
Appeal Decision

Site visit made on 30 November 2021

by David Cliff BA Hons MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 December 2021

Appeal Ref: APP/Y5420/W/19/3243272

Guildens, Courtenay Avenue, London, N6 4LP

- 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 Alexander Smirnov against the decision of London Borough of Haringey.
 - The application Ref HGY/2019/1168, dated 15 April 2019, was refused by notice dated 15 July 2019.
 - The development proposed is 'Demolition of existing dwelling with retention of front facade and erection of replacement two-storey dwelling and associated extension to lower ground floor and the creation of a basement level'.
 - This decision supersedes that issued on 21 May 2021. That decision on the appeal was quashed by order of the High Court.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing dwelling with retention of front facade and erection of replacement two-storey dwelling and associated extension to lower ground floor and the creation of a basement level at Guildens, Courtenay Avenue, London N6 4LP in accordance with the terms of the application, Ref HGY/2019/1168, dated 15 April 2019 and subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The drawings submitted with the appeal include some minor alterations to those considered by the Council in its determination of the planning application. Interested parties have had the opportunity to comment on these revisions during the appeal process and, given their relatively minor form, I have accepted these for consideration as part of the appeal.

Main Issue

3. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Highgate Conservation Area.

Reasons

4. The site is located towards the western boundary of the Highgate Conservation Area (CA). The CA is large with a varied townscape and character. Much of the eastern part of the CA, including the historic village, is of a distinctly close-knit urban character, including many traditional terraced properties and some retail frontages. The western part of the CA (the Bishops Area sub section) becomes more suburban in character with a predominance of larger earlier 20th century housing on large and well landscaped plots. Green open spaces, most notably

Highgate Golf Course, add to the more spacious suburban character. There are also several examples of more recently constructed houses in this part of the CA, including along Courtenay Avenue. Architectural variety and diversity is another notable characteristic of the CA, with the design of many houses being a variant of a Arts and Crafts or Neo-Georgian style. There is a statutory duty for special attention to be paid to the desirability of preserving or enhancing the character and appearance of the CA.

5. Paragraph 10.10.1 of the HCAAM states that the streets within the Bishops Area are an excellent example of high quality residential development of the period. It goes on to note that loss of features, remodelling or complete demolition of houses have a detrimental effect on the CA and that future development should resist the loss of any buildings making a positive contribution to the area and should respect its layout and spaciousness. However, in this case, given the considerable number of replacement or remodelled developments that have been permitted in Courtenay Avenue, this road no longer provides an example of high quality residential development of the period. This is exemplified on the opposite side of Courtenay Avenue very near to the appeal site where larger replacement dwellings have been constructed with relatively little separation distance between them. Its character and appearance has fundamentally changed as a result of these developments and the previous uniform and homogenous character of the road no longer exists. The character and appearance of the road as a whole and its contribution to the overall historic significance of the CA has lessened over time.
6. The design of the appeal property is associated with CHB Quennell who also designed several other houses in the area. Its external design of a generally neo Georgian style with limited Arts and Crafts elements, is relatively simple. It has a large rear garden which, whilst not being particularly well maintained in recent times, provides an attractive open setting to the rear of the house. The existing property is not on the statutory list, nor is it locally listed or included as a 'positive contributor' in the Highgate Conservation Area Appraisal and Management Plan 2013 (HCAAM). Though it remains as an example of the type and design of house that was typically constructed in this area with association with the Quennell brothers.
7. The HCAAM recognises that there are some re-built houses in Courtenay Avenue, including that they are built closer together than the original layout, reducing the gap through to rear gardens and mature landscaping. It includes reference to Three Oaks, near to the appeal site, as a house by Christopher Cooper or Quennell, but this has been replaced by a modern, deep-fronted, crown roofed building.
8. Given the prevalence of larger replacement dwellings in the road such as at Three Oaks, the lack of uniformity with the road as a whole considerably dilutes Guilden's contribution and value to the character and appearance of the CA. This includes developments that have been permitted since publication of the HCAAM. Furthermore, its design is unremarkable and it does not equate in architectural and visual significance to the earlier works of Quennell. The porch and centre piece of the building are of a poor scale in relation to the remainder of the building, the design of the west wing suffers from a lack of a notable set back from the main part of the building and is close to the side boundary. Furthermore, the front garage doors are rather incongruous in appearance and

detract from the appearance of the front elevation. So in spite of some historic value from the association with Quennell and the early development the estate, these factors lead to my conclusion that overall it makes a neutral contribution to the significance of the CA.

