



Appeal Decision

Site visit made on 16 February 2021

by M Philpott BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st March 2021

Appeal Ref: APP/Y5420/W/20/3263678 23 Coolhurst Road, London N8 8EP

- 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 Coolhurst 1 Ltd against the Council of the London Borough of Haringey.
 - The application Ref HGY/2020/0773, is dated 4 March 2020.
 - The development proposed is change of use of the building from C2 (Care Home) to C3 (residential), and redevelopment of part to provide nine units (3 x 1 bed, 2 x 2 bed, 2 x 3 bed & 2 x 4 bed) alongside associated parking and landscaping works.
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Decision

1. The appeal is dismissed and planning permission is refused.

Application for costs

2. An application for costs was made by Rob and Julie Mackenzie, who are interested parties, against Coolhurst 1 Ltd. This application is the subject of a separate decision.

Procedural Matter

3. I have been appointed to deal with another appeal on this site (Appeal Ref: APP/Y5420/W/20/3263650), which will be the subject of a separate decision.

Main Issues

4. Following the submission of the appeal against non-determination the Council has clarified the position it would have taken if it had made a decision.
5. I consider that the main issues are whether the proposal would:
 - preserve or enhance the character or appearance of the Crouch End Conservation area; and
 - provide adequate standards of accommodation and access arrangements for the future occupiers.

Reasons

Conservation Area

6. The site includes an Edwardian house with a late 20th Century attached and single storey rear annexe at 23 Coolhurst Road. It was last used as a care

home and is located near to a junction between Coolhurst Road, Hurst Avenue and Crouch Hall Road. The proposal seeks to alter and extend the house in order to provide 7 apartments and replace the annexe with a 2 storey building that would form a pair of semi-detached dwellings.

7. The conservation area is large and comprises several character areas; however, much of its significance is derived from the varied examples of traditional housing within it. The immediate area features formal patterns of large period properties in generous plots. Although there is also modern development within the area, such as the flat block named Hurst Lodge adjacent to the site, the townscape has a prevailing historic, suburban and spacious character. These qualities are evident at Nos 19 to 23 and 27 to 31 (odds) Coolhurst Road, which are period properties that have a cohesive appearance. Although the annexe at No 23 is an established part of the area, it detracts from the Edwardian house and the other period properties.
8. The roof of the annexe is visible from Hurst Avenue above the boundaries of garden land to the rear of Hurst Lodge. Whilst the new building would seem similar in height to the annexe due to its lower land level, it would feature dormer windows in both its front and rear roof planes and thus appear larger and more prominent. The building would have the characteristics of independent residential development and be sited close to the rear of the proposed extensions to the Edwardian house. In addition, the set down amenity areas to the front and rear of the new building would increase the extent of development in the garden. Consequently, the proposal would result in cramped and incongruous backland development and the character and appearance of the conservation area would be harmed.
9. The reinstatement of the front entrance to the Edwardian house, the restoration of its elevations and the fenestration at lower ground level would have a positive impact on the conservation area. In addition, I recognise that sensitive materials could be used in the construction of the new building. However, these matters do not address or outweigh the harm identified.
10. Paragraph 193 of the National Planning Policy Framework (the Framework) advises that when considering the impacts on the significance of a designated heritage asset, great weight should be given to the asset's conservation. In addition, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be given to the desirability of preserving or enhancing the character or appearance of conservation areas.
11. The proposal would fail to preserve or enhance the character and appearance of the conservation area. Less than substantial harm would be caused. The proposal conflicts with Policy SP12 of the Council's Local Plan Strategic Policies (SP), Policies DM1, DM7 and DM9 of the Council's Development Management Development Plan Document (DPD) and Policies 7.6 and 7.8 of the London Plan (LP), which seek to conserve the significance of heritage assets and set out standards for design, architecture and development on infill, backland and garden land sites.

Standards of accommodation

12. LP Policy 3.5 states that ceiling heights should be no lower than 2.3m for 75 percent of the gross internal area (GIA) of dwellings. Policy D6 of the emerging

London Plan¹ (eLP) sets out that 2.5m high ceilings must be achieved over the same percentage of GIA. Apartments 1, 2 and 3 are proposed over the lower ground and ground floor of the Edwardian house. The Council has not argued that the ceiling heights of those apartments would be lower than 2.3m; however, it contends that the ceiling height requirements of eLP Policy D6 would not be met and this has not been disputed by the appellant.

