



Appeal Decision

Site Visit made on 30 July 2021

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 August 2021

Appeal Ref: APP/Y5420/W/21/3266871

Land to East of 62 Willoughby Lane, London N17 0SS

- 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 E Horowitz of Elite Builders against the decision of London Borough of Haringey.
 - The application Ref HGY/2020/1293, dated 11 May 2020, was refused by notice dated 14 July 2020.
 - The development proposed is the erection of 2 No one bed dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 20 July 2021, the Government published its revised Framework. It replaces the previous version published in February 2019. The Framework represents the Government's up-to-date planning policies for England and how they should be applied. Neither party has commented on the relevance of the revised Framework to the appeal.
3. Since the original decision The London Plan 2021 has been published by the Mayor of London. The policies contained in The London Plan 2021 replace those of The London Plan 2016 referred to in the Council's original decision and as such those policies are no longer relevant.

Main Issues

4. The main issues are 1) the effect of the proposed development on the character and appearance of the area, 2) the effect of the proposed development on the living conditions of occupiers of 60 Willoughby Lane with particular regard to outlook, and 3) whether the proposed development would provide acceptable living conditions for future occupants with particular regard to outlook and privacy.

Reasons

Character and appearance

5. The appeal site is located to the rear of 62 Willoughby Lane and fronts onto Heybourne Road. It is within a predominantly residential area where there are varying property styles and sizes, including traditional terraced properties on Willoughby Lane and Heybourne Road, and more modern houses on Cartmel Close and flat developments at Woodrow Court.

6. The site currently comprises a detached double garage with flat roof that would be demolished to allow for the proposed development to proceed. Although it would appear the site was historically part of 62 Willoughby Lane it is separated from no. 62.
7. The proposed development comprises two, one-bedroom dwellings. With a view to addressing the previous refusal of planning permission and appeal decision¹ the dwellings incorporate basement levels with the effect that around one and a half storeys are visible from ground level. As demonstrated in the street-elevation, the dwellings would sit between a four-storey block of flats and the three-storey, including two storey outrigger, at 62 Willoughby Lane.
8. Although the appeal site is separate from no. 62, its visual appearance in the street-scene, in terms of the existing detached garage, accords with that of a typical outbuilding sitting to the rear of the more dominant residential units. This pattern is also displayed in the garage block for the adjacent Woodrow Court flats.
9. Although there is an existing detached double garage, it is also pertinent that the proposed development is for the creation of two self-contained dwellings on the appeal site and would represent a marked change in not only the appearance of the site but also the character and nature of the use of the site.
10. Due to their positioning on a tight site to the rear of existing residential properties, the proposed dwellings would depart from the overall character in terms of the make-up of the surrounding area. Although a small strip of land would separate the frontage of the proposed dwellings from the footpath edge, the proximity of the dwellings to the site boundary at the front, side and rear results in a cramped appearance.
11. The abrupt drop in scale results in a marked semblance of a forced and unnatural form of development when taking into account the residential nature of the proposal. It serves to demonstrate how the proposed development would fail to integrate with the surrounding built environment and appear discordant.
12. For these reasons, the proposed development would harm the character and appearance of the area. It would be contrary to Policies SP2 and SP11 of Haringey's Local Plan – Strategic Policies (2013) and Policy DM1 of Haringey's Local Plan – Development Management DPD (2017). Collectively, these policies require that buildings make a positive contribution to the streetscape and are of the highest architectural quality and design which enhances and respects the quality of local places and local character.

Living conditions – neighbouring occupants

13. At the shared boundary with 60 Willoughby Lane, the proposed buildings would run almost the full length of the boundary, save for the proposed amenity space. The development has been designed so that the basement level accommodation would not be visible above the existing boundary treatment and the accommodation on the upper level would be set back into the site and incorporate a mono-pitch roof that slopes away from the shared boundary.
14. Although the proposed dwellings would be visible above the boundary, due to their overall scale and siting, I do not consider that they would have an

¹ APP/Y5420/W/20/3244192

unreasonable impact on the outlook from the adjacent property. In coming to this view, I acknowledge the presence of the existing detached double garage and that the outlook from 60 Willoughby Road is on the whole either obscured by the existing outrigger or in a position where views of the appeal site are limited.

