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## Appeal Decision

Site visit made on 16 November 2021

**by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 20<sup>th</sup> December 2021**

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**Appeal Ref: APP/Y5420/W/21/3270403**  
**451 High Road, Tottenham N17 6QH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Satar against the Council of the London Borough of Haringey.
  - The application Ref HGY/2020/3225, is dated 11 December 2020.
  - The development proposed is the demolition of an existing building and the erection of a new building part 5 part 2 storeys high with E unit at ground floor and 5 No. Flats to the upper storeys.
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### Decision

1. The appeal is dismissed and planning permission is refused.

### Procedural Matters

2. The appeal is against the non-determination of a planning application by the Council. Had it been in a position to do so, the Council would have refused the planning application. Based on their putative reasons for refusal, the main issues are listed below, having regard to development plan policy and material considerations. Following a request for clarity, the Council has confirmed that the appeal site lies within the Bruce Grove Conservation Area. On the basis of the evidence within the appeal statements, the Council's objections on settings have been taken to refer to local listed buildings and not nationally listed buildings.

### Main Issues

3. The main issues are (a) whether the proposal would preserve or enhance the character or appearance of the Bruce Grove Conservation Area, having regard to the settings of locally listed buildings, and (b) the effect of the proposal on the living conditions of the occupiers of neighbouring flats at King's Parade, having regard to outlook and light.

### Reasons

#### *Character and appearance*

4. The appeal site comprises a low-level building which lies at the end of a five storey terrace, known as King's Parade, at the corner of High Road and Forster Road. To the rear, alongside Forster Road, it increases in scale from single to two storey. King's Parade comprises ground floor shops with flats above and Foster Road is a residential Victorian street comprising two storey terraced

dwelling. High Road comprises a series of Conservation Areas and the appeal site and its immediate surroundings lies within the Bruce Grove Conservation Area. On the opposite side of Forster Road, there is a locally listed building, St Mark's Methodist Church.

5. Policy D3 of the London Plan (LP) 2021 requires development proposals to respond to the existing place character by identifying the special and valued features and characteristics that are unique to the locality. Proposals should also respect, enhance and utilise the heritage assets and architectural features that contribute towards local character. Policy DM9 of the Council's Development Management Development Plan Document (DPD) 2013 states proposals for sensitive redevelopment of sites and buildings will be supported where these detract from the character and appearance of a Conservation Area but provided that they are compatible and/or complement the special characteristics and significance of the area.
6. The Bruce Grove Conservation Area is strongly aligned alongside High Road that historically connected London to York and Lincoln. Despite recent 20th century buildings and alteration, it comprises 19th/early 20th century and earlier development with detailed architectural features, such as decorative parapets, gables, architraves around windows and moulded banding. This traditional decoration is attractive and reflects the age of the buildings. Although varied, there are attractive architectural features on nearby locally listed buildings at 406-408, 412-420 and 433-441 High Road.
7. King's Parade has facing brick with a white horizontal fascia separating the upper floors. It also has narrow white horizontal banding similarly across the building alongside window cills and vertical strips of similar finish on upper floors marking the divisions between individual shops below. At first to third floor levels, there are white sash windows with upper lattice style pane sections. Windows are distinctly greater in height than width giving a vertical emphasis to them. Within its pitched roof, there are gable dormers, with low pitched/curved roofs, straddling the eaves with a white horizontal facing finish below. At the commercial ground floor, there are some remaining original pilasters surmounted by decorated corbels. Consequently, this Edwardian mansion block has a distinct form, rhythm, intricate symmetry, and architectural features. Within the Conservation Area, it is these architectural and historic qualities that are of importance and contribute to its significance and its special interest.
8. The appeal site has a modern shopfront, unsightly roller shutter and has discordantly designed and scaled additions to the rear. As such, it makes a negative contribution to the character and appearance of the Conservation Area.
9. The proposed replacement five storey building would be contemporary in design. It would have a recessed vertical glazed section, enclosing staircases between different floors, which would separate the new build from King's Parade. However, the façade of the building would rise markedly to the top of the fifth storey in contrast to that of King's Parade which is articulated with pitched roof and dormers. At this higher level, the lack of meaningful articulation would result in a bulky and overly dominant building contrasting unsympathetically with that of King's Parade. Furthermore, the vertical glazed

section would aimlessly stop at a point level with the soldier course part of the parapet.