9. The replacement house, with the existing façade retained, will be larger than the existing, particularly the greater massing at the rear, even taking account of the potential implementation of the proposed rear extension to the existing. The retention of the front façade of Guildens, incorporating the Flemish bond brickwork referred to in the CAAMP, would ensure that the front elevation of the proposal would make a similar contribution to the streetscene when compared with the existing situation.
10. The new building would of a greater width, although the north wing would be set back from its existing position resulting in a more subordinate appearance and would not be of greater overall width. The new southern wing would be closer to the side boundary but would still retain a separation distance that is generally commensurate with that of other houses within the street. Any loss of view to the rear garden would not be significant. Whilst the replacement house will be bigger than the houses as originally constructed in the road, the uniformity of these no longer exists. It will be of a commensurate size and massing to other houses that have been approved in Courtenay Avenue, some of which have been approved following the most recent Conservation Area Appraisal and Management Plan 2013 (CAAMP).
11. The large majority of the existing rear garden would be retained providing a suitable setting for the replacement house. Taking account of existing screening and the positioning of neighbouring dwellings, the overall depth of the development would not be particularly prominent in views from Courtenay Avenue and would not be visually intrusive or overbearing in its scale and appearance in the context of existing development.
12. The Council has recently granted planning permission in October 2021 at nearby 'Branksome' on Courtenay Avenue for a replacement dwelling following demolition of the existing dwelling. That scheme involves a replacement house of significantly greater size and depth than the existing and, like other recent developments, incorporates a considerable extent of flat roof. In that case the Council noted that the existing building provides, on its own, a modest contribution to the character and appearance of this part of the CA that has already been significantly eroded by the cumulative impact of the demolition of a number of more valuable historic houses very often replaced by very unsympathetic, non-contextual new buildings.
13. The increase in the height of the roof would be very modest and the addition of two front dormer windows are in keeping with the overall appearance of the roof and front elevation. Indeed, there would be some limited benefits from the replacement of the existing northern wing with a design that excludes the existing unsightly garage door and has a more subordinate and appropriate set back from front building line of the main part of the building.
14. The appellant's evidence regarding the condition of the building and my inspection of the building is inconclusive as to whether or not it would actually be viable for the existing building to be suitably refurbished, modernised and retained. Whilst the existing building clearly would need significant work for it to be retained for residential accommodation there is no conclusive proof that

this would be so prohibitive to rule out the retention of the existing building. Nevertheless, given my overall conclusions this matter is not determinative.

15. The proposed crown roof would be similar to others on recent replacement dwellings in the road, some of which would be significantly more prominent than that of the proposal which would not be particularly prominent in the streetscene due to the presence of screening from landscaping and the positions of adjoining buildings.
16. Whilst façade retention is not a practice that would be suitable for all CA proposals, the entirety of this building is considered to be of neutral significance to the CA for the reasons set out. Furthermore, the set back and design of the north wing would also be an enhancement of the existing north wing. The interior of the building is not of a particular significance and no harm would result from the proposed approach in this instance.
17. In the 'Somerlese' appeal decision¹, the Inspector noted that many of the houses in Courtenay Avenue have been replaced by new dwellings using a variety of sometimes strongly expressed styles and that its existing character is less strongly defined by the Arts and Crafts style than some other parts of the CA. Whilst the Inspector stated that the retained façade represents a remnant part of the original dwelling, there is no indication from the decision of any notion that the existing building should have been retained. That appeal decision also finds that neither the size nor scale of the proposed dwelling would be excessive when compared with the size of the plot, prevailing form of buildings on Courtenay Avenue or the new dwelling being erected on the neighbouring plot. Therefore, whilst the merits of that case (including the fallback position in that instance) were not wholly the same as that before me, there is consistency between that appeal decision and my conclusions in this case.
18. Policy DH1 of the Highgate Neighbourhood Plan 2017 relates to the demolition of buildings and structures that are non-designated heritage assets. There is no evidence that the existing dwelling has been identified in any local heritage list and I do not consider that it is of such quality or merit to justify as such as an asset. Whilst it is still necessary to consider the merits of the building, as set out above, on the face of it this policy is not wholly relevant to the appeal proposal. In any case, whilst the supporting text indicates that 'all proposals to demolish will be considered against tests in higher level policies, it seeks to ensure that new development should not make less of a contribution than that which it replaces. This is achieved through the appeal proposal for the reasons outlined above. Furthermore, the proposal would comply with Policy DH2 of the plan which requires development to at least preserve the character and appearance of the CA.
19. Overall, taking account of the substantial amount of redevelopment within Courtenay Avenue that has had an overwhelming impact on its previous uniformity, the proposal would preserve the character and appearance of the CA. The proposal would not be in conflict with the heritage and design aims of Policies HC1 of the London Plan, SP12 of the Haringey Local Plan Strategic Policies 2013 to 2026, DM9 of the Haringey Development Management DPD 2017, the DH1 of the Highgate Neighbourhood Plan 2017 and the National Planning Policy Framework.

