



Appeal Decision

Site visit made on 10 November 2020

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2020

Appeal Ref: APP/Y5420/W/20/3257121

32 Summerhill Road, Tottenham, London N15 4HD

- 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 Paul Baker of Florent Properties Ltd against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2020/0872, dated 20 March 2020, was refused by notice dated 27 May 2020.
 - The development proposed is "To develop land currently with an industrial use to provide 9 new apartments, with a mixture of one two and three bedroom homes".
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. During the course of the appeal, it became clear that the development proposed on the neighbouring site, 30 Summerhill Road, and shown on the proposed drawings for the appeal scheme had been refused by the Council. Development of that site in accordance with an earlier permission, details of which were provided by the Council, was underway at the time of my visit. The main parties have had opportunity to comment on this situation and have done so. My decision is made on that basis, and I am satisfied that no party has been prejudiced by this situation.

Main Issues

3. The main issues are:
 - whether the proposal would represent an overdevelopment of the site, which would be harmful to the character and appearance of the area and the Clyde Circus Conservation Area
 - the effect of the proposal on the living conditions of occupiers of surrounding properties with specific regard to loss of light, loss of privacy, and any overbearing or overdominating effect
 - the effect of the proposal on the living conditions of future occupiers with specific regard to amenity space, outlook, light, privacy and noise
 - the effect of the proposal on highway safety and convenience with regard to the sufficiency of car and cycle parking
 - whether appropriate arrangements are in place for the storage and collection of waste and recycling

- whether the proposal would harm the provision of employment land in the area.

Reasons

Character and appearance

4. The appeal site is one of an adjoining pair of sites within the Clyde Circus Conservation Area (the CA), which the Conservation Area No 19 Clyde Circus Conservation Area Character Appraisal 2009 (the CAA) identifies as being detrimental to the character and appearance of the CA, owing to their being works depots at the time of designation.
5. The CA is made up of largely domestic buildings, with a mixture of villas, detached, semi-detached and terraced housing from the mid-Victorian and Edwardian periods, with attractive proportions, detailing, and consistent scale, mass and rhythm. The appeal site in its current form and appearance has a negative effect on the significance of the CA as a heritage asset.
6. Through the construction of a three-storey building, of a similar height and design to that under construction on the adjoining site, 30 Summerhill Road (No 30), the proposal would begin to restore the rhythm of the street-scene which the CAA identifies as being important in the street. Whilst the proposal would be clearly modern, the scale, mass and appearance of the front elevation, coupled with that of the front elevation of the building under construction at No 30, would be an appropriate addition to the street-scene. In that respect, the proposal would enhance the appearance of the CA.
7. I therefore conclude that the street fronting element of the proposal would enhance the appearance of the CA and in that regard, enhance the significance of the CA as a heritage asset.
8. However, the elements of the development proposed to the rear of the site appear somewhat cramped and overly dense. I accept that the site is relatively large and acknowledge the policy imperatives to deliver housing and make the most effective use of land, particularly in urban areas, and to do so having regard to the peculiarities of urban density and spatial relationships. However, the layout of the site and the overall density appears significantly denser than the surroundings. In my opinion, this appearance is reinforced by the narrow access to the units at the rear, which gives the impression of being squeezed between the front building and the existing building at No 34 and suggests that the site is too small for the level of development and layout proposed. The appearance of the rear part of the site, seen through this narrow gap, would in my opinion appear crowded and cramped, seen in the context of the wider area.
9. In addition, whilst the design, shape and mass of the rear building has been driven by a desire to limit any unacceptable effects on neighbouring occupiers, the building appears somewhat bulky and cramped within the site, with a predominance of dark materials adding visual weight to an already large building. In my view, the proposal would therefore give the impression of being an overdevelopment of the site, and this would be harmful to the established generally spacious character of the area.
10. Although I have found no harm to the significance of the CA arising from the building at the front of the site, I do consider that overall, the proposal would

neither preserve nor enhance the character of the area, and overall, would cause less than substantial harm to the significance of the CA as a heritage asset. Whilst I acknowledge the public benefits which the proposal delivers, in terms of the delivery of housing and the redevelopment of a site which is of detriment to the CA, I do not consider that these benefits outweigh the harm I have found to character arising from the over development of the site.

11. The proposal is therefore contrary to Policies 3.5, 7.4, 7.6 and 7.8 of the London Plan 2016, Policies SP11 and SP12 of Haringey's Local Plan Strategic Policies 2013-2026, March 2013 (the Local Plan), Policies DM1, DM7 and DM9 of the Development Management DPD 2017 (the DPD) and the guidance in the CAA. These policies seek, amongst other things, to ensure that development is of place and context appropriate, high quality design, consistent with the established character and appearance of the area, and that development preserves or enhances the character or appearance of the CA.

Living conditions for occupiers of surrounding properties

12. The scale of the proposal, in particular, the mass of the rear building, its relationship to properties on Bedford Road, and the proximity of the front building to No 34 lead me to conclude that it would have an overbearing, and overdominating effect.
13. I also consider that the balconies proposed to the rear of the front building, the obscurely glazed windows facing No 36 and the windows facing 28 Bedford Road would give rise to a degree of perceived overlooking which does not currently occur, and which would be harmful.
14. As a result, I consider that the proposal would be unacceptable with regard to its effect on the living conditions of occupiers of surrounding properties with specific regard to loss of privacy, and any overbearing or overdominating effect. I do not consider that the proposal would lead to any unacceptable loss of light. It would therefore be contrary to Policies SP0 and SP11 of the Local Plan, Policies DM1 and DM7 of the DPD which seek to ensure that development provides suitable living conditions for occupiers of existing properties with regard to any loss of light, loss of privacy, and any overbearing or overdominating effect.

