
Appeal Decision

Site visit made on 3 June 2021

by P J Staddon BSc, Dip, MBA (Distinction), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 June 2021.

Appeal Ref: APP/Y5420/W/20/3264201

Spring Lane Care Home, 170 Fortis Green, London N10 3PA

- 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 Jeremy Balcombe of Springdene Nursing & Care Homes Ltd against the decision of the London Borough of Haringey.
 - The application Ref HGY/2020/0618, dated 30 January 2020, was refused by notice dated 24 September 2020.
 - The development proposed is 'four-storey and single-storey rear extension to add 14 additional care home bedrooms and activity lounge, new garden and amendments to existing car park'.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. The London Borough of Haringey (the Council) refused to grant permission for the proposal for 2 reasons. The second reason relates to the alleged impact on 'adjacent residents', but does not identify specific addresses. However, it is clear from the Council's other documents, and the appellant's responses, that the matter relates to Nos 8, 9 and 10 Fireman's Cottages to the west of the proposed extension. I have defined a main issue and made my assessment on this basis.
3. In the course of the application, amended plans were submitted which introduced oriel windows on the west elevation of the proposed extension to address an overlooking issue. It appears that the Council made its decision taking these amended plans into account and I have therefore made my assessment on the same basis.
4. The Council's reasons for refusal include policies within the London Plan 2016, but this has now been replaced by the London Plan 2021 (the LP). The LP 2021 does not diverge significantly from the previous plan in terms of seeking to secure high quality design of new developments which responds positively to local character, to conserve and enhance the historic environment, and ensure that the amenities of neighbouring users are protected. No party has been prejudiced or caused any injustice by me proceeding with the appeal in light of this change in policy and I have used the updated policy references where appropriate.

Main Issues

5. The main issues are:

- The effect of the proposal on the character and appearance of the area, including whether the development would preserve or enhance the Muswell Hill Conservation Area (MHCA).
- The effect of the proposal on the living conditions of occupants of Nos 8, 9 and 10 Fireman's Cottages, with particular regard to outlook.

Reasons

Background

6. The appeal premises comprise a large building and grounds in use as a residential care home. The building appears to date from the late 1960s. It is situated on the north side of Fortis Green on a corner plot at the junction with Spring Lane, which is a short side road leading off the main thoroughfare. The building has its main public entrance and reception facing Fortis Green. The main frontage block is 5 storeys in height and has windows on its front elevation (facing Fortis Green), and its side wall, which faces Spring Lane. It is built in brickwork and has a flat roof.
7. There is a substantial wing running rearwards from the main block, also built in brickwork. This wing runs alongside Spring Lane and is inset a short distance from the footway. It contains windows at all 4 floor levels, facing west across Spring Lane. Wrapping around the east and north of this wing are some modest garden areas with some planting, paving and seating. Beyond the gardens to the north, the remainder of the site includes a car park and minibus parking area, which is accessed from a barrier controlled entry from Spring Lane.
8. The appeal proposal would extend the rear wing onto the existing gardens and part of the car park. The main part of the extension would be 4 storeys and would contain 14 additional bedrooms (2 on the ground floor and 4 on each of the first, second and third floors) and a lift / stairwell. Part of the ground floor would extend eastwards from this block to provide a single storey lounge area, which would open onto a new enclosed garden area.
9. The main extension would be faced in a mixture of red brown bricks (to match the existing walls) and lead coloured aluminium standing seam cladding. The roof would be flat.

Character and appearance and the MHCA

10. The appeal site lies within the south-western part of the MHCA, which was first designated on 1 March 1974. A character appraisal¹ (CA) was undertaken and adopted by the Council in 2008. The CA identifies that Muswell Hill is an essentially Edwardian suburb that developed around a once rural village settlement on high ground on one of the main routes into and out of London. It further notes that the area has a considerable consistency of character and

¹ London Borough of Haringey - Conservation Area No. 3 Muswell Hill Conservation Area Character Appraisal (adopted 11 February 2008)

appearance that derives from the development of the majority of buildings and laying out of the streets over a period of less than 20 years (1896-1913).²

