The Planning Inspectorate

Appeal Decision

Site Visit made on 5 January 2021

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st February 2021

Appeal Ref: APP/Y5420/W/20/3259445
48 Yeatman Road, LONDON, N6 4DT

- 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 Omar Sherif against the decision of London Borough of Haringey.
- The application Ref HGY/2020/0628, dated 18 December 2019, was refused by notice dated 1 May 2020.
- The development proposed is The construction of a hip to gable dormer extension, with the installation of 2no. rooflights in the front roof pitch and 1no. rooflight in the roof of the flat dormer; the construction of a rear ground floor extension, and the demolition of the existing garage and the erection of a 2-bed new dwelling in the side garden.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. On the 19th January 2021, the Government published the 2020 Housing Delivery Test (HDT) results. The HDT results show that the London Borough of Haringey has delivered 60% of its housing requirement over the latest 3-year period. Consequently, the presumption in favour of sustainable development contained within paragraph 11 d) of the National Planning Policy Framework (the Framework) would be engaged[1]. The Council and appellant have had an opportunity to comment on the implications of this.

Main Issues

3. The main issues are:

    - whether the proposed development would preserve or enhance the character or appearance of the Highgate Conservation Area, including its effect on trees; and

    - the effect of the proposed development on the living conditions of existing occupiers in respect of outlook.

[1] Footnote 7 and paragraph 215 b) of the Framework

Reasons

Character and appearance

4. The appeal site is located within the Highgate Conservation Area (CA) and encompasses part of the garden of 48 Yeatman Road, a two storey end of terrace dwelling with a detached garage. Yeatman Road is characterised by two storey red brick terraces, which form groups of eight with a strong architectural and aesthetic value. The existing street trees and those within the gardens of properties within North Hill, contribute to the pleasant and verdant setting of the appeal site, which contributes to its role as a transition between the two separate developments.

5. The dwellings within this part of the CA are well preserved, in terms of their character and architectural detailing and as part of a terrace their significance is derived from their group value. This consistent established pattern of development makes a positive contribution to the character, appearance and significance of the CA as a whole.

6. Whilst the existing plot is larger than others within Yeatman Road, it is located at the end of a cul-de-sac with a number of mature trees along its front and side boundary. The visual separation provided by the appeal site allows for a clear transition between the rows of terrace dwellings and the gardens of the dwellings in North Hill. Therefore, this spacing contributes to the overall character and appearance of the CA and as a result the appeal site is particularly sensitive to change.

7. 48 Yeatman Road was designed with a subservient roof form, with a lower ridge height to the remainder of the terrace and a hipped roof form. This is in keeping with its position at the end of the terrace. The proposed dwelling has been designed to reflect the existing architecture of the terrace and whilst maintaining the same ridge height, it would extend the terrace further and reduce the gap which currently exists between the appeal site and the rear gardens of the dwellings in North Hill.

8. Therefore, the introduction of a further dwelling within the appeal site would disrupt the original form and symmetry of the terrace, which is a notable feature within the CA. In addition, the increase massing of development in close proximity to the rear gardens of North Hill would erode the visual separation which currently exists and bring the built development closer to the existing trees resulting in a cramped form of development, which in combination would be harmful to the significance of the Conservation Area.

9. Although there are other examples of extensions to the existing terrace, in particular at 1 Yeatman Road, the position of that dwelling is not directly comparable to the appeal site as it is located on the junction of two roads, rather than at the end of the cul-de-sac and therefore it does not have the same significance in terms of visual separation which I have identified for the appeal site.

Trees

10. The submitted tree report has identified that trees located outside of the appeal site have the potential to impact the developments foundations and that there is significant risk to the trees roots from severance. The report does identify

mitigation measures that could be put in place to minimise the risks from the development, including the construction of the new floor using a raft foundation which could sit above the ground level and the erection of scaffolding on ground protection and the need for arboricultural supervision whenever construction and development activity is to take place within or adjacent to any root protection area.