10. On Forster Road, the depth of the main part of the building would be significant, with little meaningful articulation, which would result in significant bulk and dominance in relation to the two storey domestic scale of the adjacent terraced dwelling. The commercial and refuse storage part of the building would also project forward of this dwelling alongside its front garden. The appeal building's first floor parts, above the refuse storage areas, would further have a haphazard arrangement of parapet, a large first floor opening, a flank of a residential balcony and a wall attached to the neighbouring terraced dwelling. As a result, the building's design here would be visually incoherent and intrusive failing to relate to the dwelling at 1 Forster Road.
11. The appeal building's upper floor openings would align with windows on King's Parade and would be similarly recessed. However, they would lack the detailing of the windows on that building, and at each level, the two larger openings (with their louvre elements) would be of much greater width and as such, they would have a contrasting awkward square-like appearance. On Forster Road, the larger openings on the upper floors would be overly domineering due to their size and would stand out markedly in relation to those on the nearest Forster Road residential dwelling. At ground floor level, the new shopfronts on both street elevations would comprise expansive glazed sheets, with no subdivisions to reflect the more traditional shopfronts in the area. Similarly, the minimalist framed entrance within vertical glazed section would appear out of keeping and incongruous.
12. Within the built façade, the parapet and shop fascia would have attractive detailing and the alternated protruding brick heads at the corner of the building between the two streets would provide interest. However, the main brickwork on the High Road and Foster Road would comprise recessed soldier bricks patterns between slightly protruding vertical bricked sections. This would give rise to an overly vertical emphasis which would markedly contrast with the more intricate symmetry of the façade of King's Parade and would emphasise the height of the appeal building.
13. The removal of an unsightly building would be a visual improvement, but the new development would fail to respect and complement the architectural qualities of King's Parade which provides such immediate context. The adverse impact would be significant, given that four additional storeys would be built at a prominent corner of two roads. Therefore, the adverse impact of this proposal on the character and appearance of the Conservation Area would be far greater than that occurring with the existing building.
14. In accordance with the National Planning Policy Framework (the Framework), the type of harm identified above to the Conservation Area would be less than substantial. It is necessary that this identified harm is weighed against the public benefits of the proposal.
15. The creation of flats would boost housing supply. The results of Housing Delivery Tests indicate that the delivery of housing has been way below its targets, and this would indicate that the flats would make a valuable contribution to supply. The commercial floorspace would also benefit business and would provide employment. Employment would also be provided during the construction of the development. New residents would benefit local

- business through their financial spend and would have good access to services and facilities, and public transport, reducing the need to travel.
16. However, the development would fail to preserve the character and appearance of the Conservation Area as a whole. As indicated, the positive aspects of the development would be far outweighed by the adverse impacts of the development's design. Considerable importance and weight are attached to the desirability of preserving the character and appearance of the Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. The appeal building would be overly dominant within the Conservation Area adversely affecting its significance and whilst the benefits would not be insignificant, the heritage harm would be overriding for this reason.
17. St Mark's Methodist Church lies immediately on the opposite side of Forster Road to the appeal site and replaced the original church heavily damaged during the war. It has a modern 'Art Deco' style and is clad in grey stone. There is a prominent tower with vertical inset windows, with stone cladding constructed in a stepped profile tapering towards its apex. Either side, there are flat roofed two storey wings comprising ground floor shops and extensive windows at the first floor within a stone façade. It is locally listed and has architectural and historical qualities that contribute to its importance and significance as non-designated heritage asset.
18. However, there would be significant separation between the church and the appeal building, with Forster Road in between. The church is also located within a dense pattern of development on a commercial high street where taller buildings would be expected to be in its vicinity. Additionally, the main significance of the church is derived from its tower with its central entrance below which is located even further away from the appeal building. For all these reasons, the appreciation of the significance of this non-designated heritage asset would not be adversely affected. There are also locally listed buildings, at 406-408, 412-420 and 433-441 High Road but such groups of buildings would be located even greater distances from the appeal building and within an urban context. Therefore, even if they were considered as non-designated heritage assets, they would not affect significance.
19. Notwithstanding this, the development would not be of the highest standard of design for all the reasons indicated. It would fail to preserve the character and appearance of the Conservation Area. There would be conflict with Policy D3 of the LP, Policies SP11 and SP12 of Haringey Local Plan Strategic Policies (HLP) 2013 and Policies DM1 and DM9 of the Council's Development Management Development Plan Document (DPD) 2013.

#### *Living conditions*

20. King's Parade has flats above the ground floor which would consist of rear bathrooms and kitchenettes. The bathrooms would not be sensitive living areas as windows are likely to be obscure glazed. The windows of the kitchenettes would face the gap in between a rearward projection of King's Parade and the flank of the appeal building. On the second to four floors, this gap would be quite wide. At the first floor level, the gap would be narrower because the flank of the appeal building would be closer, being located on the adjacent common boundary. However, the kitchenettes are small restricting

opportunities for residents to sit down and appreciate a view. Any views would be incidental to tasks carried out in the kitchen. Therefore, the loss of outlook for the residents of the flats at King's Parade would not be detrimental.

21. Turning to light, the appellant's Daylight, Sunlight and Overshadowing report is comprehensive based on industry accepted practice, taking into account relevant British standards, and considers all the possible affected windows of adjacent flats. No comparable detailed and reasoned evidence has been produced to counter its findings and accordingly, significant weight is given to its conclusions of no significant impact in terms of light loss to flat rooms.
22. On this basis, there would be no detrimental loss of light and outlook to the occupiers of the King's Parade flats and the proposal would comply with Policy D6 of the LP and Policy DM1 of the DPD.

### **Conclusion**

23. The proposal would provide much needed housing in a location with good access to facilities and services. It would benefit the local economy and provide employment. However, the harm to the character and appearance of the Conservation Area would be significant in conflict with LP, HLP and DPD policies and the development plan taken as a whole. The conflict with the Framework policies for conserving and enhancing the historic environment would provide a clear reason for refusing the development proposed. There are no material considerations of sufficient weight or importance that determine that the decision should be taken other than in accordance with the development plan and therefore, planning permission should be refused.
24. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed, and planning permission is refused.

*Jonathon Parsons*

INSPECTOR