scheme; make contributions towards and raise awareness of car club membership and restrict future residents from applying for Resident's Parking Permits.
29. On the basis of the evidence I have read I am satisfied that the obligations within the UUs are necessary to make the development acceptable in planning terms; are directly related to the development and are fairly and reasonably related in scale and kind to the development. As a consequence I consider that they meet the tests within Regulations 122 and 123 of the Community Infrastructure Regulations (2010) and the Framework⁵ and would comply with policies 6.9, 6.11 and 6.13 of the London Plan and policy DM32 of the DPD which promote and encourage the use of sustainable modes of travel including

⁵ Paragraph 204

- car clubs. I am therefore satisfied that the issues raised by the Council in its second and third reasons for refusal have been adequately addressed.
30. The appellant advocates that the Council cannot demonstrate that they have five years worth of housing land supply as required by paragraph 47 of the Framework. Consequently, they advocate that the proposal should be considered in the context of the presumption in favour of sustainable development and that weight should be given to the public benefit of delivering additional housing.
31. However, even if I were to conclude that there is a shortfall in the five year supply of housing as suggested by the appellant and that the relevant policies for the supply of housing should not be considered up to date, the adverse impacts to the character and appearance of the area of granting planning permission that I have identified for Appeal A would significantly and demonstrably outweigh the benefits that would be delivered by the scheme. As I have found Appeal B is in accordance with the development plan and the Framework the issue of housing land supply is not a matter I need to consider. In these circumstances it is therefore not necessary for me to consider the question of housing land supply further.
32. In coming to my conclusions I have given no weight to the appellants claim that the works are required in order to fund the works necessary to maintain/restore the existing flats at the site.
33. I note the concerns that the development would place additional strains on the surrounding road network and existing on-street parking provision. However, based on the evidence before me and what I observed on site I am satisfied that any increase in traffic from the proposed development would not result in congestion on the local road network and that due to the requirements of the UU the proposal would not increase parking stress in the area. These views are consistent with the Council's Highways Advisors.
34. The Council has an adopted Community Infrastructure Levy (CIL) charging regime and as a result the proposal would deliver contributions towards the delivery of infrastructure, including school and health provision, within the borough. As a result I consider that any additional strain on local services would be mitigated.
35. A number of concerns were raised regarding the effect of the proposal on the living conditions of the occupiers of neighbouring buildings with particular reference to loss of privacy, light and noise and disturbance. I am satisfied on the basis of the evidence submitted with the appeal and what I observed on site that the proposal would not result in a loss of sunlight/daylight to adjoining properties and although some overshadowing would result this would be very limited and the properties affected would continue to receive sunlight in accordance with the BRE guidelines. The existing properties in Gisburn Road are already overlooked by existing windows within the building and I consider that the proposal would not result in any new overlooking effects beyond those that already exist. As a consequence I am satisfied that the living conditions of the occupants of neighbouring buildings would be maintained.

Conditions

36. Paragraph 206 of the Framework sets out a number of tests that conditions need to meet. I have considered the conditions suggested by the Council and

unless otherwise stated judge that they meet the tests. Where necessary I have adjusted the wording in the interests of precision and enforceability. In addition to the standard time limit, in the interests of enforceability I have also imposed a condition requiring that the development be carried out in accordance with the approved plans.

37. In the interests of the character and appearance of the host property, the surrounding area and the Hornsey High Street Conservation Area I have attached conditions requiring the approval of the details of the proposed materials.
38. To ensure highway safety and protect the living conditions of the occupiers of the existing flats and neighbouring properties during construction I have attached a condition requiring the submission of a Construction Method Plan which would amongst other things control construction workers parking; the loading and unloading of plant and materials and methods for the suppression of dust. Given the residential nature of the area, I have adjusted the wording to include control over the hours and days of work, demolition and deliveries.
39. To encourage the use of sustainable modes of travel in accordance with the requirements of the Framework and policy 32 of the DPD I consider a condition requiring the provision of cycle parking is necessary. Policies SP6 of the Local Plan and DM4 of the DPD require the sustainable management of waste with adequate dedicated storage space and as a result I have attached a condition requiring details of refuse storage to be submitted to and approved by the Council.
40. The Planning Practice Guidance advises that Permitted Development rights should only be removed in exceptional circumstances. Given that the building is not listed, in a conservation area or already subject to the suggested restrictions I do not consider that the exceptional circumstances required exist and as result I do consider that this condition is necessary.
41. Energy is not covered by the national technical housing standards. As a result and in accordance with the Frameworks support for a low carbon future I consider a condition requiring the submission and approval of an energy statement necessary.

Conclusion

42. For these reasons and having regard to all other matters raised I conclude that Appeal A should be dismissed. However, in relation to Appeal B I conclude, subject to the conditions set out in the attached schedule, that Appeal B should be allowed.

Jo Dowling

INSPECTOR

Conditions schedule

1. The development hereby permitted must begin no later than three years from the date of this decision.
2. The development hereby permitted will be completed strictly in accordance with the approved drawings numbered: SP-13-1045/01, 1701-01, 1701-02, 1701-03, 1701-04, 1701-05 and 1701-06.
3. Samples of materials to be used for the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced. Samples should include sample panels or brick types and a roofing material sample combined with a schedule of the exact product references. The development shall be implemented in accordance with such approved details.
4. Prior to the occupation of the development hereby permitted secure and covered cycle storage for 22(twenty two) bicycles shall be provided on-site and thereafter permanently retained.
5. No development shall take place, until a Construction Method Plan has been submitted to and approved in writing by, the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:
 - 1) The parking of vehicles of site operatives and visitors;
 - 2) loading and unloading of plant and materials;
 - 3) storage of plant and materials used in constructing the development;
 - 4) construction working hours;
 - 5) delivery routes and timings; and
 - 6) measures to control the emission of dust and dirt during construction,
6. No development shall take place until a detailed scheme for the provision of refuse and waste storage and recycling facilities for the units hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and the facilities shall thereafter be permanently retained.
8. Prior to the commencement of construction works a further energy statement demonstrating that carbon savings have been maximised , taking into account the limitations of the building, in line with policy 5.4 of the London Plan shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be built in accordance with the approved energy statement and the energy provisions shall thereafter be permanently retained unless otherwise agreed in writing with the Local Planning Authority.

---END OF SCHEDULE---