



Appeal Decisions

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: 21 October 2021

Appeal A Ref: APP/Y5420/W/21/3266860

Whitehall Lodge, Pages Lane, Hornsey, London N10 1NY

- 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 Swanlane Estates Limited against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2020/0665, dated 17 February 2020, was refused by notice dated 22 July 2020.
 - The development proposed is the erection of a single storey roof extension (with lift overrun above) to provide 6no. 1-bed self-contained residential units including installation of new lift serving the whole building.
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Appeal B Ref: APP/Y5420/W/21/3266863

Whitehall Lodge, Pages Lane, Hornsey, London N10 1NY

- 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 Swanlane Estates Limited against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2020/2588, dated 12 October 2020, was refused by notice dated 8 December 2020.
 - The development proposed is the erection of a single storey roof extension to provide 4no. 1-bed self-contained residential units.
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Decision

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Procedural Matters

3. There are two appeals on this site, as set out in the banner heading above. Both relate to proposals for an upwards extension of Whitehall Lodge to provide additional residential units, although the scale of the schemes differs. While I have considered each proposal on its own merits, in order to avoid duplication I have dealt with the two schemes together except where otherwise indicated.
4. The description of development used in the banner heading in respect of Appeal B is taken from the appeal form rather than the original planning

application form, where the proposal was described as “extension of existing sixth storey to provide four new flats”. The amended description was agreed between the Council and appellant on the basis that it provided a clearer description of the proposal, and I have used it here for the same reason.

5. The Council’s decision notices referred to policies of the London Plan 2016. These were superseded by the policies of the London Plan 2021, which was published and became part of the development plan on 2 March 2021. I sought comments from both parties on the implications of the 2021 London Plan for this appeal. Where relevant in my reasons section below I have referred to 2021 policies rather than those of the 2016 plan originally referred to in the decision notices.
6. 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

7. The main issue in both appeals is the effect of the proposed extensions on the character and appearance of Whitehall Lodge, a non-designated heritage asset, and on the Muswell Hill Conservation Area.
8. In respect of Appeal A only, a further main issue is the effect of the proposed additional car parking on living conditions for occupiers of Whitehall Lodge, with particular regard to noise disturbance.

Reasons

Character and appearance

The Conservation Area

9. Whitehall Lodge is within the Muswell Hill Conservation Area (“the MHCA”). 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).
10. The MHCA is well-preserved example of a primarily Edwardian suburb of considerable consistency and quality, developed around a once-rural village set on high ground on one of the main routes into and out of London. The sub-area of the MHCA around the appeal site is described in the 2008 MHCA Character Appraisal as consisting predominantly of large 19th Century buildings set well back from road frontages within spacious landscaped grounds containing mature trees and vegetation. From the evidence before me and what I saw on my site visit, the significance of the MHCA is derived principally from the quality of its built environment, the prevailing consistency of its character, and the way in which it serves to clearly illustrates the rapid growth of this part of London from the late 19th century through the earlier part of the 20th century.

The appeal property

11. Whitehall Lodge is a purpose-built apartment block which dates from the late 1930s. While the appellant's heritage statement was unable to identify the building's architect, other evidence before me indicates that it was designed by Henry W. Binns of Binns and Scarlett, with further input by Cyril B. Smith. Both the Council and the appellant have described it as being of the "International Modern" style. However, from evidence put forward by other interested parties it seems to me that it might be better described as "Streamline Moderne", an Art Deco style characterised by, among other things, the use of curved forms, strong horizontal elements and sweeping lines, and which is relatively unusual in domestic architecture in Britain. It has also been put to me that Whitehall Lodge is a relatively rare example of a reinforced concrete apartment building of its time, with perhaps as few as 11 such buildings constructed in Britain in the interwar period; as such I consider that the assessment of the historical value of the building as "low" in the appellant's heritage statement carries a degree of understatement.
12. The building has six principal floors, each accommodating six two-bedroom flats accessed from a shared landing, and is built to a symmetrical T-shaped plan with the main elevation on the north facing Pages Lane. The covered entrance way with full-height Crittall-style windows to the landings above sits at the centre of this elevation. The central column window rises to a decorative stucco panel at roof level which breaks through the parapet; the porch, vertical glazing and panel together form the main focal point of the front elevation. A much smaller seventh storey (described as a "penthouse" or more simply an "enclosure") which houses lift and staircase overruns, water tanks, and a small area of storage space sits above the central entrance way. Although the appellant states that this rooftop level is not original, photographs from the building's 1937 sales brochure suggest that it is in fact an original feature of the building. Its simple appearance provides a modest and subtle cap to the central part of the main elevation below.
13. Moving outwards from the main entrance, sections of the front façade progressively step forward – first a curved one, then a straight one – until the elevation is competed by projecting curved towers which present a strong, simple and attractive feature at either end. The height of the roof parapet also steps down slightly from one section to the next moving away from the centre, and this subtly emphasises the changing form of the building. The unornamented planar and curved elevations emphasise the building's proportions, with the regular groupings of windows conveying a sense of rhythm. The white render finish highlights the clean lines of the building as a whole, and it reads as a simple composition of considerable unity and coherence.
14. Whitehall Lodge sits in a generous plot with a deep semi-circular front driveway enclosing a grassed front garden, with car parking spaces at the front of the building and a block of garages at the rear south east corner of the site. I saw on my site visit that the building is a particularly prominent feature of the local area in close-up views from Pages Lane next to the site, from where the space afforded by the front garden allows the composition and order of the front elevation as a whole to be appreciated. The upper parts of the building are also seen in longer views between mature trees and other rooftops from further along Pages Lane to the west, and from parts of Creighton Avenue to the

