



Appeal Decision

Site Visit made on 9 November 2021

by J Hunter BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 December 2021

Appeal Ref: APP/Y5420/W/21/3270436

Belgrave Mansions, 7 Willoughby Road, London N8 0HR

- 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 Shtroh against the decision of London Borough of Haringey.
 - The application Ref HGY/2021/0003, dated 11 November 2020, was refused by notice dated 22 February 2021.
 - The development proposed is described as erection of a two-storey rear extension and creation of a new dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The London Plan 2021 was adopted in March 2021 and its policies therefore replace those that are referred to in the Council's decision notice. The main parties have had the opportunity to comment on the policies contained within the replacement plan and consequently I am satisfied that no party has been prejudiced. I shall therefore assess the proposal against the newly adopted policies.

Main Issues

3. The main issues are i) the effect of the proposal on the character and appearance of the area and ii) the effect of the proposal on the living conditions of future residents with particular regard to amenity space.

Reasons

Character and appearance

4. The appeal property is a substantial two storey property divided into several flats. The property is located on the corner of Willoughby and Lausanne Roads and is in a predominantly residential area.
5. The floor plan and format of the roof indicates that the building was originally a detached villa, set back from the roadside. There is a large modern addition at its western end that projects forward of the original building, falling in line with an adjacent terrace of four Victorian houses. This addition extends almost the entire depth of the site, beyond the rear wall of the original building.

6. The proposal would see the development of an additional one bedroomed unit on the rear corner of the building, at its eastern end. The new unit would be two-storeys in height with its principal elevation falling in line with the eastern gable of the host building and the established building line along Lausanne Road.
7. Whilst the ridge height of the proposed extension would sit lower than that of the main roof, the eaves would sit at the same level and principal elevation of the new dwelling would fall inline with the eastern elevation of the main dwelling. Furthermore, the scale and detailing of the extension, including the bulky ground floor bay window would fail to appear subservient, thus obscuring the legibility of the main building and the elevational hierarchy. In addition, the new 'L' shaped roof arrangement would exacerbate the already complex roof structure, further diminishing the character and appearance of the host building
8. Overall, I consider that by virtue of its scale, bulk and detailing the proposal would result in a development that would cause harm to the character and appearance of the host building or the surrounding area. In this regard it would fail to accord with Policy D3 of the London Plan 2021 (LP), Policy SP11 of the Haringey Local Plan 2017 (HLP) and Policy DM1 of the Haringey Development Management DPD 2017 (DPD). These policies seek to, amongst other things, promote good design that should relate positively to the locality.

Living conditions

9. LP Policy D6 of the LP, SP2 of the HLP and DPD policies DM2 and DM12 include a number of requirements relating to design, quality and spatial standards for new development including amenity space and internal space standards.
10. D6 (9) requires that all development provides private outdoor space that offers good amenity and is practical in terms of shape and utility. For a 2-person, 1 bedroom dwelling Policy D6 stipulates that private external amenity space should be a minimum of 5sqm. Based upon the information I have before me the proposal does not make provision for any private external amenity space.
11. I acknowledge the appellant's submission that the appeal property is located in very close proximity to a large public park however, I consider that residents should still be afforded sufficient private amenity space to fulfil everyday needs such as sitting out and drying washing etc and this would not be permissible under the current proposal. In other words, private and public amenity space are not entirely comparable in terms of how they are used.
12. The proposal would result in the internal reconfiguration of Flat 2, the resulting accommodation comprising a single living space measuring around 30sqm with a shower room positioned in the rear corner. A small lobby with a storage cupboard would lead out into a shared vestibule.
13. The submitted drawings indicate that Flat 2 would have a floor space of 37sqm including 2sqm of storage space. However, the Council submit that it would measure 35sqm which would fall below the minimum standards set out with LP Policy D6.
14. Even if I were to accept the appellant's calculation of floorspace which would meet the minimum standard, I note Policy D6 requires that the space provided is of a high quality design with adequately sized, functional rooms that are fit

for purpose. I consider that the size and shape of the single living space proposed in Flat 2 would not be sufficient to accommodate a kitchen, living area, sleeping area and other associated paraphernalia that would made the space a comfortable place to live. This is largely due to the reduced areas of useable floorspace that are created by the bay window and the surplus space adjacent to the shower room.

15. For the collective reasons outlined above, I conclude that that the development would not be acceptable in living conditions terms. As a consequence, it would fail to accord with the design and amenity requirements of LP Policy D6 of the LP, SP2 of the HLP and DPD policies DM2 and DM12 as set out above.

Planning Balance and Conclusion

16. The Council states that it is unable to demonstrate a five-year supply of deliverable housing sites. In accordance with footnote 7 of paragraph 11d of the Framework, the lack of a five-year supply of deliverable housing sites renders the policies which are most important for determining the proposal to be out-of-date. This would indicate that planning permission ought to be granted unless the application of policies within the Framework that protect areas or assets of particular importance provides a clear reason for refusing the proposal or any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. In this case, the proposal does not relate to an asset or area of particular importance and therefore policies which afford protection to such assets and areas do not apply. It is therefore necessary for me to balance the benefits of the proposal against any adverse impacts and in light of the 'tilted balance' set out in paragraph 11d) ii of the Framework.
17. In the context of the development plan, I have found that the proposed development would be harmful to the character and appearance of the area and would not provide acceptable living standards to existing and proposed occupants. These policies are generally consistent with the design and amenity aims of the Framework.
18. Turning to the benefits of the proposed development, it would provide one additional dwelling with some economic and social benefits derived from its construction and occupation. I also recognise that the site is located within an existing residential area with good access to local services and facilities. These benefits are tempered by the limited amount of development that is proposed, albeit that the proposal would boost the supply of housing in the area. The aforementioned benefits are positive matters to weigh in the overall planning balance.
19. On balance, I conclude that the identified adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. Therefore, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

J Hunter

INSPECTOR

