



Appeal Decision

Site visit made on 21 October 2020

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 November 2020

Appeal Ref: APP/Y5420/W/19/3236949

R/O 62 Willoughby Lane, London, N17 0SS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Y Leibowitz against Haringey Council.
 - The application Ref.2019/1970, is dated 15 July 2019.
 - The development proposed is the change of use from building comprising two garages into a one bedroom unit (C3 Use) together with alterations.
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Decision

1. The appeal is dismissed.

Procedural matters

2. At the site visit Mr Leibowitz handed over a drawing of the proposed development which he said was part of the appeal documents. This drawing is undated and unreferenced but prepared by Deborah Parker Architects. However, the Council subsequently confirmed that the drawing was not considered by the Council at application stage. As the drawing makes significant changes to the proposed scheme it should be subject to formal consultation with the local community and in the absence of this, taking account of the principles established by the Court in *Wheatcroft*, I am not able to accept the revised drawing as an amendment. I have therefore not had further regard to this drawing.
3. It is apparent that the Council refused to validate the application because the submitted plans were not to the required standard. Although the submitted plans are hand drawn and rudimentary, at the site visit I was able to judge the basic concept of the scheme, and if this proves to be acceptable in principle, a condition could be imposed on a permission to require the submission of proper detailed plans to the Council for final assessment, before any development commenced on site.

Main Issues

4. The main issues are the effect of the proposal on the character and appearance of the area, and secondly the effect on the occupiers of 60 Willoughby Lane.

Reasons

Background

5. The appeal site contains a pair of single storey, attached, garage buildings which lie at the eastern end of what was originally the garden of No.62 in a mainly residential area. Although there is an extensive planning history relating to the site, including enforcement action, the Council confirms that the existing garages are lawful. It is proposed to alter the garages by adding a high pyramid shaped roof and convert the enlarged structure to a studio dwelling.

Effect on character and appearance

6. The area around the appeal site has a mixed character with traditional three storey houses fronting Willoughby Lane and their rear gardens, together with four storey blocks of flats facing Heybourne Road. The construction of the pair of garages is not quite complete and there is extensive builder's rubble present, and the site is enclosed by protective metal fencing. In their surroundings the pair of garages have the appearance of simple outbuildings which are characteristic of other domestic outbuildings to the rear of the houses.
7. Although the Council says that the appeal site itself is now in different ownership to No.62 I have no reason to doubt its submission that the site is 'garden land' to which Policy DM7 applies, and which would fall outside of the scope of 'previously developed land.' I do not read the Inspector's comments in the previous appeal decision APP/Y5420/W/18/3211684 as suggesting otherwise. Policy DM7 of the Development Management DPD, amongst other aspects, says that the redevelopment of backlands and gardens should be considered comprehensively while here the site is put forward on a limited *ad hoc* basis.
8. Even though the proposal seeks to improve the design of the garages with the introduction of a pyramid roof, the revised structure as an independent dwelling would appear squat and diminutive compared to the surrounding three storey houses and four storey flats. It would appear odd and materially out of place in the street scene and would be harmful to the wider residential character of the area. Moreover, the residential unit would appear cramped into the space available as it would be sited very close to three boundary fences.
9. Although the design of the new dwelling could be improved with proper drawings the scope available on this site is very restricted and the basic conversion of the garages to a studio dwelling would not be likely to result in an acceptable design solution which fits in with the street scene and not appear very cramped for a residential environment.
10. Overall, on this issue, I find that the proposed change of use to a dwelling would not relate appropriately or sensitively to the surrounding area but visually it would appear harmful to the street scene. It would detract from the character and appearance of the area and so would conflict with part B of Policy DM7. It would not relate positively to the area, nor be of the highest architectural quality, and so would conflict with Policy DM1 of the Development Management DPD, and Policies 7.4 and 7.6 of the London Plan.

Effect on living conditions

11. No.60 Willoughby Lane is the adjoining residential property which has its rear garden alongside the appeal site. Policy DM1 indicates that new development should ensure a high standard of privacy and amenity for neighbours.
12. At the site visit I noted that the garden of No.60 contains a semi-mature tree located close to the rear of the garages. The garage buildings are sited virtually up to the party boundary and extend well above the present height of the boundary fence. This building bulk would be increased with the introduction of the pyramid roof.
13. However, the main house of No. 60 is sited some distance away and its occupiers would not be directly affected by the proposal in terms of overshadowing or loss of aspect or outlook. There would be some effect on the rear garden of this property and its enjoyment but while the additional roof height would be imposing, this visual impact would be partly off-set by the screening effect of the tree. Considered on its individual merits, it is not considered to be so harmful as to justify the rejection of the scheme on this ground alone. There is therefore no material conflict with the provisions of Policy DM1 regarding the effect on the amenity of neighbours.

Planning balance

14. On the main issues, although I have found that the proposal would not materially harm the living conditions of the occupiers of neighbouring residential property, the proposal would harm the character and appearance of the area. This would result from the change of use and form from a simple outbuilding to an independent dwelling which would not fit in with the character of the area and would appear cramped on the site and harm the street scene. This results in conflict with the development plan as referred to above.
15. The proposals would result in significant adverse effects, but these have to be balanced with the benefits of development.
16. The proposal would add to housing supply and the range of house types available in a modest way and help make use of land already developed in a more effective way. These aspects are supported in part of the development plan and the national guidance in the National Planning Policy Framework (the Framework). However, these benefits would be at the expense of the local harm that has been identified, and the adverse environmental effect means that the proposal does not constitute 'sustainable development' when the Framework is read as a whole.
17. The other considerations put forward do not outweigh the conflict with the development plan and this indicates that the appeal should not succeed.

Conclusion

18. For the reasons give above I conclude that the appeal should be dismissed.

David Murray

INSPECTOR