



Appeal Decision

Site visit made on 14 February 2022

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 March 2022

Appeal Ref: APP/Y5420/W/21/3278928

Jameson Lodge, 58 Shepherds Hill, Hornsey, London N6 5RW

- 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 Maycap Limited against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2021/0061, dated 22 December 2020, was refused by notice dated 18 February 2021.
 - The development proposed is partial demolition of existing garages and erection of 2 x 2-bedroom and 1 x 3-bedroom Class C3 dwellings, and associated landscaping works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the Council determined the planning application, the London Plan (2021) (LP) has been adopted. Therefore, Policies 3.5, 7.4, 7.6 and 7.8 of The London Plan (2016) referred to in the reasons for refusal are no longer relevant. My attention has been drawn to various policies within the LP, including H1, H2, D3, D6 and HC1, and I have determined the appeal accordingly.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the surrounding area, having regard to the Crouch End Conservation Area (CA); and
 - Whether the proposed development would provide a satisfactory standard of accommodation for its future occupiers, having regard to light and outlook.

Reasons

4. The proposed development follows a recently granted planning application, at the appeal site, for the partial demolition of the existing garages and erection of 2 residential units and associated landscaping works.

Character and appearance

5. The appeal site comprises garages and an associated driveway access. The site is situated to the rear of Jameson Lodge which is a block of flats. The garages

- sit lower than Jameson Lodge, due to the topography of the area, and there are numerous nearby trees.
6. The site is located within the CA. Based on the evidence before me, this section of the CA is characterised by the wide, tree lined street, Shepherd's Hill Gardens and contains a mix of blocks of flats and detached properties which generally have large rear gardens. The large rear gardens result in a sense of spaciousness and greenery which forms part of the character and pattern of development of the CA. The design, massing and age of buildings varies.
 7. National and local planning policy supports development that makes efficient use of land and seeks to boost the supply of homes. Nonetheless, they also require development to be sympathetic to local character as well as conserving and enhancing the historic environment.
 8. The proposed development would not be conspicuous from public vantage points. This is due to its siting behind Jameson Lodge, distance to Shepherd's Hill as well as the existing trees and proposed landscaping. Nonetheless, development should respect its local context and character, regardless of whether it is visible from public vantage points or not.
 9. In the surrounding area there are examples of built development in rear gardens including garages, outbuildings and dwellings. I have had regard to 62 Shepherd's Hill site history, including the appeal decision. There are some similarities between the appeal proposal and the development at No 62. However, Large two-storey buildings within rear gardens are not a common feature within the surrounding area. The development at No 62 is not reflective of the pattern of development and has not set a precedent. In any event, each application and appeal must be determined on its own merits.
 10. The area to the rear of Jameson Lodge provides a sense of openness and verdant character which is in keeping with the surrounding area. Although it contains garages, they are single storey and unimposing structures which maintain the spaciousness of the area. The garages have a neutral effect upon the CA given their height, massing, siting and subordinate nature.
 11. The proposed development would extend across the full width of the site which would add bulk to primarily the boundary shared with Panorama Court. Although Unit 3 would be situated within the corner of the site, it would be particularly prominent from the garden area of Paramount Court due to its siting, height and massing.
 12. The combination of the scale, height and massing of the development would be substantially more than the existing single-storey garages. The increase in built development would appear cramped and erode the sense of spaciousness. The proposed level of built development to the rear of the site would not be characteristic of the pattern of development in the area because of the proposal's siting, height, scale and layout.
 13. For the reasons given above, the proposed development would cause harm to the character and appearance of the CA because it would result in an unsympathetic addition which would not respect the character and appearance of the CA. Accordingly, the proposal would fail to preserve or enhance the character and appearance of the CA.

14. Paragraph 199 of the National Planning Policy Framework (the Framework) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Framework paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Where there is less than substantial harm, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
15. The level of harm would be less than substantial, due to the scale of the proposal within the context of the CA as a whole and limited views from public vantage points, nevertheless it is of considerable importance and weight. I acknowledge that the addition of three units, which would represent one additional residential unit compared to the extant permission, would provide some benefits, especially given the Council's housing supply position which is discussed in more detail below. Nonetheless, based on the evidence submitted, the public benefits associated with the proposed development would be limited and would not justify or outweigh the harm to the CA, as required by the Framework.
16. For the reasons given above, the proposed development would cause harm to the character and appearance of the surrounding area, and it would not preserve or enhance the character or appearance of the CA. Consequently, the scheme would conflict with Policies SP11 and SP12 of the Haringey's Local Plan: Strategic Policies 2013-2026 (consolidated 2017) (HLP) and Policies DM1, DM9 and DM12 of the Council's Development Management DPD (2017) (DPD) as well as Policies D3 and HC1 of the LP. These policies seek, amongst other matters, to ensure new development achieves a high standard of design which relates positively to its locality and support developments that conserve and enhance the significance of heritage assets.

Living conditions

17. Unit 3 would have north facing windows which would face towards unit 1. It would also have a glazed façade along the western elevation. The glazing to the main living accommodation within unit 3 would be adjacent to land not in ownership or control of the appellant/ future occupiers. In addition, unit 2 would have more north facing windows compared to the extant scheme. There are a number of nearby trees which could potentially impact the living conditions of future occupiers.
18. The appellant has submitted a daylight and sunlight report. The report concludes that the habitable rooms of all the units would provide sufficient daylight and meets relevant guidance. The numerical findings of the report are uncontested by the Council.
19. Based on the evidence before me, I am satisfied that the proposed development would provide acceptable living conditions for future occupiers, having regard to light and outlook. This is due to the combination of the size of the proposed windows, extent of glazing, as well as the distance to the common boundary and between the proposed units.

20. For the reasons given above, the proposal would comply with Policy SP11 of the HLP and Policies DM1, DM7 and DM12 of the DPD as well as Policy D6 of the LP. These policies seek, amongst other matters, to ensure development proposals provide a high standard of amenity for the development's users.

Planning Balance

21. The Council's evidence states that paragraph 11(d) of the Framework is engaged because the Housing Delivery Test Results indicate that delivery was substantially below the housing requirement over the previous three years. I have no reason to take an alternative view.
22. As set out above, I have found that the proposed development would provide acceptable living conditions for future occupiers. However, it would cause harm to the character and appearance of the surrounding area, and it would not preserve or enhance the character or appearance of the CA. The addition of three units, which would represent one additional residential unit compared to the extant permission, would provide limited benefits. The benefits associated with the proposed development would not justify or outweigh the harm identified.
23. The proposal would be contrary to Policies SP11 and SP12 of the HLP and Policies DM1, DM9 and DM12 of the DPD as well as Policies D3 and HC1 of the LP. While these policies are deemed to be out of date due to the lack of a 5 year housing land supply, weight may still be afforded to policies depending on their consistency with the Framework. The most relevant policies are consistent with the aims of the Framework with regard to achieving well-designed places as well as conserving and enhancing the historic environment. There is nothing within the Framework to suggest that those requirements of all development should be lessened on account of the lack of a five-year supply. In that context, I attach significant weight to the conflict with the development plan and the Framework.
24. Paragraph 11 of the Framework, in the context of the presumption in favour of sustainable development, indicates that planning permission should be granted unless (d)(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.
25. Policies in the Framework which protect designated heritage assets are included in paragraph 11(d)(i)¹. The proposed development would be contrary to paragraph 202 of the Framework, and the harm to the CA that I have identified above provides a clear reason for refusing the development proposed. Therefore, the presumption in favour of sustainable development does not apply in this instance.
26. For the reasons given above, the appeal proposal conflicts with the development plan and the Framework when considered as a whole. There are no other material considerations that suggest the decision should be taken otherwise than in accordance with the development plan.

¹ See paragraph 11 (d)(i) – footnote 7 of the Framework

Conclusion

27. For the reasons given above, and taking account of all other matters raised, I conclude that the appeal does not succeed.

L M Wilson

INSPECTOR