



Appeal Decision

Site visit made on 2 July 2019

by Christopher Miell MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th August 2019

Appeal Ref: APP/Y5420/W/19/3226826

Rear of No. 29 Haringey Park, London N8 9JD

- 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 & Mrs Pierre & Ally Carboni against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2018/3670, dated 26 November 2018, was refused by notice dated 22 February 2019.
 - The development proposed is the construction of a 1 x 3 bedroom dwelling with associated works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. As part of the appeal, the appellant has submitted a land resurfacing plan (dwg no: 1240-A-SP-03) which clarifies the extent of the proposed work to Abbots Terrace and the ownership of the various parts of the lane. As the submitted drawing does not evolve the scheme beyond which people's views were sought in respect of the planning application, I am satisfied that neither the Council nor any other appeal party would be prejudiced by my determination of the appeal on that basis.
3. The appellant's final comments seek to introduce additional information relating to a lack of reported vehicular and pedestrian accidents within the vicinity of the site over the last twenty years. The appeal process should not be used to evolve a scheme and it is important that I determine this appeal on the basis of what was considered by the local planning authority, and on which interested people's views were sought. Therefore, I have not had regard to this information as part of the determination of this appeal.

Main Issue

4. The main issue is whether the use of Abbots Terrace provides an appropriate means of access to the proposed development, with particular regard to pedestrian safety, refuse collection and emergency access for a fire tender.

Reasons

5. The appeal site is a rectangular parcel of land to the rear of No 29 Haringey Park and is located within the Crouch End Conservation Area (CECA). It is understood that the site was formerly used as a builders yard and featured a

- workshop building. The use ceased in 2010 when the former workshop building burnt down. The site has subsequently been cleared and fenced off.
6. The site is accessed via Abbots Terrace (also referred to as 'Back Lane' by the Council), which is an unmade track served from Crouch Hill. The track is about 250 metres long and provides a public right of way to enable access to Nos 1-6 Abbots Terrace and the rear gardens of properties on Haringey Park and Cecile Park, many of which have garages and parking areas accessed from the track. In addition, Abbots Terrace is also used by pedestrians as a through route between Crouch Hill and Haringey Park, via an existing pedestrian access to Ivy Gardens.
 7. It is proposed to erect a three-bedroom single storey, split-level dwelling at the site, which would include a basement. As part of the development, it is also proposed to resurface the section of Abbots Lane, which runs from the appeal site to just beyond the pedestrian link with Ivy Gardens, with Grasscrete. In addition, the scheme proposes to install street lighting on this section of the track.
 8. A material consideration in this case are the two appeal decisions¹ of 28 February 2018, both of which relate to the erection of a single dwelling on the same site. The only meaningful difference between the two schemes was the inclusion of a pedestrian access to/from Haringey Park in respect of the second appeal (Appeal B). The first appeal (Appeal A) was dismissed with the Inspector concluding that "*the use of Abbots Terrace by future occupiers of the development would be prejudicial to pedestrian safety*". However, the second appeal, which included the pedestrian access to/from Haringey Park was allowed. In respect of the effect of the development upon the character and appearance of the CECA, the Inspector found that both proposals would not result in unacceptable harm or conflict with the development plan or the Framework.
 9. The layout and form of the proposed dwelling is similar between the current proposal and the previous schemes, albeit that a basement is now proposed. However, there is a material difference in respect of the proposed access arrangements. Under the current proposal, the pedestrian access to/from Haringey Park has been removed and access would be provided from Abbots Terrace, which is proposed to be partially resurfaced and lit with new street lighting. Whilst it is an important planning principle that like cases should be determined in a like manner, this appeal needs to be determined on its own merits.
 10. Vehicular and pedestrian access to the proposed dwelling would be taken from Abbots Terrace. The lane benefits from good forward visibility along its length and a traffic survey put forward by the appellant, suggests that the lane experiences low traffic volumes and vehicle speeds throughout a typical day. A matter which has not been disputed by the Council.
 11. On my site visit, I noted that the track was narrow, unlit and lacked dedicated pedestrian footways. The first section of the track, which runs from Crouch Hill to the front of No 6 Abbots Terrace, was particularly narrow and of an insufficient width to allow two vehicles to pass each other. The proposed

¹ Appeal Ref: APP/Y5420/W/17/3186303 (Appeal A) and APP/Y5420/W/17/3186301 (Appeal B)