13. The apartments would feature open plan living, kitchen and dining spaces at lower ground level, which would act as the primary living spaces. Outlook from the living spaces of Apartments 2 and 3 would be limited due to the proximity to the rear lightwells' staircases and the retaining walls and associated privacy trellises. The daylight and sunlight report suggests that the BRE guidelines² for interior daylighting to Apartments 2 and 3 would be exceeded; however, the guidelines for the kitchen elements would not be satisfied. Additionally, the sunlight guidelines would not be met for those apartments.
14. The living space for Apartment 1 would benefit from more daylight and less restricted outlook due to its layout and the width of the front lightwell. The apartments above ground level would be adequate in terms of outlook and light receipt. While the semi-detached dwellings would have living spaces below ground level, they would have less restricted outlook than Apartments 2 and 3.
15. Although the Secretary of State has confirmed that the eLP can be published and thus its policies attract significant weight, LP Policy 3.5 retains primacy over eLP Policy H6 in respect of ceiling heights. However, LP Policy 3.5 strongly encourages minimum ceiling heights of 2.5m so that housing is of adequate quality, especially in terms of light and sense of space. In combination, the ceiling heights, limited outlook and levels of daylight and sunlight would result in inadequate living conditions for the occupiers of Apartments 2 and 3.
16. In addition, eLP Policy D6 states that dual aspect dwellings should be maximised and single aspect dwellings should normally be avoided. The conversion of the house is constrained by matters such as split floor levels; however, firm and compelling evidence has not been advanced which indicates that the number of dual aspect units have been maximised.
17. The semi-detached properties would be accessed via a passageway beside the apartments. The dwellings would be family sized and the occupiers could include children, the elderly and those with limited mobility. Although signage and lighting could be installed and lifts would ensure level access, the arrangements for accessing the properties from the street would be unclear and convoluted. In addition, I am not convinced that the access would provide feelings of safety for all potential occupiers of the properties. Furthermore, access to the communal garden area beyond the new building would be inconvenient for the occupiers of the upper floor apartments, who would have no other means of outdoor amenity space.
18. The proposal would not provide satisfactory living conditions for the occupiers or adequate access arrangements. It conflicts with SP Policy SP2, DPD Policies DM2 and DM12 and LP Policy 3.5, which together seek to ensure that development can be used safely and easily and is of the highest quality. It is also contrary to eLP Policies D3 and D6, which have similar objectives.

¹ The London Plan: Publication London Plan

² Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice Second Edition

Other Matters

19. The Council has raised concerns regarding the proposal's effect on the living conditions of the occupiers of 21 Coolhurst Road in respect of overlooking from the dormer windows of the semi-detached properties. However, overlooking would be limited by the position, orientation and reveals of the windows. In addition, trellises would prevent inadequate privacy to the proposed apartments.
20. Paragraph 196 of the Framework sets out that less than substantial harm to the significance of designated heritage assets should be weighed against the public benefits of development. Additionally, the Council has confirmed that the delivery of housing within the borough is substantially below its target and thus the presumption in favour of sustainable development set out at paragraph 11 of the Framework is applicable. Permission should therefore be granted unless the application of policies in the Framework that protect assets of particular importance provide a clear reason for refusing the development.
21. The proposal would contribute to housing supply, delivery and choice including family sized accommodation. In addition, I have no reason to doubt that the Covid-19 pandemic has worsened the rates of housing supply and delivery. Furthermore, I note that the eLP sets ambitious housing targets and seeks to optimise sites and the Planning for the Future White Paper aims to improve the supply of homes to support economic growth. The proposal would also make use of a vacant site and the Framework states that substantial weight should be given to the use of suitable brownfield land. I also recognise that a range of planning applications have been submitted in attempts to make use of the site and it would be desirable for a use to be found.
22. Having regard to the limited scale of development and the quantum of housing proposed, the public benefits are modest. Taking into account the considerable importance and weight that I must give to harm to designated heritage assets, the benefits identified do not outweigh the harm to the significance of the conservation area. Furthermore, the policies in the Framework in respect of designated heritage assets provide a clear reason for refusing the proposal. Consequently, paragraph 11 of the Framework does not indicate in favour of the development.
23. Interested parties raise concerns in respect of the adequacy and accuracy of the evidence provided by the appellant and regarding various matters such as transport impacts and issues associated with the construction process. Those matters have not been identified as substantive issues by the Council. However, given my conclusions on the main issues identified, it has not been necessary to consider those matters further.

Conclusion

24. The proposal is contrary to the development plan. There are no material considerations which outweigh the conflict with the development plan. Accordingly, the appeal is dismissed and planning permission is refused.

Mark Philpott

INSPECTOR