north, from which viewpoints the rhythm of the front façade and the profile of the roofline add considerable visual interest and quality to the surrounding area.

15. Whitehall Lodge does not conform with the prevailing architectural styles either along and around Pages Lane or within the wider MHCA. However it is a distinctive building which in its own right makes a positive contribution to the streetscape of the MHCA, and is identified as such in the MHCA Character Appraisal. Photographs submitted as evidence show that the external appearance of Whitehall Lodge, and indeed the communal areas within the building, have changed very little since it was completed. It has been on the Council's register of local listed buildings of merit since 1976, and the appellants acknowledge that Whitehall Lodge is a non-designated heritage asset ("NDHA").
16. To summarise the preceding paragraphs I consider that the significance of Whitehall Lodge as an NDHA is principally derived from the overall quality of its design, its historic value as an authentic and well-preserved example of its architectural style, and the contribution it makes to the quality and variety of the MHCA. While the appellants have pointed out that Historic England declined in 2020 to give the building a statutory listing, this does not undermine its significance locally or the fine contribution it makes to the character and appearance of the surrounding area.

Proposal and effects – Appeal A

17. A new seventh level of six residential units would be built above the existing T-shaped roof, although it would not quite occupy the full area as it would be set some way back from the front and side elevations. The corners at either end of the main frontage, linking to the side elevations, would be curved.
18. The appellant considers that the curved corners on the front elevation would echo the existing curved towers below. However, in my view they would alter the roofline in a way which would remove the emphasis it currently places on the existing towers as key features of the front elevation. Rather than complementing the existing building, the proposed form of the roof extension would undermine and diminish the legibility of the towers, and indeed the frontage as a whole, particularly when seen from street level in front of the appeal site. This effect would be exacerbated by the loss of the gentle stepping down of the existing parapet and by the installation of glazed screens on the reprofiled parapet to accommodate private terraces.
19. While the full height curved windows proposed for the corners of the front elevation would be of the same Crittall style as elsewhere in the building, they would be of a large size not otherwise found within the flats of Whitehall Lodge; in medium and longer views particularly their appearance would be at odds with the detailing of the original building below. The additional built mass of the extension would also create a cluttered and top-heavy look which would draw the eye from the original building, detracting from its present sculpted appearance and its considerable rhythm and unity.
20. The part of the extension above the "stem" of the T at the rear of the building would also have rounded corners, in contrast to original squared corners below. As at the front, the space at rooftop level which would not be built upon would be used to provide balcony space for the rear flats. The rounded corners

proposed for this part of the extension would bear little visual relationship to the original building, and although their location towards the rear of the site means that they would not be prominent in public views, they would nevertheless add to the visual incongruity of the proposed development.

21. The existing rooftop enclosure at level seven would be altered and subsumed within the larger extension. While its role capping the vertical glazing at the front would remain, the visual significance of this feature and the contribution it makes to the building as whole would be diminished, as it would be overwhelmed by the bulk of the surrounding extension.
22. An additional eighth level would be built to accommodate an extended lift overrun and the secondary staircase access to the rooftop, as well as relocated water tanks serving the whole building. It would be shallower and set further back from the frontage than the existing rooftop enclosure. However, it would also be wider than the existing enclosure, and would lack either the fenestration or subtle detailing such as the stucco panel at parapet level which, on the current structure contribute to the composition of the building as a whole. Instead, particularly when seen in longer views, the new enclosure would be a simple and boxy addition (albeit with curved corners) which would add to the sense of the redeveloped building being top heavy and cumbersome.

Proposal and effects – Appeal B

23. A single storey extension would be built at the main rooftop level to provide four new residential units. This would be set back from the front and side elevations of the existing building. It would incorporate and adapt the existing rooftop enclosure at level seven, which it would be set slightly behind. There would be one apartment on each side of the main frontage, and two above the “stem” of the T at the rear of the building. The front part of the extension would have curved corners to the side elevation; the part at the rear would have squared corners. Each flat would have an external terrace on part of the existing roof space.
24. The setting back of the flats behind the parapet on the main frontage would limit the visual impact of the extension in very close views. Even so, the extension would be seen alongside the existing rooftop enclosure from street level on Pages Lane in front of the appeal site. In these short-range views the role the existing enclosure plays in capping the central glazed bay and emphasising it as the focal point of the front elevation would be diminished by the presence and mass of the adjoining extensions.
25. In medium and longer views from Pages Lane and Creighton Avenue more of the extension would become visible, and it would read as a substantial addition to the existing building. Again, the key contribution the existing roof projection makes to the appearance of the front elevation as a unified composition would be diminished by the extension wings on either side. In these longer views, the proposed extension would also give the building a top-heavy and cumbersome look at odds with the original sleek appearance it still retains.
26. In certain longer views, notably from Pages Lane to the north west where the land rises, the modified roofline would also draw attention away from the existing curved towers, and this would undermine their role as principal features of the existing building. Furthermore, the full height curved Crittall-style windows on the front corners would become more apparent in longer

views; as they would be larger than and not aligned with the original windows below this would also jar visually with the appearance of the existing building. I note here that the distance by which the extension would be set behind the front parapet means that both of these effects would be less marked than would be the case with the Appeal A proposal. Nevertheless, I consider that the proposed extension in Appeal B would detract from the harmonious and authentic appearance of the front elevation of Whitehall Lodge.

Findings in respect of character and appearance – both appeals

27. Both proposed extensions would be relatively plain and unadorned additions, finished in white render to match the existing building. In these respects they would broadly respect the character and appearance of the original building. However, as I have set out above I consider that the massing, siting and detailed design of both schemes means that they would detract from the quality of design and integrity of appearance which Whitehall Lodge displays. That certain elements of both proposals are acceptable would not mitigate the other harm to the building's character and appearance which I have found.
28. I conclude that both proposals would have a significant harmful effect on the character and appearance of Whitehall Lodge. Because of the smaller overall size of the four unit proposal, along with the greater distance by which the extension would be set behind the front elevation of Whitehall Lodge, and the fact that it would not add an eighth level to the building, the harm caused by the proposal in Appeal B would be slightly less than that in Appeal A. Nevertheless, the effect in both cases would be significant, and both proposals would diminish the quality, authenticity and integrity of Whitehall Lodge from which it partly derives its significance as an NDHA.
29. The harm which I have found would be caused to the character and appearance of Whitehall Lodge would undermine the valuable contribution it makes to the quality and variety of the MHCA. The quality of the built environment is one of the characteristics from which the MHCA derives its significance, and I also therefore conclude for both appeals that the character and appearance of the MHCA would not be preserved. Given the size of the MHCA and the location of the appeal site towards the edge of the Conservation Area I consider that in the Framework's terms the harm to the significance of the Conservation Area as a designated heritage asset would be less than substantial.
30. Both proposals would deliver new residential units which would make a small contribution to providing increased housing supply and choice in the area. The appeal site is in an accessible location, with shops and other services available nearby in the centre of Muswell Hill, and future occupiers of the proposed dwellings would be likely to contribute to supporting the local economy in the longer term. There would also be additional shorter term support for the economy through the provision of jobs and the use of local suppliers and contractors during the construction period. These are positive factors in favour of the proposals and, given the small number of additional dwellings which would be provided, I consider that for both appeals these benefits attract modest weight. However, they would not outweigh the harm to the Conservation Area, to which I must attribute great weight.
31. I therefore conclude that both proposals would conflict with Policies SP11 and SP12 of the 2017 Haringey Local Plan ("the HLP"), Policies DM1 and DM9 of the 2017 Haringey Development Management DPD ("the DMPDP"), and Policies D4

and HC1 of the 2021 London Plan. Together these policies seek to ensure that development proposals are well-designed and relate positively to existing character; that they conserve and enhance the significance of heritage assets, including Conservation Areas and NDHAs such as locally listed buildings, and their setting; and that local distinctiveness is sustained and enhanced. For the same reasons, both proposals also conflict with the requirements of the Framework which seek to conserve and enhance the historic environment, as set out in paragraphs 189, 199, 200 and 202 in respect of designated heritage assets, and in paragraph 203 in respect of NDHAs.

