

Appeal Decision

Site visit made on 19 April 2021

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 May 2021

Appeal Ref: APP/Y5420/W/20/3256696

29 Fairfield Road, Crouch End, London, Middlesex N8 9HG

- 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 J Duffy against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2019/3305, dated 25 November 2019, was refused by notice dated 24 January 2020.
 - The development proposed is demolition and re-building of residential dwellinghouse to provide a two bedroom/four person property.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect on the character and appearance of the area; and the effect on the living conditions of the residents of 183 and 185 Ferme Park Road with regard to outlook and privacy.

Reasons

Character and appearance

3. The proposal would replace the existing dilapidated structure with a higher building that would have a similar footprint. The existing structure is set behind a high wall adjacent to the pavement but the front of the main roof is set forward of the building line of the adjacent distinctive period properties to the west that front onto Fairfield Road. The building would be viewed in this context rather than in relation to the building line of 185 Ferme Park Road. When approaching from the west, the existing building, although in a state of disrepair, has only a very limited prominence because of its low height and the set back of the higher sloping roof from the frontage wall. This proposal would significantly increase the height of the building in the area that is forward of the neighbouring building line. The revised structure would therefore be of considerably greater prominence within the street scene, particularly when approaching from the west.
 4. The design of the proposed building has been described as contemporary. The frontage would include a number of elements including two flat roofed dormer windows, a flat roofed covered entrance and a forward projecting addition that
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- would extend at a lower level up to the frontage wall. The roof pitch of this element would differ from the pitch of the higher section of roof. The side elevation that would be visible forward of the neighbouring properties would have no defining features of interest. The materials, particularly the cedar wood cladding, would introduce a distinctive new element to the street scene which would further increase the prominence of the new structure.
5. The design would be at odds with the period character and detailing of the neighbouring dwellings. Significantly different building forms, with contrasting materials, can sit comfortably together and provide interest and variety. However, the proposed design does not represent a creative or imaginative response to the very particular context within which the building would be set. I am not persuaded that it would have significant design interest or quality. It would not be of a suitable design quality or have sufficient architectural interest to justify its prominence. I find that it would represent poor design in this particular context and it would undoubtedly detract from the character and appearance of this street.
 6. The detail and form of the existing Fairfield Road properties make a positive contribution to the significance of the Crouch End Conservation Area. Although not referred to in the Council's reason for refusal; and despite the lack of a formal response from the Crouch End Conservation Area Advisory Committee, given that the plot is outside but immediately adjacent to boundary of the conservation area, it would detract from its setting and it would result in harm to it. It would be less than substantial harm but although considerable weight can be afforded to the benefits of the removal of the existing dilapidated building and the provision of a new dwelling; together with the benefits of the investment required to achieve a new higher quality more environmentally efficient dwelling; and the social benefits of the property being actively used, these public benefits would not provide a clear and convincing justification for this particular proposal. The public benefits of the scheme, even when taken together with the private benefits to the appellant, would not be sufficient to outweigh the harm that would result.
 7. The design shortcomings and the harm that would result to the character of the street and the setting of the conservation area would be contrary to the heritage requirements and design aspirations of policies SP11 and SP12 of Haringey's Local Plan Strategic Policies 2013 (Consolidated with alterations since 2017)(LP); and policies DM1 and DM9 of the Development Management DPD 2017 (DPD). Although the appeal documentation and decision notice relate to the former London Plan, the proposal would also conflict with the design and heritage expectations of the similar policies in the newly adopted London Plan 2021. It would also conflict with the heritage requirements of the National Planning Policy Framework.
 8. DPD policy DM7 relates to development on infill, backland and garden sites. The proposal would not result in the loss of garden land. However, it would conflict with part B(a) of the policy which requires that development relate appropriately and sensitively to the area and street scene. It would also fail to provide a site specific and creative response to the built features of the area contrary to part B(b). The development plan policies listed above, are consistent with the requirements of the Framework with regard to heritage and design and can be afforded full weight.

Amenity

9. The proposal would adjoin the rear gardens of 183 and 185 Ferne Park Road. I was not able to gain access into these properties but I note the concerns raised by the residents with regard to the accuracy of the provided levels. I am satisfied however that even on the basis of the appellant's plans, the increased height of the side and rear elevations of this proposed building would be unacceptably imposing for the neighbouring residents when in their rear gardens. On this basis alone, the proposal would conflict with the requirements of DPD policies DM1 and DM12 with regard to neighbouring amenity.
10. If the land levels are as described by the neighbouring residents, there would be clear lines of sight from within the new dwelling, of residents above in the adjacent garden; and also the potential for those residents to view down into the proposed dwelling. The lack of space for the storage of bins and bicycles also weighs against the proposal as does the absence of any outdoor space. Notwithstanding the disputed figures with regard to the size of the unit and the relative land levels, there are a number of concerns that would need to be more adequately addressed but given my main findings, these are not matters on which my decision would turn.

Other matters

11. Reference has been made to a decision relating to a new dwelling at 115 Ferne Park Road. The details of this differ significantly from this proposal, not least with regard to the design, relative heights, provision of outdoor space, bin and cycle storage. In any event, I must consider this proposal on its own merits.
12. Questions have been raised with regard to the lawfulness of a residential use of the existing building. This appeal is not a vehicle for establishing lawfulness but in any event, the position of the plot provides weight in favour of the principle of a residential use of the site.

Conclusions

13. The greater height of the proposed building and its increased prominence within the street scene, together with the limitations of the proposed design, would result in harm to the character and appearance of the area; and the setting of the conservation area. I am not satisfied that a dwelling of less prominence but a significantly improved design, could not be achieved on this site and therefore the benefits of this particular proposal are limited. The benefits are not, in any event, sufficient to outweigh my concerns with regard to the appearance of the proposed building within the street scene. The development would also harm the living conditions of the neighbouring residents and it has not been adequately demonstrated that the living conditions of future residents would be acceptable. These concerns result in further weight against the proposal but in any event, as there are no considerations sufficient to outweigh my main concern regarding the proposed prominence and appearance of the new building, I dismiss the appeal.

Peter Eggleton

INSPECTOR