- resurfacing and street lighting works would extend just beyond the existing pedestrian access to Ivy Gardens and exclude the first section of the track.
12. At the time of my visit, the weather was dry and sunny and the track was in moderate condition with a limited amount of pot holes. However, due to the loose surface of the section of track which is proposed to remain unaltered, I am mindful that more severe weather, such as heavy rainfall, could render the unmade surfacing difficult to use by pedestrians, especially those with mobility issues such as wheelchair and pushchair users.
 13. I note that the section of the lane, which is proposed to be resurfaced and lit, would provide a good quality surface for future occupiers of the proposed dwelling to walk over to the pedestrian link with Ivy Gardens. This in turn, would also be beneficial to other users of the public footpath. However, on my site visit, I noted that the link between Abbots Terrace and Ivy Gardens was stepped and therefore it would be difficult to use for future occupiers with mobility issues, which may force such users to continue their journey along Abbots Terrace beyond the resurfaced track and onto the unmade and unlit part of the track which goes to Crouch Hill. Despite the relatively low traffic volumes and vehicle speeds, given the poor quality of the unsurfaced section of the lane which would remain, in addition to the lack of street lighting and a lack of a designated pedestrian footway, I consider that this would be prejudicial to pedestrian safety.
 14. In addition to the above, I note that the pedestrian access to the site from Ivy Gardens is about 100 metres away from the development. Therefore, I consider that there would be no certainty that future occupiers of the proposed development would use this access, rather than the access onto Abbots Terrace from Crouch Hill, especially if they were approaching from a southerly direction, whereby choosing to walk to Ivy Gardens, as opposed to turning right onto the entrance of Abbots Terrace, would cause a longer journey for pedestrians.
 15. In terms of emergency access by a fire tender, the main parties agree that whilst a large vehicle could drive to the site, it would be very difficult for them to turn due to the limited width of the track. To overcome this issue, the appellant has stated that the proposed dwelling will be fitted with a domestic sprinkler system, which would accord with British Standard 9251. Prior to the submission of the appeal, the appellant consulted with the London Fire Brigade who stated *"from the fire authorities' perspective a domestic sprinkler system would compensate for the inadequate fire service access."* Given the above, I am satisfied that the development could be appropriately serviced by the fire authority. If I were minded to allow the appeal, it would not be necessary to impose a condition relating to the sprinkler system, because this would be controlled as part of the Building Regulations process.
 16. In terms of refuse collection, the appellant has stated that refuse and recycling would be carried out regularly by a private waste management services provider, which would be secured through a formal agreement. As part of this agreement, it is anticipated that the refuse vehicle would wait on either Crouch Hill or Ivy Gardens, and the operatives would carry (or wheel) the refuse and recycling along the lane. This would overcome the need for a refuse vehicle to travel along Abbots Terrace, thus avoiding potential conflicts with pedestrians using the lane. As such, I am satisfied that the refuse and recycling needs of

the development could be appropriately met. If I were minded to allow the appeal, such details could be secured through a planning condition.

17. For the collective reasons outlined above, I conclude that the use of Abbots Terrace by future occupiers of the proposed development would be prejudicial to pedestrian safety. As such, and notwithstanding my conclusions in respect of emergency access and refuse collection, when considered as a whole, the proposal does not accord with Policies 3.5, 7.3, 7.4 and 7.6 of the London Plan (March 2016), Policies SP11 and SP12 of the Haringey Local Plan Strategic Policies 2013-2026 (Consolidated with alterations since 2017) and Policies DM1, DM2, DM7 and DM9 of the Development Management DPD (July 2017), insofar as they seek to promote accessible, legible and safe environments.

Other Matters

18. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) 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. In determining the application, the Council concluded that the proposal would preserve the character and appearance of the CECA. Based on my site visit, which also included a consideration of the effect of the development upon the character and appearance of the CECA, I have no reason to disagree with the Council in respect of this matter.
19. The appellant has drawn my attention to the protracted planning history of the site and refers to several planning applications, which were determined prior to the determination of the most recent appeals on 28 February 2018. However, as no plans relating to those schemes have been submitted, I am unable to assess their relevance in respect of the the current appeal. In any event, whilst I have had regard to the most recent appeal decisions, I have determined the appeal before me on its own merits, in the light of the particular circumstances which apply in this case.
20. I note the letter of support from the occupier of No 32 Haringey Park. However, my concerns in respect of pedestrian safety, outweigh the matters raised in favour of the proposal.

Conclusion

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

Christopher Miell

Inspector