

Appeal Decision

Site visit made on 10 February 2022

by Peter White BA(Hons) MA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 March 2022

Appeal Ref: APP/Y5420/W/21/3276893

73-77 Clarence Road, Wood Green, London N22 8PG

- 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 & Mrs K. Sandhu against the decision of London Borough of Haringey Council.
 - The application Ref HGY/2020/2714, dated 23 October 2020, was refused by notice dated 18 December 2020.
 - The development proposed is demolition of the existing buildings and erection of two linked-blocks supporting eight self-contained residential flats (Use Class C3) with associated access, amenity and parking provision.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The new London Plan was adopted in March 2021, which is noted by the main parties in their appeal statements. The Council have maintained their original position that the proposal is contrary to policies of the London Plan but have not stated which policies of the London Plan 2021 (LP 2021) they consider it to be contrary to. I have referred to the relevant LP 2021 policies in each main issue.

Main Issues

3. The main issues are the effect of the proposed development on:
 - i. the character and appearance of the Bowes Park Conservation Area;
 - ii. on-street parking conditions and highway safety; and
 - iii. the living conditions of neighbouring occupiers at Clarence Court with particular regard to outlook.

Reasons

Character and appearance:

Significance of the Conservation Area:

4. The appeal site lies within the Bowes Park Conservation Area (BPCA), and I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the BPCA. Paragraph 189 of the National Planning Policy Framework (the Framework) sets out how heritage assets are

irreplaceable resources which should be conserved in a manner appropriate to their significance.

5. The significance of the BPCA is found in the Victorian expansion of London with semi-detached and terraced houses designed for the lower middle classes, along with associated shops and community buildings. It also contains linear open space above the Victorian Grade II listed New River Tunnel, which lies west of the appeal site beyond Clarence Court.
6. The development would not have a harmful impact on the setting of the New River Tunnel Grade II listed building. Consequently, I have not addressed the listed building in any further detail.
7. The area is characterised by predominantly brick-built semi-detached dwellings with hipped roofs and detached dwellings. Clarence Road is a tree-lined avenue containing semi-detached dwellings from the late 19th century alongside blocks of flats. Although many of the apartment buildings are harmful to the character of the area, the surviving Victorian houses have retained much of their character, making a significant contribution to the character and appearance of the BPCA. I also note the absence of a recent conservation area appraisal and have no information as to when the BPCA was last reviewed. Nevertheless, I must consider the appeal against current development plan and national policies, and unsympathetic developments of the past should not be reason to allow poor design in the present.
8. The existing building on the appeal site stands between Victorian dwellings as an older detached dwelling, identifiable by its distinctive curved window designs set in more spacious surroundings, and with its offset former service wing.

Demolition of the original building:

9. Although the appeal building is not a listed building, and has not been identified as a locally listed building, the Council consider the building positively contributes to the significance of the BPCA as an early example of a detached residential dwelling with a former coach house. 73 Clarence Road appears on the 1864 Ordnance Survey (OS) map as a detached villa named Riversbrook Cottage. The 1895 OS map shows the property set within a substantial garden prior to the construction of Clarence Court, but after comprehensive development of Clarence Road. By this point 75 and 77 Clarence Road are also shown and may have been its former service wing and coach house.
10. Despite the partial pebble-dashing of the building and ad-hoc extensions, the building makes a positive contribution to the significance of the BPCA. While these changes to the building are not sympathetic, the building remains an important feature within the BPCA due to its form, age, and remaining original features such as its central front door with cast-stone door surround, first floor windows with rounded heads, and attached former service wing.
11. It is evident that the building could have been better maintained over time. However, I have seen no evidence to support the case that restoration of the existing building is neither practically nor financially possible, and even moderate income from letting the building as six flats in this location should have facilitated ongoing maintenance and repair of the building and its grounds. Many of the factors which contribute to the poor appearance of the appeal site are matters which could be significantly improved without

redevelopment. For example, the low boundary walls, surfacing of front and side external areas, windows and front doors could be improved or replaced without substantial means. In accordance with paragraph 196 of the Framework, I therefore afford only very limited weight to the poor condition of the existing building.

12. In the terms of the Framework, I consider the loss of the building would result in less than substantial harm to the significance of the BPCA.

The proposed building:

13. The proposed development would accommodate the curvature of the road and would be seen from the street as a pair of semi-detached dwellings. The proposed building would be wider on the plot than the existing building, but the resulting spacing between buildings would not be uncharacteristic of buildings on Clarence Road. It would have a lower eaves height than adjacent buildings, but its street-facing design would be sympathetic to historic buildings in the vicinity, subject to appropriate facing materials and architectural detailing.
14. However, at the rear the proposed building would take on a different character and would be prominent from Clarence Court and its gardens. It would appear as a larger building and its dormer windows, rear fenestration and false windows would appear uncharacteristically numerous and large, and out of character with the building and other dwellings on Clarence Road. I note that larger windows are a feature of Clarence Court itself, but Clarence Court is of a distinctively different style.
15. The proposed building would therefore give rise to less than substantial harm to the BPCA. Consideration must therefore be given to paragraphs 199, 200 and 202 of the Framework, where harm must be weighed against the public benefits of the proposal, great weight should be given to be given to the conservation of heritage assets, and clear and convincing justification is required for harm to the significance of a heritage asset.