11. The CA undertakes a detailed analysis of the character of the sub-areas that make up the MHCA. It assesses the role of buildings and spaces as positive, neutral or negative elements. It identifies 'detractors' as elements of the townscape that are considered to be so significantly out of scale or character with their surroundings that their replacement, with something of a more appropriate scale and massing or detailed architectural treatment, would benefit the character and appearance of the area³.
12. The appeal site lies within 'sub area 2 – Fortis Green'. The CA explains that this area is characterised by residential development interspersed with community and retail uses, much of which was initially developed in a 40 year period between 1896 and 1936⁴. The CA identifies the appeal premises as being a detractor and refers to its mass and poor design as negative features⁵. The CA states that the appeal premises, along with other C20th buildings nearby, detract from the character and appearance of this part of the conservation area.
13. Whilst noting the appellant's submissions, including the submitted Design and Access Statement and the Statement of Case made through this appeal, the extension would be large, tall and bulky. Its scale, combined with its design and detailing, including its extensive use of lead coloured metal cladding, would reflect the architecture and design of the host building, which has been assessed by the CA as a detractor from the character and appearance of this part of the MHCA. It would therefore compound and exacerbate a harmful form of development in this part of the MHCA.
14. The appeal proposal would be particularly imposing when viewed from Spring Lane which, to the north of the existing rear wing of the appeal premises, is predominantly characterised by domestic scale buildings and open spaces. It would also curtail certain public views from Spring Lane towards the attractive locally listed buildings to the west. It would also appear in glimpsed views between buildings from Tetherdown (to the east of the appeal site) and would look oversized and out of place when seen from this location.
15. Given that I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the locality in a Conservation Area under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I must conclude that the appeal proposal would not preserve or enhance the character and appearance of the MHCA and would cause harm to it.
16. Whilst I assess that the resultant effect on the MHCA would comprise 'less than substantial harm' for the purposes of the National Planning Policy Framework (the Framework), it would still be notable and undesirable. This means that, in accordance with paragraph 196 of the Framework, the identified harm must be weighed against the public benefits of the proposal. The Planning Practice Guidance (PPG) advises that public benefits may be anything that delivers economic, social or environmental objectives. In this regard there will clearly

² Paragraph 1.12 of the CA

³ Paragraph 1.13 of the CA

⁴ Paragraph 5.1 of the CA

⁵ Paragraph 5.16 of the CA

be some economic and social benefits through the expansion of the established home and the increased capacity to provide accommodation and care for older people, which the appellant submits is in demand. However, in my assessment these benefits are limited and insufficient to outweigh the environmental harm to the MHCA, particularly given the statutory duty⁶ to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

17. On this main issue, I must conclude that the proposal would fail to preserve or enhance the character and appearance of the MHCA, that it would be harmful to it, and that the limited public benefits arising from the proposal would not outweigh the harm. This means that the appeal proposal would be contrary to policy HC1 of the LP (2021), policy SP12 of the Haringey Local Plan (HLP) (2017), and policy DM9 of the Haringey Development Management Plan Development Plan Document (DPD) (2017) which all seek to protect designated conservation areas from harmful development. It further conflicts with LP policies D3 and D4, HLP policy SP11, and DPD policy DM1, which all require new development to be of a high standard of design which, amongst other matters, respects local character and context.

Living conditions – Nos 8, 9 and 10 Fireman’s Cottages

18. Nos 8, 9 and 10 Fireman’s Cottages comprise a short terrace of 3 houses immediately to the west of the proposed 4 storey extension and on the opposite side of Spring Lane. The houses appear to have accommodation at 3 levels, the upper level being contained within a mansard roof structure. They have short back gardens which terminate in a traditional brick wall, over 2 metres high, which runs along the boundary with Spring Lane. The rear elevations which would face the side (west) elevation of the extension include habitable room windows and 3 small balcony areas at the mansard roof level.
19. I have noted the appellant’s technical assessments of the impact of the proposal in its overshadowing and external daylight studies. However, claimed compliance with Building Research Establishment (BRE) guidelines on these matters does not automatically establish that the development would be acceptable in terms of the outlook for the occupiers on Nos 8, 9 and 10. Context is important and, in this case, these properties already have substantial 4 / 5 storey buildings to the south (the appeal premises and Delphi Court) and very limited private rear garden amenity space, such that there is already a sense of enclosure.
20. The 4 storey extension would be directly opposite the rear elevations and gardens of Nos 8, 9 and 10. It would be notably taller than the houses and, due to the limited separation of just 17 metres⁷, it would be imposing and unneighbourly. The currently open and pleasant easterly outlooks from the gardens of Nos 8, 9 and 10, the habitable windows in their rear elevations, and the upper floor balconies, would all be harmed by the imposition of a large and solid mass of building in unduly close proximity. The harmful effect would be exacerbated by the extensive use of lead coloured metal cladding for its upper and northern elements, which would emphasise its overbearing presence and solidity.

⁶ Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

⁷ Application document - Base Energy Overshadowing Study notated plan on page 4

21. I conclude on this main issue that the proposal would be harmful to the living conditions enjoyed by occupants of Nos 8, 9 and 10 Fireman's Cottages, with particular regard to outlook. This would conflict with LP policies D3 and D4, and with DMD policies DM1 and DMD12, which require a high standard of design which, amongst other matters, respects and protects the amenities of neighbouring uses and occupiers.

Conclusion

22. For the reasons stated above, the appeal is dismissed.

P. Staddon

INSPECTOR