11. Whilst, the Council have suggested that the positioning of a dwelling close to the trees would place additional pressure on those trees to be harmfully pruned or removed in the future, given the trees are protected by virtue of their location within the Conservation Area, the Council would have control over any future works proposed to the trees. The Council has stated that they are not convinced that the scheme can be carried out successfully without compromising the trees, however the evidence before me indicates that if these mitigation measures were properly adhered to during the construction of the dwelling then the risk to the trees would be minimal.

12. Therefore, I conclude that the risk from the development to the long term health and viability of the trees is adequately mitigated in accordance with policy SP13 of the Haringey Local Plan, March 2013 (LP) which requires development to protect existing trees and policy OS2 of the Highgate Neighbourhood Plan 2017 (NP) which seeks to protect trees within conservation areas and requires development proposals to allow sufficient space above and below ground to protect existing trees. It would also accord with policy 7.21 of the London Plan which requires existing trees to be retained or replaced.

Character and appearance - Conclusion

13. In line with paragraph 193 of the National Planning Policy Framework (the Framework), the harm that would arise to the heritage asset would not be severe and would therefore be less than substantial. Paragraph 196 of the Framework states that such harm should be weighed against any public benefits of the proposal. The proposal would give rise to some modest economic benefits during the construction phase and a single dwelling would provide minor support to the Council's housing supply. The lack of harm identified to protected trees is a neutral in the balance.

14. However, these modest benefits are not considered to outweigh the identified harm to which I must attach considerable importance and weight as required by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal would, therefore, fail to preserve or enhance the Conservation Area, and thereby the significance of, the designated heritage asset. It would not accord with the policies of the Framework which seek to conserve and enhance the historic environment.

15. I conclude that the development proposed would fail to preserve or enhance the character or appearance of the Highgate Conservation Area, contrary to policies SP11 and SP12 of the LP and policies DM1, DM7 and DM9 of the Haringey Development Management DPD, July 2017 (DPD) which together seek to ensure the highest standards of design, having regard to local context and character and the conservation of the historic significance of Haringey's heritage assets. Furthermore, developments within garden land must also relate appropriately to the surrounding area.

16. The development is also contrary to policies 3.5, 7.4, 7.6 and 7.8 the London Plan which supports development of high quality design which is appropriate to its context and conserves heritage assets.

17. The proposal is also contrary to policies DH2, DH10 of the NP which seek to ensure that development proposals preserved or enhance the character and appearance of Highgate's conservation areas.

Living Conditions – Existing Occupiers

18. The side boundary of the appeal site runs parallel to the rear boundary of 113-119 North Hill. Despite the existing landscaping within the adjoining gardens, these dwellings are visible from within the garden of 48 Yeatman Road and it is possible to see a number of first floor balconies and dormer windows. The presence of these dwellings is a dominant feature from within the garden of the appeal site.

19. The proposed dwelling would be set off the side boundary, but would still bring the development closer to the dwellings in North Hill. The proximity of the proposed dwelling to the side boundary would result in the enclosure of the rear boundaries of in particular, 117-119 North Hill with the side elevation of the dwelling running parallel with their rear boundary.

20. These terraced properties with narrow gardens, which abut the appeal site currently enjoy the backdrop provided from the garden of 48 Yeatman Road and the existing trees which form part of this boundary. The side elevation of the proposed dwelling would be visible to those residents which would result in the loss of this overall spaciousness.

21. Having regard to the proximity of the development and its overall scale, I find that the proposal would have an overbearing impact when viewed from within those dwellings and the amenity space immediately to the rear. This would result in an unsatisfactory relationship and in my view would be harmful to the living conditions of no's 117 and 119 North Hill, contrary to policies DM1 of the DPD and 7.6 of the LP which seek to ensure high quality design which ensures a high standard of privacy and amenity for both future and existing occupiers.

Other Matters

Housing Delivery

24. The 2020 HDT results show that the Council has underdelivered against its housing requirement over the latest 3-year period. However, paragraph 11(d)(ii) of the Framework is not relevant, because the policies in the Framework relating to heritage assets provide a clear reason for refusing the development proposal[2].

Conclusion

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

G Pannell

INSPECTOR

[2] National Planning Policy Framework Paragraph 11(d) Footnote 6