

Appeal Decisions

Site visit made on 18 October 2021

by J M Tweddle BSc(Hons) MSc(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2021

Appeal A Ref: APP/Y5420/W/21/3273663

816-818 High Road, Tottenham, London N17 0EY

- 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 Bryan Fugler against the decision of the Council of the London Borough of Haringey.
- The application Ref HGY/2020/3102, dated 11 November 2020, was refused by notice dated 8 January 2021.
- The development proposed is described as a 'new building on land adjacent to 3 Northumberland Park Tottenham N17 0TA'.

Appeal B Ref: APP/Y5420/Y/21/3273664

816-818 High Road, Tottenham, London N17 0EY

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Mr Bryan Fugler against the decision of the Council of the London Borough of Haringey.
- The application Ref HGY/2021/0062, dated 11 November 2020, was refused by notice dated 5 March 2021.
- The works proposed are described as a 'new building on land adjacent to 3 Northumberland Park Tottenham N17 0TA'.

Decisions

1. Appeal A: No action, for the reasons set out below.
2. Appeal B: The appeal is dismissed.

Preliminary Matters

3. With regard to appeal A, given the extent of the proposal and following my onsite observations, I invited the parties' comments over the requirement for listed building consent. In its response¹, the Council confirms that the proposal does not appear to involve works for the demolition, alteration or extension of a listed building. However, it is of the opinion that listed building consent is required for any work that could potentially harm the character of a listed building and is typically required where the works have an impact on the external appearance of the building.
4. Nevertheless, I am mindful that section 7(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) states that subject to the following provisions of this Act, no person shall execute or cause to be executed any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised.

¹ Email from Kwaku Bossman-Gyamara to the Planning Inspectorate at 14:25 on 8 December 2021

5. The proposal amounts to the erection of a new building within the rear courtyard area of Nos. 816-818 High Road, a Grade II listed building. However, the proposal would result in a new freestanding building abutting the existing terrace along Northumberland Park. I accept that the proposal would introduce a new building within the curtilage and setting of Nos. 816-818 High Road, but this would not amount to the demolition, extension or alteration of the listed building.
6. That being the case, I find that the proposal does not constitute works for the demolition, alteration or extension of a listed building in a manner that would affect its character as a building of special architectural or historic interest. What is proposed does not, therefore, require listed building consent and so no action is required on Appeal A.
7. The Council describe the development as a new building on land adjacent to 3 Northumberland Park to create a commercial premises on the ground floor with 2 x one bedroom flats above, this is also implied by the appellant on the appeal form. This appears to be a more accurate reflection of what is proposed and therefore I have dealt with the appeal on this basis and with reference to the accompanying plans and supporting documentation.
8. The London Plan 2021 (the LP 2021) was published by the Mayor of London on 2 March 2021, and this post-dates the Council's refusal notice. The LP 2021 comprises the spatial development strategy for London and thus it forms part of the development plan for decision-making purposes and supersedes the London Plan 2016. Furthermore, the Government published a revised version of the National Planning Policy Framework (the Framework) on 20 July 2021.
9. It is incumbent upon me to take into account the most up to date information in reaching a decision. I have, therefore, had regard to both the LP 2021 and the revised Framework in my decision. I am satisfied that this has not prejudiced the main parties as they were invited to comment on the implications of this as part of the appeal proceedings, and I have considered their responses in reaching a decision.

Main Issues

10. With regard to Appeal B, the main issues are:

- Whether the development would preserve or enhance the character or appearance of the North Tottenham Conservation Area, along with its effect on the setting of the adjacent Grade II listed building; and,
- The effect of the development on the living conditions of neighbouring residents, with regard to outlook.

Reasons

Special interest and significance

11. The North Tottenham Conservation Area (CA) is a linear area which follows the historic pattern of development along High Road, the main thoroughfare in this part of the Borough. The area is characterised by a wealth of historic buildings which combine to produce a well-preserved illustration of a 19th century townscape. The significance of the area, therefore, principally derives from the character and appearance of its historic townscape which includes a variety of

late-Georgian and early Victorian buildings and townhouses, reflecting the historic growth of development along this main transport route.