15. For these reasons, I therefore find that the proposed development would not have an unacceptable impact on the outlook from 60 Willoughby Lane. It would comply with Policy SP11 of Haringey's Local Plan – Strategic Policies (2013) and Policy DM1 of Haringey's Local Plan – Development Management DPD (2017) which requires amongst other things that development proposals must ensure a high standard of amenity for neighbours, including an open-aspect.

Living conditions – future occupants

16. The proposed development comprises two one-bedroom units. The bedroom for both units would be contained in the upper floor of the building with each including a large window that would overlook Heybourne Road. The Council consider that these rooms would have unacceptable levels of outlook and privacy due to their proximity to the public footpath.
17. In terms of outlook, this would be onto Heybourne Road and the properties of Cartmel Close. Although it would likely encompass parked vehicles, the windows would sit slightly higher than the footpath level. It would not be dissimilar to many properties in dense urban areas and I do not consider the outlook would be unacceptable.
18. Views into the rooms from the street would be permissible. Such views would typically be glimpsed views by passers-by, rather than any prolonged sense of overlooking. There will inevitably be occasions where occupants may want more privacy, where the use of blinds or curtains would be likely. I do not however consider that this is unreasonable and would be a likely scenario for many rooms in many properties in dense urban areas such as this. Added to the fact that the eye level of passers-by would be around the base of the window, I do not consider that there would be unacceptable levels of privacy.
19. The remainder of the living space is provided in the proposed basement level. For unit 1 this would be a lounge/kitchen/diner and for unit 2 it would be a separate kitchen and living/dining room.
20. In unit 1, there are two high level windows onto the Heybourne Road elevation, a rooflight and an opening onto the amenity space. Given the subterranean nature of this part of the dwelling, the outlook from the windows on the Heybourne Road elevation would be severely restricted. The outlook from the rooflight would encompass the boundary treatment, the proposed building above and sky, whilst the outlook onto the amenity space would be onto retaining walls and the proposed building at a short distance. For these reasons, I find that overall, for what is the principal habitable room in the dwelling would have a poor outlook.
21. In unit 2, the proposed kitchen would be served by one high level window. Due to the siting of the window and the room being below ground level, it would have an unacceptable outlook. The lounge/diner would be served by a rooflight and doors opening onto the amenity space. Similar to unit 1, the rooflight would encompass the boundary treatment, the proposed building above and

sky, whilst the outlook onto the amenity space would be onto retaining walls and the proposed building. Unlike unit 1, the side elevation of the outrigger and the rear of the outrigger to no. 62 would be at a higher level and would dominate the outlook in very close proximity. Taking these factors together, for what is the primary living room in the property, the outlook would be unacceptable.

22. I therefore conclude that the proposed development would not provide acceptable living conditions for future occupants with regard to outlook. It would be contrary to Policies SP2 and SP11 of Haringey's Local Plan – Strategic Policies (2013) and Policies DM1, DM11 and DM12 of Haringey's Local Plan – Development Management DPD (2017). Collectively, these policies require, amongst other things, that housing is of high quality with a high standard of amenity, including providing open aspects.

Other Matters

23. The appeal proposal would represent the provision of two additional dwellings. This is a benefit of significant weight. It is also a benefit of the appeal proposal that the proposed development would represent the redevelopment of an underused site, providing an active frontage and also provide economic benefit through employment during construction. I do not however consider that the combined benefits of the proposed development justify allowing the creation of dwellings that I have found do not provide acceptable living conditions for future occupants.
24. The appellant has referred to the location of the appeal site in the Northumberland Park Growth Area where the Local Development Plan seeks to increase the provision of new housing. As I have outlined above, the provision of housing is a benefit of significant weight. The fact that it is also in an area identified for housing growth strengthens this argument. Nevertheless, such factors do not outweigh the harm I have identified.
25. The appellant has referred to, what they consider to be, similar developments that have been granted planning permission in the local area. I have not been provided with full details of these cases in order to give them any significant weight in the appeal. I have in any event determined the appeal on its own individual planning merits.

Conclusion

26. Although I have found that the proposed development would not cause unacceptable harm to the living conditions of occupiers of 60 Willoughby Lane with regard to outlook, and comprises some benefits of significant weight, these do not outweigh the harm that I have identified would be caused to the character and appearance of the area and that there would not be acceptable living conditions for future occupants.
27. Therefore, for the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR