



Appeal Decision

Site visit made on 16 March 2020

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th April 2020

Appeal Ref: APP/Y5420/W/20/3244192

Land to the East of 62 Willoughby Lane, London N17 0SS

- 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 Eli Horowitz against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2019/2087, dated 3 February 2019, was refused by notice dated 13 September 2019.
 - The development proposed is the erection of 2 No two bed dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on the character and appearance of the area and on the living conditions of the occupiers of the adjoining properties with particular regard to outlook.

Reasons

Character and appearance

3. The appeal site is located to the rear of 62 Willoughby Lane and fronting onto Heybourne Road. The area is predominantly residential in character and No. 62 is a three-storey end terraced property which has been converted into flats. The building to the east of the site (Woodrow Court) is a four-storey block of flats with a pitched roof, whilst opposite the site are two storey properties on Cartmel Close. There is also a row of two-storey traditionally styled terraced properties on the north side of Heybourne Road.
4. The appeal site itself has a road frontage of around 20 metres and is around 7.7 metres from front to back. The site contains a garage building although it is unclear how this could be used to house motor vehicles. From the evidence before me, and what I observed on site, the appeal site is not associated with No. 62.
5. The appeal proposal would involve the demolition of the garage and the erection of a part two storey, part single storey building. The two-storey element of the building would be along the road frontage (with a mono-pitch roof) whilst the single storey element would be to the rear boundary with 60 Willoughby Lane. The proposal also incorporates two areas of amenity space for the future occupants of the properties.

6. As a result of its siting, the narrow two-storey element of the building would be especially prominent in the streetscene. To my mind, this aspect of the building would appear as an incongruous feature and would be significantly out of character with the traditional design of No. 62, the terraced properties on Heybourne Road, and the more modern properties of Cartmel Close. The mono-pitch design of the roof further exacerbates the visual harm of the appearance of the building and gives the distinct impression that the building has a contrived design to enable the development to be squeezed into the plot. In that sense, the development therefore has a cramped feel to it.
7. The Appellant has set out that the proposal would provide a bridge in scale between the flat block of Woodrow Court and No. 62. Whilst the introduction of an additional built form could in principle form an appropriate transition between these existing developments, it is significant that the appeal proposal is significantly lower in height than both the Woodrow Court flat block and No. 62. Indeed, this differential in height only demonstrates that the overall visual appearance of the development would not fit in with the existing development and would appear out of place.
8. In coming to the above views, I acknowledge that the design of the building has elements which assist in breaking up the massing of the building. I also acknowledge that the development would create a building frontage to Heybourne Road which must be considered to be a positive aspect. Whilst these elements weigh in favour of the proposal, they do not overcome the harm which would result from the overall visual impact of the development on the streetscene and the wider character of the area.
9. The Appellant has set out that the proposed building would cover around 67.5% of the plot. Whilst I consider that this is not excessively high, it must also be considered in the context of the surrounding area. In that sense, I note that historically the site would have been associated with No. 62 in that it would have formed part of No. 62's rear garden. Whilst this is no longer the case, it is nevertheless a factor to consider. That said, I consider that the overall plot coverage, even when considering the historical context of the site, is not a determinative factor in this case.
10. In addition to the above, I also note that the proposal includes amenity areas for the occupiers of both dwellings and a bicycle store. Whilst both of these factors show that there is some space available within the plot for these necessary facilities, it does not justify an otherwise unacceptable development.
11. For the above reasons the development would harm the character and appearance of the area contrary to Policies 7.4 and 7.6 of the London Plan 2016, Policies SP2 and SP11 of the Haringey Local Plan Strategic Policies 2013-2026 (2013 – consolidated with alterations in 2017) (LP) and Policy DM1 of Haringey's Development Management Development Plan Document Policy (2017) (DPD) which amongst other matters seek to ensure that buildings make a positive contribution to the streetscape and are of the highest architectural quality and design which enhances and respects the quality of local places and local character. It would also be at odds with the overarching design aims of the National Planning Policy Framework.

Living conditions

12. The appeal building would be located broadly on the common boundary with the garden of 60 Willoughby Lane. From the evidence before me, along this boundary, the appeal building would be around 3.5 metres in height (as a result of a raised parapet) with the two-storey element set around 2.8 metres from the boundary (at a height of around 6 metres). The building itself would span the majority of the length of the adjacent rear garden at No. 60.
13. To my mind, the combination of the height (both in terms of the single and two storey elements) and the width of the building along the boundary to No. 60 would inevitably result in a building which would have an unacceptably overbearing impact to the occupiers of No 60 when they utilise their rear garden. In my view, this would amount to a significant loss of amenity.
14. The Appellant has set out that the design of the building includes features to minimise the impact on the occupiers of No. 60. This includes the single storey element along the boundary and the use of light-coloured cladding. I also acknowledge that the proposal would not result in any loss of sunlight owing to its siting on the north side of No. 60s garden and that the occupiers of No. 60 did not raise any objections to the proposal. However, these positive factors do not justify an otherwise unacceptable development.
15. I also note that the Appellant has stated that the roof of the single storey element could be changed to a shallow pitched roof as opposed to the raised parapet. Whilst this may be beneficial, it would not resolve the impact of the size and scale of the overall building. Furthermore, this is not the proposal before me and I can therefore give this very little weight.
16. For the above reasons the proposal would harm the living conditions of the occupiers of 60 Willoughby Lane contrary to Policy 7.6 of The London Plan, Policy SP11 of the LP and Policy DM1 of the DPD which amongst other matters recognise that buildings should not cause unacceptable harm to the amenity of surrounding land, seek to promote social inclusion and have a high standard of amenity for the developments neighbours.

Other matters

17. The Appellant has raised concerns over the pre-application process and delays in the processing of the appeal application. Whilst I have some sympathy with the concerns raised, I am conscious that other than the issues raised above these concerns are away from the planning merits of the proposal which have been in dispute. With that in mind, I can only give these other factors limited weight.
18. My attention has also been drawn to two other developments granted planning permission¹. Whilst there may be some similarities between the respective schemes, I have only been provided with limited details of these developments. Notwithstanding that, I also note that these proposals were determined under the provisions of an earlier Development Plan. Moreover, each proposal must be considered on its individual merits.

¹ References HGY/2013/1528 and HGY/2015/1071

19. In addition to the above, it has been indicated that Policies GG2 and H2 of the emerging London Plan promote the development of small sites and that Northumberland Park is identified as a growth area.
20. Whilst these policies may well lend support for the development of the appeal site, I am conscious that the emerging Plan is yet to be adopted and may well be subject to change. Furthermore, the support which these policies may give do not outweigh the harm I have identified in respect of the effect of the development on the character and appearance of the area nor to the living conditions of the occupiers of 60 Willoughby Lane.

Conclusion

21. Taking all matters into consideration, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR