



Appeal Decision

Site visit made on 29 June 2021

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th September 2021

Appeal Ref: APP/Y5420/W/20/3265932

Rodrill Works, 23A Collingwood Road, Tottenham, London N15 4LD

- 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 James Lavelle against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2020/1943, dated 14 May 2020, was refused by notice dated 21 October 2020.
 - The development proposed is the demolition of an existing warehouse building and its replacement with new residential development comprising of 3 no. apartments and 1 no. dwelling house.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. As well as policies of the London Plan 2016, the Council's decision notice and the appellant's appeal statement referred to the 2019 New London Plan "Intend to Publish" version. This was the emerging replacement for the 2016 plan at the time the application was determined and when this appeal was started. A new London Plan 2021 was published and became part of the development plan on 2 March 2021. I have sought comments from both main parties on the relevant policies of the 2021 London Plan, and in my reasons section below I have referred to policies of the 2021 London Plan where relevant, rather than those of the 2016 version originally referred to.
3. The Government published a revised National Planning Policy Framework ("the Framework") on 20 July 2021, replacing the version published in February 2019. Both main parties were also given the opportunity to comment on the revised Framework, although neither chose to do so. Where I have referred in my decision to specific paragraphs of the Framework, the numbering used is that of the July 2021 version.

Main Issues

4. The main issues are the effect of the proposed development on the character and appearance of the Clyde Circus Conservation Area, and on living conditions for neighbouring residents with particular regard to whether or not the development would be overbearing.

Reasons

Character and appearance

5. This appeal relates to a vacant warehouse and storage site running across the southern end of Collingwood Road, an otherwise residential street. The appeal site comprises a one and a half storey brick unit (with single storey additions on its eastern and southern flanks) built up to the northern, eastern and southern site boundaries. There is a partially covered yard, along with some small single storey outbuildings, at the western end of the site. The proposal is for a residential development, with a three-storey block containing three apartments at the eastern end of the site, along with a two-storey house at the western end.
6. The appeal site lies within the Clyde Circus Conservation Area ("the CCCA"). I therefore have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. As heritage assets are irreplaceable, the Framework states that they should be conserved in a manner appropriate to their significance (paragraph 189). It goes on to advise that any harm or loss requires clear and convincing justification (paragraph 200) and that any harm that is less than substantial must be weighed against the public benefit of the proposal (paragraph 202).
7. The CCCA is a predominantly made up of streets of mid-Victorian villas and later Victorian and Edwardian terraced houses, although it also includes areas of commercial properties with residential accommodation above on Philip Lane, at the northern edge of the area, and West Green Road at its southern edge. The streets surrounding Clyde Circus itself, including Collingwood Road, are characterised by the consistency of design and scale of the terraced housing. From the evidence before me, including the 2009 Clyde Circus Conservation Area Character Appraisal ("the CA Character Appraisal"), and what I saw at the time of my site visit, I consider that the CCCA's significance is principally derived from the traditional character and appearance of the Victorian and Edwardian housing, which illustrate the urbanisation and evolution of this part of London in the 19th and early 20th centuries.
8. The existing building on the site terminates the view along Collingwood Road, and the proposed apartment building would be in a similar position across the end of the street. It would have a pitched roof, with a gable end facing Collingwood Road. While the second floor rooms would be set within the pitched roof, the building's eaves would be at approximately the same height as the main roof ridges of the neighbouring terraces 1-23A Collingwood Road and 14-30 Nelson Road, so it would be a distinctly taller building than its neighbours. The gable elevation would be set close to the street a very short distance inside the site boundary. The combination of the height of the building and its proximity to the street mean that, in my view, it would dominate the Collingwood Road streetscape, in particular the short stretch between the appeal site and the junction with Nelson Road. It would also overwhelm the neighbouring terraced housing, jarring visually with the consistent domestic scale which makes an important contribution to the character of this part of the CCCA.
9. The appellant suggests that "in urban grain terms at least, an independent building at the terminus of each axis is characteristic of the historic pattern of development", and thus that there is a local precedent for permitting a larger

building at the end of a street. My attention was also drawn to a couple of examples nearby to illustrate the point. No 57 Grove Park Road (south east of the appeal site) sits at the head of a small spur of its street but is built on the same scale as its neighbouring terraced houses and, because of both the alignment of Grove Park Road and the presence of a cluster of large mature street trees, No 57 is not a dominant feature of medium and long range views. No 30 Clyde Road, meanwhile, stands opposite – rather than at the head of – Beaconsfield Road, and is set back from the pavement by what is, by the standards of this part of the CCCA, a relatively deep private garden. While No 30 appears larger and grander than the surrounding houses, its setting is such that it does not dominate its neighbours. Neither of these examples therefore appears comparable to the apartment block proposed for the appeal site. Furthermore, apart from the two examples provided, I am not aware any further “statement” buildings situated at the end of streets elsewhere within the CCCA; I do not therefore accept the argument that they are a defining feature of the area.

10. The appellant has also referred to a development at the rear of 89-103 Clyde Road close to the appeal site (now complete, and known as Belz Drive), which although gated is partly visible from the public street. The second floors in that scheme are within the pitched roof space, so the overall scale and form of the buildings is in keeping with the surrounding houses. At the same time, the space provided by the private front courtyard ensures that the dwellings do not dominate the surrounding street. None of the other developments elsewhere within the CCCA to which I was directed provides a precedent for the scale and massing of the proposed apartment block in this appeal.
11. I acknowledge that there are buildings – old and new, and in both residential and commercial use – on Lawrence Road west of the appeal site which are larger in scale and massing, and of a more “industrial” appearance, than the surrounding Victorian and Edwardian houses. However, the CA Character Appraisal explains that Lawrence Road was developed with industrial buildings of a much larger scale than the surrounding housing, and so was not included within the CCCA when it was designated. The scale of the buildings of Lawrence Road does not therefore set an appropriate design precedent for sites within the CCCA, where both scale and massing are consistently relatively small and domestic.
12. The existing buildings on the appeal site are identified in the CA Character Appraisal as detracting from the character and appearance of the CCCA. I have no reason to disagree; I saw on my site visit that the warehouse/storage building forms an unattractive visual barrier across the end of Collingwood Road, and other parts of the site are in a poor condition. However, as I have already described above I consider that the apartment block element of the proposed development would dominate Collingwood Road and overwhelm the more modest neighbouring housing which, while largely unremarkable in itself, is of the consistent scale, design and massing which characterises the CCCA. The proposed apartment block would be at odds with this character.
13. While the Council’s objections to the proposal appear to be mainly concerned with the effects of the proposed apartment block on Collingwood Road itself, I note the comments of interested parties in respect of the south gable of the apartment block. I consider that it would also be a discordant and intrusive feature when seen from the rear gardens of No 55 Grove Park Road and other

dwelling to the south of the appeal site, because of its scale and proximity to the site boundary.

14. While I also note the comments of some interested parties in respect of the south-facing rear wall of the proposed house, in my view a 1.5 storey wall as proposed would not be an alien or dominant feature, subject to the use of appropriate materials. However, a lack of harm in this respect does not outweigh the other harm in respect of character and appearance which I have found.
15. I note that the appellant states that the scheme before me is much-modified from earlier proposals for the site which have been put before the Council (either for pre-application advice or in a non-determined planning application) since 2016. However, while the appellant's commentary outlines the evolution of the scheme, for the reasons I have set out above I consider that the design, scale and massing of the proposed apartment block would be out of keeping with the prevailing character of the surrounding area, and it would consequently dominate the streetscene and its neighbouring buildings.
16. I therefore conclude that the proposed development would not preserve or enhance the character or appearance of the CCCA. Given the relatively small scale of the site and its discreet location within the Conservation Area, I consider that this would amount to, in the Framework's terms, "less than substantial harm" to the significance of the CCCA as a heritage asset, rather than the "substantial harm" suggested by the Council. Nevertheless, the heritage asset would be harmed. There would be social and economic benefits associated with the provision of four new dwellings and bringing a vacant site back into viable use, at a time when the Government is seeking to significantly boost the supply of housing. The proposal would make a small contribution to housing supply in a location where there is good access to a range of services and facilities. These are positive factors in the scheme's favour which attract considerable weight, but they would not outweigh the harm to the heritage asset to which I must attribute great weight. Similarly, while the existing building on the site is in a poor condition and detracts from the quality of the CCCA, the proposed development would itself be at odds with the character and appearance of the area, and any potential benefit in this respect is consequently negated.
17. I therefore conclude that the proposed development conflicts with Policies SP11 and SP12 of the 2017 Haringey Local Plan ("the HLP"), Policies DM1, DM7 and DM9 of the 2017 Haringey Development Management DPD ("the DMDPD"), and Policy HC1 of the 2021 London Plan. Together these policies seek to ensure that development, including on infill sites, enhances and enriches the built environment, relates appropriately and sensitively to the surrounding area and established street scene, and conserves and enhances heritage assets including Conservation Areas. For the same reasons, I conclude that the proposal conflicts with the provisions of the Framework in respect of conserving and enhancing the historic environment, in particular those requirements set out in paragraphs 199, 200, and 202.

Living conditions

18. As I have already described above, the appeal site is in an enclosed urban site, with residential properties adjoining it on all sides. The southern gable of the proposed three storey apartment block would be around 7.5m high to its

eaves, with an apex height of around 9.2m. This would present a much higher built wall to the adjoining rear garden of No 55 Grove Park Road than the existing building on the appeal site. I consider that, because of its height and the very close proximity, the apartment block would be somewhat overbearing when seen from either the nearest rear windows or from within the rear garden of No 55.

19. The proposed house would be lower in height than the apartment block, and further from No 55 Grove Park Road. I am consequently satisfied that this element of the scheme would not be overbearing for occupiers of No 55. The appeal site's location north of No 55 also means that I am satisfied that there would be no significant harmful loss of daylight arising from either the apartment block or the proposed house. In respect of No 23 Collingwood Road, which is to the north of the appeal site, I agree with the Council's analysis that the distance by which the proposed house would be set back from the appeal site boundary means that it would not be overbearing, nor would there be any harmful overshadowing and loss of daylight to the rear garden of No 23. Again though, a lack of harm in these respects does not outweigh the other harm I have found.
20. I conclude that the proposed apartment block would overbearing and as a result would harm living conditions for the occupiers of the neighbouring property at No 55 Grove Park Road. The proposal therefore conflicts with Policies SP0 and SP11 of the HLP, and Policies DM1 and DM7 of the DMDPD, which together require development, including infill schemes, to improve economic, social and environmental conditions, and to create high-quality places with a high standard of living conditions for occupiers and neighbours. For the same reasons, the proposal conflicts with the requirements of paragraph 130 of the Framework, which seeks to ensure that development functions well, adds to the overall quality of the area, and provides a high standard of amenity for existing and future users.

Other Matters

21. The proposed development would result in the loss of a site which has, until 2017, been in employment use. The appellant has indicated to the Council that the changing nature of the area, in particular the relocation of businesses on nearby Lawrence Road and difficulties in respect of car parking and vehicular access to the appeal site, have made the continued use of the site for employment purposes impractical. I note that the Council has accepted these arguments, and its view that as a result of the dilapidated state of the site, its constrained location, the proximity of residential neighbours and its location within a conservation area, the site is not considered viable for redevelopment or reuse for employment activity. Neither the Council nor many of the other interested parties who commented on the proposal consider that the redevelopment of the site for housing is unacceptable as a matter of principle. From all the evidence I have seen I agree, although this does not of course mean that the particular proposal before me is acceptable.
22. The appeal site lies within a Controlled Parking Zone and I note the comments in the Design and Access Statement that the appellants proposed a car-free development, and that existing permits associated with the site could be relinquished or reassigned. Although this matter did not form part of the Council's reasons for refusing the proposal, there is no planning obligation

before me which could secure these commitments. However, as I am dismissing the appeal on other substantive grounds it is not necessary for me to address this matter further on this occasion.

Planning Balance and Conclusion

23. Section 38(6) of the Planning & Compulsory Purchase Act 1990 and the Framework state that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Framework is a material consideration.
24. The Housing Delivery Test results published on 19 January 2021 show that the Council met approximately only 60% of its housing delivery requirements over the past 3 years, representing a significant shortfall. In these circumstances, paragraph 11(d) of the Framework indicates that the policies which are most important for determining the application are out of date, and planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.
25. In this case, the harm which I have found to the Conservation Area provides a clear reason for refusing the proposal, and the presumption in favour of granting permission does not apply. The proposal conflicts with the provisions of the development plan in respect of the character and appearance of the CCCA, and in respect of neighbours' living conditions as I have already described.
26. The other material considerations identified in this case, including the Framework, do not justify a decision other than in accordance with the adopted development plan. For the reasons given above, the appeal is therefore dismissed.

M Cryan

Inspector