



Appeal Decision

Site visit made on 28 January 2020

by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC

an Inspector appointed by the Secretary of State

Decision date: 19 February 2020

Appeal Ref: APP/Y5420/C/19/3232918

The land and building(s) known as 22 Gladesmore Road, London N15 6TB

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr J Friedman against an enforcement notice issued by the Council of the London Borough of Haringey.
 - The enforcement notice was issued on 20 June 2019.
 - The breach of planning control as alleged in the notice is without planning permission, the excavation of a lightwell and stairwell at the front of the property.
 - The requirements of the notice are: -
 1. Remove the front lightwell and stairwell in their entirety OR modify the development so that it accords with drawings GR.22.EX.102 and GR.22.PR.101 associated with planning permission HGY/2015/3263, granted by the Council on 30 December 2015.
 2. Remove from the land and debris resulting from carrying out step 1) above.
 - The period for compliance with the requirements is 4 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended (the 1990 Act).
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Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act.

The ground (a) appeal and deemed planning application

Background

2. Planning permission¹ was granted in 2015 for an excavation to provide a basement level and the basement appears to have been constructed. As part of that permission the approved drawings indicated that a lightwell was to be formed at the front of the property. There is no dispute that the existing development of the stairwell and lightwell does not accord with the approved plans associated with that planning permission. The appeal site is not within a designated conservation area and it is not a listed building.

Main Issues

3. The main issues are: -
 - The effect on the character and appearance of the host building and the surrounding area;

¹ Ref No. HGY/2015/3263

- The effect on the living conditions of existing and future occupiers of the appeal property with regard to the provision of private amenity space.

Reasons

Character and appearance

4. Policy SP11 of Haringey's Local Plan Strategic Policies (SP) states, amongst other things, that all new development should enhance and enrich Haringey's built environment and create places and buildings that are high quality and attractive. Policies DM1 and DM12 of Haringey's Local Plan Development Management DPD (DPD) and Policies 7.4 and 7.4 of the London Plan (LP) reflect the aims of that policy in relation to high quality. DPD Policy DM18 specifically relates to residential development and light wells. It states, amongst other things, that in determining applications for lightwells, the Council will consider whether; the architectural character of the building is protected; the character and appearance of the surrounding area is harmed and the development results in the loss of more than 50% of the front garden or amenity area.
5. The appeal property is a traditionally designed, semi-detached dwelling which has a 2-storey bay window at the front. It is similar in design to its neighbouring properties on this side of Gladesmore Road. The dwellings on the opposite side of the road are terraced and are of a simpler architectural design with single storey bay windows. The majority of the properties in the immediate vicinity of the site appear to be in residential use. These dwellings are set behind modest sized front gardens that are predominantly devoid of basement lightwells and which are generally enclosed by low brick and rendered walls. Consequently, this part of the surrounding area is characterised by dwellings that have a modest form and their similar architectural styling and features impart an overall sense of rhythm and uniformity to the street scene.
6. A number of the dwellings have been altered and extended to the front. In particular, large roof extensions are visible on a few dwellings in the vicinity of the site including on the adjoining property. These extensions have increased the actual scale and perceived height of the dwellings concerned and disrupted the sense of rhythm within the street scene. Although Gladesmore Road is not in a conservation area I find that the street is generally attractive and well maintained. In any event examples of unsatisfactory design do not justify further poor development.
7. The lightwell shown on the approved drawings only extended out one metre from the bay window, was only just over one metre in depth and extended across around 75% of the front elevation. Whereas, the lightwell/stairwell that has been excavated/constructed occupies the majority of the area that is to the front of the building and is substantially deeper than that approved. As a result, a tall wall forms the side boundary with the adjoining property and more than 50% of the previous front garden/amenity area has been removed. The stairs within the lightwell have a glazed and metal balustrade. I note that the adjoining property appears to have also created a lightwell to the front of their property, but it was screened by timber panels at the time of my site visit. The Council have stated that it is not clear whether this lightwell has been excavated within the scope of a separate planning permission.

8. The front gardens/amenity areas are an important feature of the character and appearance of this area with their low boundary walls, soft planting and diverse range of paving treatments. Despite their modest size they contribute to the sense of space and uniformity within this area. I acknowledge that the new front boundary wall is in itself an attractive feature and that it partially screens the development. However, the depth of the front basement window and height of the side boundary wall and the space taken up by the front lightwell materially adds to the perceived height and scale of the dwelling. It also results in the property appearing cluttered, cramped and over-developed when viewed from the highway. Whilst the glazed panels and metal balustrade are visually lightweight, they appear contemporary and totally out of keeping with this traditional design of dwelling.
9. Taking into account all of the above, it is clear that the development unacceptably harms the character and appearance of the host dwelling and the surrounding area. Accordingly, it conflicts with SP Policy SP11, DPD Policies DM1, DM12 and DM18 and LP Policies 7.4 and 7.6 in this respect.

Living Conditions

10. The development has resulted in the loss of more than 50% of the front garden/amenity area and I have found above that the development harms the character and appearance of the host building and the surrounding area. Nevertheless, the supporting text to DPD Policy DM18 does not cite potential harm to the living conditions of the occupiers of the development through the loss of the front garden/amenity area. However, DPD Policy DM1 states, amongst other things, that development proposals must ensure a high standard of amenity for the development's users and that the Council will support proposals that provide appropriate open aspects (including private amenity space where required).
11. Even though, the majority of the garden/amenity area to the front has been removed in my experience this type of dwelling would have a reasonably sized rear garden and such a garden is shown on the plans that form part of the evidence before me. In any event, even though the front garden area would have contributed to the sense of space and uniformity cited above it would not have provided private amenity space for use by the occupiers of the dwelling given its boundary treatment and location. As such, the development has had little impact on the overall private amenity space that is available to the occupiers of the property.
12. In conclusion, the development has not had/would not have a harmful impact on the living conditions of the existing and future occupiers of the property with regard to the provision of private amenity space. It follows that in this respect it complies with DPD Policy DM1.

Other matters

13. I acknowledge that the Council have not included within the reasons for issuing the enforcement notice the impact of the development on the living conditions of the neighbouring occupiers. However, a lack of harm in this respect is a neutral consideration that does not weigh for or against the development.

Conclusion

14. Whilst the development does not harm the living conditions of the existing and future occupiers of the development with regard to private amenity space it has unacceptably harmed the character and appearance of the host building and the surrounding area.
15. As such, it is contrary to the development plan when read as a whole. In this case, there are no material considerations of sufficient weight to indicate that the appeal should be determined other than in accordance with the development plan.
16. For the reasons set out above, and taking into account all other matters raised, I conclude that the appeal on ground (a) should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

D. Boffin

INSPECTOR