



Appeal Decision

Site visit made on 20 April 2021

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 May 2021

Appeal Ref: APP/Y5420/W/20/3261753

864 High Road, Tottenham, London N17 0EY

- 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 Messrs Bharmal and Jodiyawalla against the Council of the London Borough of Haringey.
 - The application Ref HGY/2020/0919, is dated 20 March 2020.
 - The development proposed is described as 'retention of existing building and the construction of new part 3 additional floors and new part one additional floor and basement to create 5 new self contained flats and retained commercial space on the ground floor'.
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Decision

1. The appeal is dismissed and planning permission refused for proposed development described as 'retention of existing building and the construction of new part 3 additional floors and new part one additional floor and basement to create 5 new self contained flats and retained commercial space on the ground floor'.

Preliminary Matters

2. The new London Plan 2021 (LP2021) was published on 2 March 2021. It replaces previous versions of the London Plan and can be given full weight. In terms of policies relevant to this appeal, there have been no material changes in LP2021 from those contained in the Intend to Publish (December 2019) and Publication (December 2020) versions of the plan. Furthermore, on 19 January 2021, the Government published the latest Housing Delivery Test (HDT). The main parties have been given the opportunity to comment on these matters.

Main Issues

3. The Council did not make a decision on the planning application within the statutory period and this has taken the jurisdiction to determine the application away from the Council. The Council has provided an appeal statement which sets out that it would have refused planning permission for 2 reasons.
4. Having regard to the information before me, I consider that the main issues are:
 - the effect of the proposed development on the character and appearance of the North Tottenham Conservation Area and the setting of the adjoining Locally Listed building at No 860-862 High Road; and,

- the effect of the proposed development on the amenities of the adjacent public house at No 860-862 High Road, with particular regard to outlook.

Reasons

Heritage assets

5. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
6. The appeal site is located at the northern end of the North Tottenham Conservation Area (the CA) on a prominent corner adjoining the junction of High Road and Brantwood Road. The existing building is utilitarian in appearance, consisting of a flat-roofed 2 storey commercial building set-back from the adjoining Locally Listed building at No 860-862 High Road. Given the dull appearance of the elevations, the existing building detracts from the character and appearance of the CA. Nevertheless, the modest scale of the building ensures that it does not compete with the adjoining Locally Listed building.
7. The CA has a historic contained linear street pattern, featuring buildings of a similar height and scale, and a variety of architectural styles and materials. There are good surviving examples of buildings dating from the 18th and 19th centuries, including Georgian buildings and mid and late-Victorian shopping parades. There are also examples of the inter-war style of the mid-20th century. The northern gateway into the CA is defined by No 867-869 High Road, a Georgian Grade II listed building opposite the appeal site, and the adjoining Locally Listed building at No 860-862 High Road. The strong cohesive street structure of the CA contrasts markedly with the development to the north, which predominantly consists of post-war buildings set in open landscaped grounds.
8. The proposed development would add a storey to the front of the building to create a 3 storey elevation on the High Road frontage. The building would step up in height towards the rear to form a 4 storey element. The massing of the Brantwood Road elevation would be broken through the provision of a recess, including a green roof at first floor and the provision of terraces to serve the proposed dwellings. The external walls would be finished in brick, including a banding detail, and the fenestration would consist of vertically proportioned sash-style white aluminium windows.
9. The 3 storey scale of the front part of the building would respect the general height and scale of buildings in High Road, and it would not visually compete with the adjoining Locally Listed building. The 4 storey section to the rear would not exceed the height of the Locally Listed building, which, together with its recessed position, would ensure that it would not appear dominant in relation to the Locally Listed building or other buildings in the CA.
10. Nevertheless, the drawings before me are rudimentary and show few architectural details on the external elevations, which would result in a bland and underwhelming appearance. The southern elevation of the proposal facing Cooperage Close would appear particularly stark. The fenestration includes aligned sash-style windows and panelled moulding at ground floor, in an apparent reference to the historic buildings in the CA. However, the proportions

of the building, along with other large panel windows and balconies, reflects a less traditional style. The overall composition creates a confused and incoherent approach that fails to achieve a high standard of design. Furthermore, there is little information before me to show how the proposal would understand and relate to its historic surroundings, at a prominent gateway into the CA.

11. Given that the scale of the proposal would be modest and would not result in the loss of historic fabric, I find that the degree of harm to the CA would be less than substantial. In accordance with paragraph 196 of the National Planning Policy Framework (the Framework), any harm to the designated heritage asset should be weighed against the public benefits.
12. The proposal would deliver some public benefits in terms of adding to the overall provision of housing in the area and contributing to the local economy. However, the proposal would provide only 5 dwellings, which limits the weight that I give to these factors. I consider this in greater detail later in this decision.
13. In accordance with paragraph 193 of the Framework, great weight should be attributed to the designated heritage asset's conservation irrespective of whether the harm identified amounts to less than substantial harm. I find that the public benefits would not outweigh the harm to the CA. The proposal would therefore be contrary to the historic environment policies contained within the Framework.
14. For the above reasons, I conclude that the proposed development would fail to preserve or enhance the character and appearance of the CA. The proposal would therefore be contrary to Policies D3, D4 and HC1 of the LP2021, Policies SP11 and SP12 of the Haringey Local Plan Strategic Policies 2013-2026 Consolidated with Alterations 2017, and Policies DM1 and DM9 of the Haringey Development Management Development Plan Document 2017 (the DPD). These policies state, amongst other things, that all new development must achieve a high standard of design and contribute to the distinctive character of the local area; and, development proposals affecting heritage assets, and their settings, should conserve their significance.

Neighbouring amenities

15. The southern elevation of the existing building adjoins the garden of the public house at No 860-862 High Road. The upper floor rear windows of the adjoining building serve living accommodation at the public house.
16. The existing building extends considerably beyond the rear elevation of the adjoining public house. The proposed development would result in an increase in height, and the southern elevation would appear bulky and stark due to its massing and featureless appearance. This is unacceptable in terms of the character and appearance of the proposal, as set out above. In respect of the effect on the amenities of the public house, the appeal site is located to the north and so it would not cause excessive overshadowing of the public house garden. Furthermore, the garden benefits from an outlook to the east and south and so I do not consider that the proposal would cause significant harm to the functionality of the garden for patrons.

17. Regarding the upper floor windows serving the living accommodation, the increase in height of the part of the building closest to the windows would be quite modest and there would still be an outlook across the garden and towards Cooperage Close. Accordingly, the proposal would not appear overbearing or cause an unacceptable sense of enclosure to the neighbouring windows.
18. For the above reasons, I conclude that the proposed development would not cause significant harm to the amenities of the adjacent public house at No 860-862 High Road, with particular regard to outlook. The proposal would therefore comply with Policy D3 of the LP2021 and Policy DM1 of the DPD, which, amongst other things, state that development proposals must ensure a high standard of privacy and amenity for the development's users and neighbours.

Planning balance and conclusion

19. The HDT results published 19 January 2021 show that the Council has a measurement of just 60% of homes delivered against its requirement over the previous 3 years. Therefore, the most important policies for determining the appeal are out-of-date in accordance with footnote 7 of the Framework. In these circumstances, the proposal must be considered in the context of the presumption in favour of sustainable development set out in paragraph 11d) of the Framework.
20. Paragraph 59 of the Framework sets out an objective to significantly boost the supply of homes. The proposal would make a contribution in an accessible location towards addressing the substantial shortfall in the supply of new housing. Small sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly, as indicated in paragraph 68 of the Framework. Furthermore, economic advantages would arise from the construction of the proposed dwellings and the long-term economic benefit through the increased population and use of local services. However, these benefits would be limited because of the modest number of dwellings proposed.
21. 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 CA. Furthermore, the policies in the Framework in respect of designated heritage assets provide a clear reason for refusing the proposal. Consequently, in accordance with paragraph 11d)i of the Framework, the presumption in favour of sustainable development does not apply.
22. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal is dismissed.

C Osgathorp

INSPECTOR