Living conditions for future occupiers

15. The proposal meets policy requirements for internal floor space. However, whilst it does propose some external space, the impression it gives is of being circulation space and access rather than useful outdoor space. There is no division or allocation of what space there is between units, and as such, it does not offer any private external amenity space, in direct conflict with the requirements of the London Plan Housing Supplementary Planning Guidance, March 2016 (the Housing SPG) compliance with which is required through relevant local policies requiring high quality design and amenity standards. I note that there is public open space available near the development, but do not consider that this is an appropriate surrogate for highly valuable accessible, useable private outdoor space within the site, particularly in light of the number of larger units proposed. The quality and utility of the outdoor space that is provided is, in my view, further limited by its central location, onto which most habitable rooms face, which would be likely to make potential users wary about disturbing other occupiers.

16. The size of the site, the scale of development proposed, and relationship of the proposed buildings to each other has driven a layout and fenestration arrangement and detailing which has sought to minimise overlooking and loss of privacy. However, as a result, the proposal appears to rely on a number of obscurely glazed windows, screens and side screens to achieve appropriate levels of privacy. In addition, the distances between the directly opposed balconies are somewhat short. Combined with the layout, I consider that this would give rise to a limited and enclosed outlook for future occupiers as well as unacceptably low levels of privacy.
17. With regard to levels of light for future occupiers, whilst I acknowledge the concerns of the Council in this regard, I do not consider that the proposed arrangements are so unusual in an urban area such as this that they would be unacceptable and reasonable evidence on this point has been produced.
18. As a result, I consider that whilst proposal would provide acceptable living conditions for future occupiers with specific regard to internal space and levels of light, it would not provide the same with regard to outdoor amenity space, outlook privacy (including the perception of privacy) and noise. These matters add weight to my conclusions above on the proposal being an overdevelopment of the site.
19. The proposal would therefore be contrary to the requirements of Policy 3.5 of the London Plan 2016, Policies SP0 and SP11 of the Local Plan, and Policy DM1 of the DPD, and guidance in the Housing SPG. These policies seek, amongst other things, to ensure that development provides suitable living conditions for future occupiers, with regard to amenity space, outlook, light, privacy and noise.

Car parking and cycle storage

20. The appeal site is in a location with a low PTAL score. As such, policy requires the provision of car parking and cycle storage in line with the London Plan standards. The proposal does not provide any car parking, and there is no evidence to suggest that suitable parking would or could be made available in the controlled parking on the streets surrounding the site. The proposed cycle store does not provide sufficient spaces for the scale of the development.
21. I note references to discussions around the potential for car-free development on the adjacent site. However, I do not have details of those discussions, and in any event, I do not consider that they are directly relevant to my decision on this proposal, given the differences between the sites and the proposals to develop them.
22. The proposal would not provide sufficient car parking or cycle storage, and no compelling evidence has been produced to justify any departure from the requirements of the development plan on this point. As such, the proposal would be likely to cause harm to highway safety and convenience through an increase in on-street car parking and insufficient cycle storage, contrary to the requirements of Policies 6.9 and 6.13 of the London Plan 2016, Policy SP7 of the Local Plan, and Policies DM31, DM32 and DM35 of the DPD, which seek to monitor, manage and control car and cycle parking, and promote sustainable transport in London.

Waste and recycling

23. This proposed waste and recycling storage and collection arrangement is different to that normally sought by the Council for a development of this scale and nature. The appellant has not provided sufficient details of any agreement with the Council to such a difference, or of any management arrangements which would ensure proper storage and collection of waste and recycling. As such, I cannot be certain that waste and recycling would be properly provided and managed, and the proposal would therefore be contrary to Policy 5.17 of the London Plan 2016, Policy DM4 of the DPD, and detailed guidance in the Sustainable Design and Construction SPD 2013, which seek to ensure that it is.

Employment land

24. The appellant, whilst noting that the site is not currently in an active employment generating use, does not dispute the need for a payment of a financial contribution to offset the loss of employment floorspace in line with the requirements of Policy SP8 of the Local Plan and Policy DM40 of the DPD. Having had regard to the policies, I have I have considered whether requirement meets the tests set out in Regulation 122 of the Community Infrastructure Regulations 2010. I am satisfied that such a contribution would be necessary to make the development acceptable in planning terms, directly relates to the development and is fairly related in scale and kind to the development.
25. However, no appropriate legal agreement has been provided. As such, the proposal would be contrary to Policy SP8 of the Local Plan and Policy DM40 of the DPD, which seek a financial contribution to offset loss of employment floorspace.

Other Matters

26. I considering this appeal, I note that the principle of developing the site is well established, and that there are elements of the proposal which would offer an improvement over the current situation, notably the provision of housing and an improvement to the appearance of the CA. However, as set out, there are several significant failings against policy requirements which lead me to consider that on balance, the proposal as a whole is contrary to the development plan, and there are no material considerations which indicate that a decision be taken other than in accordance with it. The appellant suggests that a number of these issues could be addressed by conditions, but I do not consider that to be the case, as many of them are fundamental to the proposal. The appellant also suggests that issues could be addressed by amending the proposal, but the Procedural Guide – Planning appeals England is clear that a fresh application, not an appeal, is the appropriate arena to do that.

Conclusion

27. For the reasons given above I therefore conclude that the appeal should be dismissed.

S Dean

INSPECTOR