Living conditions – Appeal A only

32. The proposal in Appeal A includes the provision of an area of 5 additional car parking spaces. These would be situated at the rear of Whitehall Lodge, next to the existing garage block at the south east corner of the site, and between the southern site boundary and the rear wing of the building. The parking spaces would replace an area of lawn.
33. The Council suggests that there would be a minimum distance of around 7m between the closest parking bay to Whitehall Lodge and the nearest window. However, several interested parties commented that the submitted drawings were inaccurate in this respect, and that there would not be sufficient room to accommodate the bays as proposed. While I did not attempt to take measurements at the time of my site visit, my observations on site suggested that there would not in fact be sufficient space for the proposed spaces and to allow vehicles to manoeuvre safely between Whitehall Lodge itself, the site boundary and the existing garage block. Consequently, if the Appeal A proposal had been acceptable in all other respects it would have been necessary to impose a condition requiring further details of this element of the scheme to be resubmitted for approval.
34. However, even if I am wrong and the 7m separation which the Council suggested based on the submitted plans is correct, the consequence of the proposed layout would be that any vehicle manoeuvring in or of the parking spaces would be doing so very close to the windows and small outside amenity areas (the patios of ground floor flats, and the balconies of the flats above) in the rear wing of Whitehall Lodge. This would be likely to cause a considerable amount of noise disturbance, which would be detrimental to the quality of life of occupiers of the nearest flats.
35. The appellant pointed out that there is already parking on the Whitehall Lodge site, and of course this is so, though at the time of my site visit it was contained in designated spaces off the driveway at the front of the building. I did not see any parking which was either as close to the building's windows, or which would be likely to require drivers to make multi-point turns close to windows, as would be the case with these proposed additional spaces.
36. The appellant's suggestion that any movements of vehicles whose drivers were seeking to use the additional parking spaces "would be likely [to] be irregular" and that "any noise caused by a car would therefore be minimal and transient" is speculative. It seems equally likely to me that drivers might seek to park at the rear of the building, find the spaces occupied, and then have to turn and drive away again, causing additional movements and additional noise disturbance close to dwellings.

37. I conclude that the proposed parking arrangements would, primarily because of the increased noise caused by vehicles being manoeuvred, be harmful to living conditions for the occupiers of flats in the lower floors at the rear of Whitehall Lodge. The proposal therefore conflicts with Policy DM1 of the DMDPD which seeks to ensure that development provides a high standard of amenity for the nearby residents, including in respect of noise disturbance. I also conclude that the proposal conflicts with the requirements of paragraph 130 of the Framework, which seek to create places with a high standard of amenity for existing and future users.
38. The Council's decision notice indicated conflict with Policy SP14 of the HLP, but while this seeks to improve health and well-being within the borough it does not, on the face of it, address matters of living conditions or amenity. I therefore find no conflict with that policy. The decision notice also indicated conflict with Policy 7.6 of the 2016 London Plan, but this has now been superseded and I was not provided with any relevant policies of the 2021 London Plan in respect of this issue.

Other Matters

39. I note the appellant made a pre-application submission in respect of the Appeal A proposal, to which the Council responded. The appellant has indicated that the Council's response shaped both modifications to that proposal in Appeal A, and the emergence of the scheme in Appeal B. However, I have considered the appeals based on their planning merits alone, and while I note the comment which the Council made in respect of being able to support a single-storey roof extension in certain circumstances, for the reasons I have already set out I have found that both proposals before me would cause harm.
40. Interested parties raised a large number of concerns about both appeal proposals, including matters relating to the accuracy of submitted drawings and the consequent deliverability of the schemes. These go beyond the location of parking spaces which I have addressed above in respect of living conditions. However, as I am dismissing both appeals for other substantive reasons it has not been necessary for me to consider these other concerns in any detail.

Planning Balance and Conclusion

41. 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.
42. The 2021 Housing Delivery Test results show that the Council's delivery of housing over the last 3 three years was substantially below its target. 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.
43. In this case, the harm which I have found to the Conservation Area provides a clear reason for refusing both proposals, and the presumption in favour of granting permission does not apply. The proposals in both appeals conflict with the provisions of the development plan in respect of their effects on the

character and appearance of the MHCA and on Whitehall Lodge as an NDHA, as I have already described. In addition, in Appeal A there would be further conflict with the development plan arising from harm to neighbours' living conditions.

44. The other material considerations identified in these appeals, including the Framework, do not justify making decisions other than in accordance with the adopted development plan. For the reasons given above, both appeals are therefore dismissed.

M Cryan

Inspector