



Appeal Decision

Site visit made on 29 October 2019 by Ifeanyi Chukwujekwu BSc MSc MIEMA
CEnv AssocRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 January 2020

Appeal Ref: APP/Y5420/W/19/3235708

66 St Albans Crescent, Wood Green, London, N22 5NB

- 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 Martin D'Arcy against the decision of the Council of London Borough of Haringey.
 - The application Ref HGY/2018/3272, dated 18 October 2018, was refused by notice dated 29 March 2019.
 - The development proposed is erection of a detached 2-bedroom bungalow on land at rear.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. The proposal was described on the application form as being for a 2-bedroom detached bungalow, as set out in the banner heading above. That is how the Council has described the proposed development in the decision notice which refers to the plans originally submitted with the application. However, the appellant contends that he submitted revised plans, showing a 1-bedroom bungalow, to the Council on 28 December 2018, some months before the application was determined. In addition to the reduction to a single bedroom, the revised plan shows a slightly reduced footprint, with the north facing wall being moved in slightly from the site boundary, and a change in the position of garden fencing, to allocate slightly more garden land to No.66 when compared to the original proposal. He questions why the description given on the decision notice does not reflect those revisions and requests that the appeal is determined on the basis of that revised plan.
4. The Council makes no reference to the revised plan in its delegated officer report and has not submitted a further appeal statement. Consequently, it is not clear if the revised plan was received by the Council or, if it was, what the Council's approach to the revision was. From what I can see, the application was determined on the basis of the original plans.

5. In normal circumstances an appeal is made against the decision of the local planning authority and is made in regard to the plans and proposals that were considered at the planning application stage. A number of interested parties wrote to the Council regarding the application and there is no evidence that any of those parties were consulted on the revisions. Whilst the changes were relatively minor, even small alterations could have an impact given the nature of the site in close proximity to neighbouring property. Therefore, to determine an appeal without giving them an opportunity to comment would run counter to the principles of natural justice and such consultation cannot be undertaken as part of the appeal process.
6. In view of the above, I have considered the appeal on the basis of the proposal as originally submitted to the Council.

Main Issues

7. The main issues are:
 - i) The effect of the proposed development upon the character and appearance of the host property and the surrounding area.
 - ii) Whether the proposal would provide acceptable living conditions for future residents of the proposed dwelling and existing and future residents of neighbouring dwellings having regard to the level and quality of outdoor amenity space and matters of overlooking and privacy.

Reasons for the Recommendation

Character and Appearance

8. No. 66 is a two-storey end of terrace property on the northern side of St Albans Crescent. It is split into two properties namely Nos. 66 and 66A. The surrounding area is residential, and the character of the street is derived mostly from two-storey terraced dwellings with rear amenity spaces.
9. The bungalow would be located on the rear garden, within the curtilage of No. 66. Whilst not prominent from the front of the property, the rear gardens between the dwellings in St Albans Crescent and the flats and houses of Pellatt Grove to the north create a run of green space, including some mature trees, which adds significantly to the character of the surrounding area. The open and green character is visible from numerous private vantage points and through gaps in the building line and the open aspect and greenery are important features in a densely populated urban area. For the most part the gardens are free from substantial built development.
10. In contrast, the proposal would result in the loss of the green area which is an important feature adding to the appearance of St Albans Crescent. By virtue of being an end of terrace plot, No. 66 benefits from this relatively large green amenity space and the proposed dwelling would take up a large proportion of the available space, being extremely close to the boundaries on the northern, western and eastern sides of the site. In contrast to the presently open character of the garden space the development would result in a cramped pattern of development detrimental to the appearance of the host property and the surrounding area.

11. Additionally, due to the constraints which would be presented by the size of bungalow within the garden, the proposal would have significantly less open amenity space when compared to other dwellings in the area. The lack of space surrounding the property would set it at odds with the prevailing character, reinforcing the impression of a cramped form of development that would appear prominent and represent an incongruous addition to the area.
12. The appellant contends that the Council has granted planning permission for similar developments in another area in the past. But details of such examples have not been presented. In any event, I am required to assess the proposal on its individual merits and, for the reasons given above, the present garden area reinforces and enhances the character of the surrounding area and the development would appear cramped and at odds with the established character. In the absence of any details I cannot compare that impact with the other examples and the site-specific impacts of those developments may not be the same as those in this instance.
13. Taking all the above points together, I find that the design, scale and layout of the proposed two-bedroom bungalow would harm the character and appearance of the host property and the surrounding area. Accordingly, there would be conflict with the aims and objectives of the National Planning Policy Framework and Policies 7.4 and 7.6 of the London Plan (2016), Policy SP11 of the London Borough of Haringey's Local Plan Strategic Policies 2013-2016 (March 2013, consolidated with alterations 2017) Development Management Policies DM1 and DM7 of the London Borough of Haringey's Development Management DPD (July 2017).

Living Conditions

14. The proposed development would result in the substantial reduction and loss of garden area of nos. 66 and 66a St Alban's Crescent respectively, by imposing a new dwelling on a constrained backland site. In effect, three properties would exist in place of what was originally a single dwelling. The garden of the proposed dwelling would be of limited depth and hemmed in between boundary fencing and the rear elevation of the property, thereby creating an uninviting space and the useable space associated with number 66 would be diminished and similarly enclosed by boundary fencing. The size of both gardens would be noticeably smaller than those of neighbouring properties and, given that the site is bound by existing residential uses, the garden space would be directly overlooked. Consequently, the proposal would fail to provide adequate outdoor living space with respect to the size of the garden and the nature of the space.
15. Consequently, there would be harm to the living conditions of future residents of the proposed property on account of inadequate external space with limited privacy and to the living conditions of existing residents with regards to adequate outdoor amenity space.
16. Accordingly, there would be conflict with the aims and objectives of the National Planning Policy Framework and Policy 7.6 of the London Plan (2016), Development Management Policies DM1 and DM7 of the London Borough of Haringey's Development Management DPD (July 2017) which seeks amongst other things to ensure that proposals for infill, backland and garden land should retain and provide adequate amenity space for existing and new occupants and safeguard privacy, amenity, and ensure no loss of security for adjoining houses and rear gardens.

Conclusion and Recommendation

17. For the reasons given above and having had regard to evidence before me, I recommend that the appeal should be dismissed.

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree and conclude that the appeal should be dismissed.

Chris Preston

INSPECTOR