12. The appeal site is located to the rear of 816-818 High Road, a striking three storey mid-18th century townhouse with Georgian architectural features and a projecting late 19th century shopfront to the right of its principal elevation. Its iconic doorcase with pulvinated frieze, modillioned cornice and pediment, along with its typical Georgian proportions, result in a visually striking building at a prominent location within the CA, on the junction with Northumberland Park.
13. To the rear of the listed building, where development is proposed, the site comprises a courtyard that is predominantly used for the parking of cars, with access via metal gates fronting onto Northumberland Park. This rear courtyard area is thought to have been the historic gardens associated with the listed building and enclosed by a high brick wall, much of which is still evident along the northern boundary of the site. This courtyard area is redolent of the high social status of the building and its former occupants and therefore contributes to the historic significance of the building. Accordingly, the rear courtyard forms an important part of the setting of the listed building and from where its historic and architectural significance can be appreciated.
14. The rear courtyard area, being devoid of built form, also provides a visual separation between the historic 19th century townscape along High Road and the more modern form of development along Northumberland Park. In doing so, the appeal site affords views of the rear of the listed buildings along High Road, allowing an appreciation of these designated heritage assets and their immediate surroundings, and thus making a positive contribution to the CA.

The appeal scheme

15. The appeal proposal would see the erection of a three storey building to the rear of the listed building, within its existing courtyard area, and would be viewed as a continuation of the existing three storey terrace along Northumberland Park. The development would include a retail unit with shopfront at ground floor level, facing onto Northumberland Park, and two residential units above.
16. The development would incorporate the use of yellow brickwork to match the materials used in the adjacent listed building and would include rendered columns, a frieze and cornice and a decorative stone corbel to each side. The shopfront would follow a traditional design approach with double hung sash windows to the first and second floors.
17. The remaining space between the development and the rear of the listed building would be landscaped to provide a garden area with cycle and bin store. Access would be maintained from Northumberland Park via 2 metre high metal gates flanked by railings to enclose the site.
18. The appellant's submission makes reference to a number of proposed improvements to the frontage of No. 3 Northumberland Park, which is also within their ownership. However, this falls outside of the application boundary and there are no details of these proposals illustrated on the accompanying plans and drawings. Consequently, any proposed alterations to this adjacent building do not form part of the appeal proposal.

The effect of the proposal

19. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires me to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest it possesses. Furthermore, Section 72(1) of the Act requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. I have therefore considered the effect of the proposal in light of these weighty statutory duties.
20. The proposal would mirror the scale and massing of No. 3 Northumberland Park and to a degree it would be seen as a continuation of this terrace. However, these buildings are generally of low architectural merit and therefore they do not set an example that ought to be replicated or reproduced. Indeed, the bulk of No. 3 with its largely featureless side elevation, to a degree, currently detracts from the quality of its surroundings, at odds with the more refined architectural language of the listed buildings along High Road.
21. The development would erode the visual separation between the historic 19th century townscape along High Road and the more modern development to the east along Northumberland Park. As such, it would detract from and cause harm to the significance of the listed building as a prominent part of its setting would be significantly reduced. The development would also harmfully reduce views of the rear of the listed buildings on the approach into the CA along Northumberland Park. Consequently, despite the use of a sympathetic suite of materials, some complementary architectural detailing and its subservient scale, the proposal would introduce a large and bulky form of development that would overcrowd the listed building, harmfully intruding into the setting of this designated heritage asset.
22. For these reasons, I cannot agree with the appellant's assertion that the proposal would enhance the way in which the listed building is experienced because it would fundamentally alter the character and appearance of the site. The introduction of a garden area to serve the development, in an attempt to hark back to when this rear area was used as a formal garden, would not overcome the harm that has been identified as the area would be significantly reduced in size.
23. It follows, therefore, that if the special interest of a listed building within a conservation area, prominently located such as in this case, is materially diminished, as a consequence the character and appearance of the conservation area as a whole is also similarly incrementally harmed. Therefore, as the proposal would undermine the setting of the listed building and erode the qualities of the well-preserved 19th century townscape, I also find it to be harmful to the character and appearance of the CA, by diminishing the significance of a building that contributes positively to the area.
24. Furthermore, the introduction of a large bulky building with limited architectural integrity would be at odds with the historic 19th century townscape character of the CA and would therefore undermine the character and appearance of the area as a whole. In this regard the proposal would not meet the high standards of design that are required by the Framework.
25. Taking the above points together, and mindful of the duties arising from sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation

Areas) Act 1990 (the Act), I conclude that the proposed development would fail to preserve the setting of 816-818 High Road and would be harmful to the character and appearance of the CA. For these reasons too, I find that the proposal would conflict with Policy HC1 of the LP 2021, Policies SP11 and SP12 of the Haringey Local Plan 2017 and Policy DM9 of the Haringey Development Management DPD 2017. Together these policies require new development to be of a high standard of design that conserves and enhances the significance of heritage assets and their settings.

26. The level of harm would be 'less than substantial' under the terms of the Framework. In accordance with paragraph 202 of the Framework, the harm should be weighed against the public benefits of the proposal, which I return to in my overall planning balance below.

Living conditions of neighbouring residents

27. The neighbouring occupiers of the residential flats within 816-818 High Road currently enjoy a good standard of outlook from their rear facing windows and from within the external amenity space to the rear of the building. This is largely due to the generous spacing between the rear of the listed building and the flank elevation of No. 3 Northumberland Park.
28. The development would interrupt this relationship and be set at a right angle to the rear of 816-818 High Road. There would be a separation distance of approximately 10 metres between the rear facing windows of the residential units within the listed building and the flank wall of the proposal. Consequently, owing to its substantial height and depth, and the limited separation distance, the west-facing flank wall of the proposal would dominate the outlook from the rear of 816-818 High Road, resulting in an oppressive feature that would be to the detriment of the living conditions of those neighbouring residents.
29. For these reasons, the development would have a significant harmful effect on the living conditions of neighbouring residents, with regard to outlook. This would be contrary to Policy D3 of the LP 2021 and Policy DM1 of the Haringey Development Management DPD 2017 which together, amongst other things, require development proposals to ensure a high standard of privacy and amenity for the development's users and neighbours, including adequate outlook.

Other Matters

30. The proposal would meet the Council's policy requirements with regard to minimum internal space standards and would not give rise to any concerns in relation to parking or highway safety. However, these are neutral considerations that weigh neither for, nor against, the proposal.

Overall Balance and Conclusion

31. The Framework advises that when considering the impact of a proposed development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 200 of the framework states that significance can be harmed or lost through the alteration or destruction of the heritage asset or development within its setting and that this should have clear and convincing justification.

32. In this case, due to the extent of the proposed development's impacts, I have found that it would cause less than substantial harm to the significance of the North Tottenham Conservation Area and the adjacent Grade II listed building. Under such circumstances, the Framework advises, at paragraph 202, that any harm should be weighed against the public benefits of the proposal.
33. The proposal would make a contribution to local housing supply and provide an additional retail unit. This would bring about some modest social and economic benefits that weigh in favour of the proposal. However, the harmful effects to the significance of both the CA and the adjacent listed building are considerations to which I attach great weight and importance, and their combined weight tips the balance against the appeal scheme. Consequently, the proposed development would conflict with the Framework's aim to conserve heritage assets in a manner appropriate to their significance.
34. Furthermore, the benefits and other matters advanced in favour of the proposal are not of sufficient weight to justify a decision other than in accordance with the development plan, with which, in terms of the above cited policies, the proposal is in clear conflict.
35. Accordingly, for the reasons set out above, and taking into account all other matters raised, I conclude that Appeal B should be dismissed.

J M Tweddle

INSPECTOR