¹ APP/Y5420/W/15/3134883

Other Matters

20. Effects from construction, including on the highway, can be mitigated through a condition requiring a Construction Method Statement and the overall development is not of such a magnitude to be likely to result in any unacceptable impacts in this regard.
21. There is no specific evidence to suggest that the proposed would lead to any significant flooding or drainage impacts on the site or its surroundings.
22. My conclusions are different to that of the previous Inspector in this case. It is for me to redetermine the case and there are matters of judgement which for the reasons set out above have led to the conclusions I have reached based on my assessment of the case based on the up to date evidence before me.

Conditions

23. I have considered the conditions suggested by the Council and appellant's comments upon them.
24. An approved plans condition is necessary for clarity over what has been approved. Details of external materials along with details securing the retention of the facade require approval to preserve the character and appearance of the CA. A Written Scheme of Investigation is necessary to mitigate any effects upon archaeology from the development.
25. I have not imposed the suggested condition restricting permitted development rights. The Council has only provided a generalised reason why it should be imposed in this case and, taking into account particular restrictions already in place with CAs, there is no overriding justification for why such a condition would be reasonable or necessary in this case. Details of enclosures around the site are required to safeguard the character and appearance of the CA along with safety/security reasons.
26. Approval of refuse and waste facilities are required in order to provide for a quality residential environment and to safeguard the character and appearance of the area. Cycle storage is necessary to promote sustainable methods of transport. A condition for tree protection including fencing is necessary to preserve the character and appearance of the CA. A condition requiring a Construction Method Statement is necessary to manage and mitigation the effects during construction.

Conclusion

27. The proposed development would accord with the development plan when considered as a whole and there are no material considerations, either individually or cumulatively, that outweigh this finding. I conclude, therefore, that the appeal should be allowed.

David Cliff

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin no later than the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1802 PL 000-0, 200-D, 201-D, 202-D, 203-D, 204-D, 205-D, 206-D, 207-D, 210-E, 211-D, 212-D, 213-D, 214-D, 215-C, 220-C and 221-C.
3. Samples of materials to be used for the external surfaces of the development shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the relevant part of the development. Samples should include sample panels or brick types and a roofing material sample combined with a schedule of the exact product references.
4. No demolition shall take place until arrangements to secure the retention of Guilden's front façade have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
5.
 - a) No demolition or development shall take place until a written scheme of investigation (WSI) for archaeological groundworks has been submitted to and approved by the local planning authority in writing. No demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.
 - b) The WSI shall be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. It shall include a statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works. The proposal for post-investigation assessment and subsequent analysis, publication, dissemination, and deposition of resulting material shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.
6. The development hereby permitted shall not be occupied until enclosures around the site boundary (fencing, walling, openings etc) have been implemented in accordance with details which shall have previously been submitted to and approved in writing by the Local Planning Authority. Details shall include the proposed design, height and materials. The approved enclosure shall thereafter be retained.
7. The development hereby permitted shall not be occupied until refuse and waste storage facilities have been provided in accordance with details which shall have previously been submitted to and approved in writing by the local planning authority. The facilities shall thereafter be retained in accordance with the approved details.
8. The development hereby permitted shall not be occupied until details of secure and covered cycle storage facilities have been provided in accordance with details which shall have previously been submitted and to and approved in

writing by the local planning authority. The faculties shall thereafter be retained for the storage of cycles.

9. a) Prior to the commencement of the development hereby approved and before any equipment, machinery or materials are brought onto the site for the purposes of the development hereby approved, details of the specification and position of the fencing for the protection of any retained tree to comply with BS 5837: 2012 - Trees in relation to design, demolition and construction - Recommendations shall be submitted to and approved in writing by the Local Planning Authority.

b) The works shall be carried out as approved and the protection shall be installed prior to the commencement of any development hereby approved and maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition nor shall any fires be started, no tipping, refuelling, disposal of solvents or cement mixing carried out and ground levels within those areas shall not be altered, nor shall any excavation or vehicular access be made.

10. No development shall take place, including any works of demolition, until a Method of Construction Statement (MCS) has been submitted to and approved in writing by the local planning authority. The MCS shall include details of:

- a) parking and management of vehicles of site personnel, operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials;
- d) programme of works (including measures for traffic management);
- e) provision of boundary hoarding behind any visibility zones; and
- f) wheel washing facilities.

The development shall be carried out and constructed in accordance with the approved details.