Weighing the heritage harm and benefits:

16. The public benefits of the proposal are the net increase in two residential units in an accessible location; optimising use of the site; and the provision of new residential units built to modern standards. The appellant's claim to a high standard of construction and protecting neighbouring amenity are neutral in weight. Furthermore, as I find the design would not be particularly innovative, this has no weight in my decision. Overall, I attribute limited weight to the provision of these public benefits in favour of the development.
17. The harm is the loss of an early example of a detached residential dwelling in the area with a former coach house which makes a positive contribution to the significance of the BPCA, along with the harm to the BPCA associated with the design of the proposed building. I attribute moderate weight to this harm to the BPCA.
18. In weighing these matters, the public benefits of the proposal are outweighed by the harm to the significance of the BPCA. Considering the matters above, I conclude the development would be harmful to the character and appearance of the BPCA contrary to LP 2021 Policy HC1, Haringey Local Plan Strategic Policies 2013-2026 (2013) (Strategic Policies) Policies SP11 and SP12 and Haringey Development Management DPD (2017) (Development Management)

Policy DM9 which together relate to heritage conservation and growth and design, and chapter 16 of the Framework which deals with heritage matters.

Parking and highway safety:

19. The existing site has space for two vehicles to be parked in front of the building, and at least three more can be parked to the side of the dwellings, even without use of the three small garages.
20. The proposed development would result in an increase in the number of residential units to eight, but would reduce the area available for car parking to four spaces. A new vehicle crossover would also result in the loss of one resident-only on-street parking bay unless the existing crossover is removed. There would be an additional two residential units, and a reduction of one or two parking spaces overall.
21. Development Management Policy DM33 resists the net loss of on-street parking capacity within a Controlled Parking Zone (CPZ) and defers to the London Plan in relation to car parking levels. LP 2021 Policy T6 applies maximum parking levels of 0.5-0.75 spaces per unit in this case, or 4-6 spaces.
22. The Council and interested parties have raised concerns about parking pressures in this resident-only CPZ. Located within Public Transport Accessibility Level 4, the appeal site is in an accessible area in terms of transport options where limited, or no, parking provision is acceptable in principle in this area. I therefore consider that on-site parking provision of only four spaces is acceptable, but only if subject to suitable measures to prevent unacceptable pressure on the CPZ which could negatively impact traffic flow and highway safety.
23. The Council and appellant agree in principle to a planning obligation to prevent occupiers of the new residential units from applying for on street parking permits, secure removal of the existing vehicle crossover and re-instate the footway and kerb. For the reasons above, such an agreement would be directly related to the development, necessary to make the development acceptable in planning terms, and fairly and reasonably related in scale and kind to the development. No such agreement is before me.
24. The proposed development would therefore have an adverse impact on on-street parking and highway safety and would be contrary to Development Management Policy DM33, and Strategic Policies Policy SP7. These policies relate to vehicle crossovers, congestion and safety. I have not found conflict with LP 2021 Policy T6 or Development Management Policy DM32, which relate to parking standards.

Living conditions:

25. The 1895 OS map demonstrates that Clarence Court was built in the rear garden of the house on the appeal site. It consists of four flats with individual gardens running parallel with the rear boundary of the appeal site. The building is sited perpendicular to the appeal building, and has a close visual relationship with it; as it does with the rear and sides of other dwellings in the area. Other than the blank gable wall of 2 Marlborough Road to the north, the appeal site is the main visual influence on Clarence Court's gardens, running along its entire south-western length.

26. The proposed building would be visible from the two closest Clarence Court flats, but not to the extent that outlook for occupiers would be significantly harmed. From the gardens of Clarence Court, the whole of the rear of the proposed building would be prominent. Two-storey elements of the proposed building would be closer to the plot boundary, but the L-shaped configuration and division of the roofs, in semi-detached building style, would limit the overbearing effects on outlook from Clarence Court's gardens and work to prevent an oppressive sense of enclosure. The size and number of false windows on the closest elements of the building would increase those overbearing effects, by affording the outriggers additional prominence, but not to the extent of being unacceptable.
27. In conclusion, I consider the development would not materially harm the living conditions of neighbouring occupiers at Clarence Court with particular regard to outlook. The development would accord with the relevant provisions of LP 2021 Policy D4, and Development Management Policies DM1 and DM12 which seek to ensure appropriate design and outlook. I have not found Strategic Policies Policy SP11 applicable to this issue.

Other Matters

28. I am unable to give weight in my decision-making to interactions between the appellant and the Council prior to submission of the appeal. While I note the planning history of the appeal site, I am required to deal with the appeal before me on its own merits.
29. Other matters have been raised, including those relating to light, impact on access drive to Clarence Court, and impacts on trees. As I am dismissing the appeal for other reasons, I have not considered these matters further.

Conclusion

30. Although I have not found harm to the living conditions of neighbouring occupiers, the development would have an adverse impact on on-street parking and highway safety and would harm the character and appearance of the BPCA. As a consequence, it would conflict with development plan policies attracting significant weight against the development. The limited weight I attribute to the benefits of the development, as set out above, would not outweigh the identified harm.
31. For the above reasons, having regard to the development plan as a whole, the approach in the Framework, and all other relevant considerations, I conclude the appeal should be dismissed.

Peter White

INSPECTOR