
Appeal Decision

Site visit made on 17 September 2019

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th November 2019

Appeal Ref: APP/Y5420/W/19/3230453

The Ferns, Southwood Lane, Hornsey, London N6 5TA

- 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 Joe Griffin (London Penthouse Limited) against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2019/0001, dated 18 November 2018, was refused by notice dated 5 February 2019.
 - The development proposed is the erection of an additional floor at roof level to provide 2 x two-bedroom flats and 1 x three-bedroom flat. Division of existing second floor flat to form 2 x two-bedroom flats.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of an additional floor at roof level to provide 2 x two-bedroom flats and 1 x three-bedroom flat. Division of existing second floor flat to form 2 x two-bedroom flats at The Ferns, Southwood Lane, Hornsey, London N6 5TA in accordance with the terms of the application, Ref HGY/2019/0001, dated 18 November 2018, and subject to the conditions in the attached schedule.

Preliminary Matters

2. I note from their Statement of Case that the Council no longer considers that the effect of the proposal on the living conditions of residents of surrounding properties is at issue, following the submission of further information and a reconsideration of the submission. However, as third parties have directly raised the issue in response to the appeal, I have addressed it in my decision.
3. As the appeal site lies within the Highgate Conservation Area, section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.

Main Issues

4. The main issues are the effect of the proposal on the character or appearance of the conservation area, and the living conditions of residents of neighbouring properties with specific regard to loss of light and privacy.

Reasons

Character and appearance

5. The appeal site is an attractive, symmetrical, brick-built mansion block set within other purpose-built blocks of varying styles and heights with various approaches to elevational, roof-line and roof-style treatments. The neighbouring building, 353/357 Archway Road, turns the corner from Southwood Lane to Archway Road, and is of a similar style, albeit with a commercial and retail ground-floor, appropriate to its location on the main road.
6. 353/357 Archway Road has been recently extended in a similar manner to the appeal scheme. It has a clearly contemporary, carefully detailed extension to the roof, which is set back from the front elevation and front parapet wall but visible in longer views and in the wider context of the conservation area.
7. Compared to the similar extension at Archway Road, the appeal proposal will be much less visible in longer and wider views. The alignment of the roads and the changes in levels all mean that the appeal site is less prominent than its neighbour, particularly when travelling towards the site along Muswell Hill Road.
8. The design of the proposal responds well to the original building. The chimneys which are prominent in the side elevation, and highlighted by brickwork details in the side walls, are retained in a way which balances their preservation with practicality. The extension of the brick parapet wall around the full perimeter of the building would reduce the amount of cladding visible in longer views and reinforce the juxtaposition of the old and the new, stylistically and materially, with one in front of the other.
9. It is impossible to ignore the similarities between the appeal proposal and the completed extension to the neighbouring property. In assessing whether or not this is appropriate, I am drawn to the comments of the Conservation Officer, who, in relation to the original buildings, noted that they form a group which is "contemporary and shares the same architectural language" and that they are "of their time stylistically, but respond to the scale, proportions and character" of the other buildings in the street. I reach the same conclusions on the appeal proposal.
10. I note that the comments of the Conservation Officer refer to the previous, withdrawn, scheme which had a very different approach to materials and elevational treatment. For that reason, I do not give much weight to their comments on the style and appearance being incongruous, angular and striking. Indeed, as the Conservation Officer criticised the withdrawn scheme for its differences to the neighbouring extension, I find further support for my conclusions in the similarities between them.

11. The appeal proposal will increase the overall height of the appeal site, and it will once again be taller than the neighbour at 353/357 Archway Road. As Southwood Lane slopes upwards away from Archway Road, I do not consider that this would be inappropriate. It would merely restore the status quo in terms of the relationship between these two buildings. The additional height would not harm the character or appearance of the area as the stepping of rooflines in the area is neither unexpected given the terrain nor unusual given the varying building styles.
12. Far from being a dominant and discordant feature, the appeal proposal would be a clearly contemporary, attractive and appropriate extension. Whilst it would be visible from the public domain, and whilst there would be occasional longer views of it, given the character of the context of the area this would not be inappropriate. The size, scale, design and appearance of the proposal is an appropriate high-quality design response, in proportion with the existing building and its surroundings.
13. The significance of the conservation area as a designated heritage asset, identified by the Council in the 2013 Highgate Conservation Area Character Appraisal and Management Plan (the Appraisal), is in the historic pattern of development, the large number of buildings of architectural merit, the topography of the area and the relationship of the built environment to open spaces.
14. The appraisal notes the high-quality urban character of both Archway Road and the planned residential areas adjacent to it. Also highlighted is the architectural diversity of the conservation area.
15. I have had regard to the Appraisal, and in particular the problems, pressures and enhancement opportunities it discusses. I do not consider that the proposal is incompatible with it. The proposal represents high quality design, which, despite its obvious visual and stylistic difference to the original building, complements it with modern, contemporary design. The upwards extension of residential buildings is neither unusual nor inappropriate in this immediate area.
16. Bearing in mind the great weight to be given to its conservation, I do not find that the proposal would cause any harm to the significance of the conservation area as a designated heritage asset.
17. The proposal then preserves both the character and the appearance of the conservation area. It is therefore compliant with the requirements of Policies 7.4, 7.6 and 7.8 of the London Plan 2016 which seek to ensure that development is appropriate for its context, is high quality and conserves the value of heritage assets.
18. The proposal also complies with Policies SP0, SP11 and SP12 of the Haringey Local Plan 2017 (the Local Plan); Policies DM1 and DM9 of the Haringey Development Management DPD 2017 (the DPD); and Policy DH2 of the Highgate Neighbourhood Plan 2017. These policies seek high quality design, which complements and respects the character of the context to the development and seek to ensure that development in the historic environment is compatible with its special characteristics, significance, character and appearance.

