



Appeal Decision

Site visit made on 31 August 2021

by C J Ford BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 October 2021

Appeal Ref: APP/Y5420/W/21/3276365

41 Langdon Park Road, Highgate, London N6 5PT

- 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 Mrs Georgiou against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2021/0694, dated 15 February 2021, was refused by notice dated 22 April 2021.
 - The development proposed is described as 'Demolition of existing single storey garage and construction of part single storey and part two storey single family dwelling house to provide accommodation for family member'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address on the planning application form included a property name which was given as 'Existing Garage at land to the rear of No 41 Langdon Park Road'. However, the red line on the site location plan includes land which extends beyond the garage. Consequently, for greater accuracy, the address in the banner heading above omits the given property name.
3. A revised version of the National Planning Policy Framework (the Framework) was published in July 2021 and the main parties were given the opportunity to submit comments. The 2021 version of the Framework is referred to in the decision.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the host property, and the Highgate Conservation Area;
 - whether there would be acceptable living conditions for the future occupants of the proposed development with regard to the provision of internal space; and
 - whether there would be acceptable living conditions for the occupants of the host property with regard to outlook.

Reasons

Character and appearance

5. As the site is located within the Highgate Conservation Area (CA), a designated heritage asset, there is a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. The significance of the CA primarily derives from the historic pattern of development and the quality of the buildings found therein. The area encompassing the appeal site largely comprises terraces which have fairly deep rear gardens. This pattern of development, particularly the balance between the built form of the terraces and the openness of the garden areas, is an important part of the character and appearance of the locality.
6. The appeal property stands alongside the junction of Wembury Road with Langdon Park Road and the dwelling has a symmetrical appearance with No 39 Langdon Park Road which is located on the opposite side of the junction. There is also a strong degree of symmetry in respect of the extent and depth of the two rear gardens. While No 41 has a single storey garage located at the far end of the garden, and this is identified as having a negative impact on the area in the Highgate CA Character Appraisal, owing to its modest footprint and scale, it has a moderate adverse impact on the openness of No 41's rear garden and the symmetry with No 39.
7. In the proposed scheme, the existing garage would be replaced by a dwelling with a footprint that would encroach further into and occupy a significant proportion of No 41's existing rear garden. There would also be a sizeable degree of additional bulk projecting above the Wembury Road boundary wall. Notwithstanding its set back, the proposed new trees and the visual permeability of the south east corner of the first floor, the additional bulk would be prominent in public views. The development would therefore have a significant adverse impact on the openness of No 41's existing rear garden, the symmetry with No 39, and the distinctive pattern of development in the locality.
8. The scheme would replace with red facing brickwork the rendered boundary wall on Wembury Road which is similarly identified as having a negative impact in the Character Appraisal. The existing white painted part of the flank wall of No 41 would also be painted in a colour to match the brickwork. Nevertheless, the significant adverse impacts of the proposed dwelling are such that, overall, the scheme would have an unacceptably harmful effect on the character and appearance of the host property, and it would fail to preserve or enhance the character or appearance of the CA.
9. Given the limited scale of the proposed development in the context of the CA as a whole, the arising harm to the significance of the CA would be less than substantial. The Framework sets out that where a proposed development would lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal. It also sets out that great weight should be given to the conservation of designated heritage assets, irrespective of whether any potential harm is less than substantial.

10. The public benefits of the proposed scheme include the provision of a dwelling in a sustainable location. There would also be economic benefits associated with the construction works and subsequent occupation of the dwelling, including spending at shops and services in the area. Nevertheless, given the small scale of the proposal, it would only make a limited contribution to the housing supply and the local economy. Any potential net biodiversity gain from the new trees, soft landscaping and green roofs would likely be limited given the reduction in the size of the existing garden area at No 41 and the proposed removal of a lime tree on the boundary with No 43. Accordingly, the public benefits only attract moderate weight.
11. With the above in mind, and having regard to the great weight that should be given to the conservation of designated heritage assets, the public benefits would not outweigh the harm to the CA. Consequently, the proposed development would conflict with Policy SP11 of the 2013 adopted (with alterations 2017) Haringey Local Plan Strategic Policies 2013-2026 (SP), Policies DM1, DM7 and DM9 of the Council's 2017 adopted Development Management DPD (DPD), and Policies D3 and D4 of the 2021 version of The London Plan (LP). Amongst other things, these policies seek to ensure development is of the highest standard of design, and that it respects the local context, character and the significance of heritage assets.

Internal space

12. The appellant states the proposed dwelling would be a 3 bedroom, 5 person, two storey house with a gross internal floor area (GIA) of 96.24 sqm, and as such it would exceed the minimum GIA of 93 sqm specified in the LP and the Nationally Described Space Standard (NDSS). Conversely, the Council take the view the proposed dwelling would partly be three storey and it would therefore fail to meet the minimum specified GIA of 99 sqm.
13. Although the dwelling would not have the vertical height of a standard three storey dwelling, the submitted plans show the house would have a lower ground floor, middle ground floor and first floor. Furthermore, the NDSS notes the minimum GIAs are organised by storey height to take account of the extra circulation space needed for stairs to upper floors. In light of the three proposed levels and as the stairs would take up more space than would normally be accounted for in a two storey dwelling, with the additional space not simply derived from the number of risers but the landing area as well, the scheme should be assessed against the minimum GIA for a three storey dwelling. In this context, the proposal would fail to meet the minimum 99 sqm GIA specified by the LP and the NDSS. While specific rooms in the dwelling would exceed other minimum space standards set out in the LP, there is a requirement to meet all the respective space standards.
14. In light of the above, there would not be acceptable living conditions for the future occupants of the proposed development with regard to the provision of internal space. As such, it would conflict with Policy SP2 of the SP, Policies DM1, DM7 and DM12 of the DPD, and Policies D4 and D6 of the LP. Amongst other things, these policies expect development to achieve a high standard of amenity for the development's users, and to meet or exceed the minimum internal space standards of the LP.

Outlook

15. The Council's reason for refusal refers to the encroachment into the outdoor amenity space at No 41 and the harm to residential amenity of the current and future occupants of the host property. While the appellant has inferred that the Council's concern relates to the level of retained garden space at No 41, the Council has not provided any evidence in this respect. Instead, the section of the officer report which considers the impact on neighbouring amenity expresses concern about the resulting effect on the outlook from No 41.
16. In this regard, there would be a 2.9m high wall which would be a little under 10m away from the main rear elevation of No 41. However, taking into account the steps which lead to the upper part of the retained rear garden, the top of the wall would be around 3.6m high when viewed from the ground floor of No 41. Likewise, the top of the first floor of the new dwelling would be around 6.9m high and a little over 12m away. Given the height and close proximity of the proposed new dwelling, as well as the dark appearance of the grey zinc cladding to a large proportion of the first floor, current and future occupants of No 41 would experience an oppressive poor quality outlook.
17. In light of the above, there would not be acceptable living conditions for the occupants of the host property with regard to outlook. As such, it would conflict with Policy SP2 of the SP, Policies DM1, DM7 and DM12 of the DPD, and Policy D4 of the LP. Amongst other things, these policies expect development to achieve a high standard of design and to safeguard a high standard of amenity for neighbours.

Other Matters

18. While the appellant has drawn attention to several other permitted schemes in the borough, insufficient information has been provided to determine whether they are directly comparable. The appeal proposal has been considered on its own merits and with regard to its particular location and circumstances.

Planning Balance

19. As previously noted, the proposed development would provide a dwelling in a sustainable location and there would be associated economic benefits and potentially a limited net biodiversity gain. Nevertheless, given the small scale of the proposal, these benefits only attract moderate weight. The appellant has also put forward suggested extenuating personal circumstances, specifically the needs of a son and his family that the new dwelling would provide for. However, granting planning permission for a permanent dwelling on the grounds of personal circumstances will rarely be justified as the development will outlast the personal circumstances used to justify it. Consequently, the personal circumstances may only be afforded limited weight.
20. Taken cumulatively, the benefits of the proposed development are insufficient to outweigh the harm to the character and appearance of the host property and the CA, as well as the unacceptable living conditions for future occupants and the occupants of No 41.
21. The Council acknowledges that its delivery of housing over the last three years is substantially below its housing target which means that paragraph 11 d) of the Framework must be applied. This sets out that planning permission should be granted, subject to two tests. The first test is whether the application of

policies in the Framework which protect areas or assets of particular importance provides a clear reason for refusing the development.

22. Designated heritage assets are one of the defined protected assets and given the harm to the character and appearance of the CA in this case, the policies in the Framework which seek to protect designated heritage assets provide a clear reason for refusing the development. The presumption in favour of sustainable development therefore does not apply.

Conclusion

23. The proposal would conflict with the development plan as a whole and there are no material considerations, including relevant parts of the Framework, which indicate that the decision should be made otherwise than in accordance with it. The appeal is therefore dismissed.

C J Ford

INSPECTOR