19. It also complies with the requirement in the National Planning Policy Framework (the Framework) to conserve the historic environment and to give great weight to the conservation of the significance of the conservation area as a designated heritage asset.

Living conditions

20. I have noted that the Council no longer considers that the effect of the proposal on the living conditions of residents of surrounding properties is at issue, following the submission of further information and a reconsideration of the proposal.
21. However, residents of properties to the rear and side of the appeal site did raise concerns about the potential for increased overlooking and loss of privacy and light arising from the proposal.
22. I have seen the relationship of the existing building to the neighbouring properties, and the extent of the substantial boundary screening which would limit views from the proposed balcony areas to the rear. I do not consider that the proposal would cause increased overlooking or loss of privacy sufficient to harm the living conditions of residents of surrounding properties, particularly in an urban area such as this.
23. Noting the contents of the appellants report on the matter, and the effect of the existing building, the proposal would also not give rise to any unacceptable loss of light.
24. The proposal therefore complies with Policy 7.6 of the London Plan 2016, Policies DM1 and DM12 of the DPD and the Framework in their aim of achieving well-designed places which high standards of amenity for existing and future residents.

Conditions

25. Both the appellant and the Council have suggested conditions which they consider should be imposed if planning permission were to be granted.
26. I have assessed the conditions against the requirements of the Planning Practice Guidance (the PPG) to ensure that conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects.
27. I have imposed a standard condition requiring compliance with the submitted plans. This is necessary to ensure the satisfactory appearance of the completed development.
28. Conditions 3 and 4 are required in order to ensure that the detailed design and appearance of the proposal is acceptable and to ensure that the development would preserve the character and appearance of the conservation area. Condition 5 is required to ensure that the development of the site could be carried out without causing harm to highway safety or convenience and without harming the amenity of the area.
29. These conditions are required prior to the commencement of the development owing to the nature of the development proposed and the location of the site within the conservation area. The appellant has given their express approval for the implementation of these pre-commencement conditions.

30. Conditions 6 and 7 are necessary to ensure that the development meets the aims of Policy SP7 of the Local Plan, and Policies DM31 and DM32 of the DPD, which seek to ensure that development minimises car trip generation and promotes the use of public transport, walking and cycling, particularly in well-served locations such as this.
31. Condition 6 ensures that the development promotes sustainable means of transport through the provision of cycle storage, and it is appropriate to require compliance prior to the occupation of the development.
32. The Council and the appellant agree that the units identified on the approved plans as Flats 2, 4 and 5 should be car-free, and ineligible to apply for on-street parking permits. I have considered carefully whether or not the wording proposed by the Council and subject to amendments suggested by the appellant would meet the reasonableness test, as it requires action which is outside the control of the appellant. In the absence of a planning obligation to ensure this, I have also had regard to the advice in the PPG regarding the use of negatively worded conditions in exceptional circumstances.
33. Therefore, I have imposed a condition which will ensure the development is car-free in line with the requirements of the development plan, and as agreed by both parties, but which would allow this to be achieved either through the amendment of the relevant Traffic Management Order, through the entering into of a planning obligation, or through other agreement.
34. As a result, Condition 7 meets the requirements of the 6 tests and achieves a car-free development in line with the requirements of the development plan.

Conclusion

35. For the reasons given above I conclude that the appeal should be allowed, and planning permission granted.

S Dean

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: SOUt153_EX 001, SOUt153_EX 002, SOUt153_PL100A, SOUt153_PL101A, SOUt153_PL102A, SOUt153_PL103A, SOUt153_PL104A, SOUt153_PL200A, SOUt153_PL201A, SOUt153_PL202A, SOUt153_PL300A, SOUt153_PL301A, SOUt153_PL302A, SOUt153_PL303A.
3. No development shall commence until samples and details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples and details.
4. No development shall take place until details of the front and rear elevations at a scale of 1:20 and typical sections at a scale of 1:5 showing the glazing detail have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
5. No development shall take place, including any works of demolition, until a Construction Logistics Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for: the parking of vehicles of site personnel, operatives and visitors; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; a programme of works (including measures for traffic management and timing of vehicle movements); the provision of any boundary hoarding. The approved Construction Logistics Statement shall be adhered to throughout the construction period for the development.
6. Prior to the occupation of the development, details of the number, type and location of secure and covered cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until secure, weatherproof cycle parking spaces for users of the development, have been installed in accordance with the approved details. Such spaces shall be retained thereafter for this use only.
7. The residential units hereby permitted shall not be occupied until arrangements have been made to secure the development as a car-free development in accordance with a detailed scheme or agreement which shall have been approved in writing by the local planning authority. The approved scheme or agreement shall ensure that that the residential units identified as Flats 2, 4 and 5 on the approved drawings are defined as 'car free' and therefore no residents therein will be entitled to apply for on-street residents parking permits.