



Appeal Decision

Site visit made on 5 April 2022

by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 April 2022

Appeal Ref: APP/Y5420/W/21/3286996

Land fronting Bradley Road, R/O 84 Station Road, London N22 7SY

- 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 T Theodosiou of Rila Ltd against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2021/1284, dated 23 March 2021, was refused by notice dated 1 July 2021.
 - The development proposed is construction of a 1 bedroom/2 person single family dwellinghouse with accommodation at ground and lower ground floor levels; associated boundary walls, cycle parking and refuse/recycle storage.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr T Theodosiou of Rila Ltd against the Council of the London Borough of Haringey. That application is the subject of a separate Decision.

Main Issues

3. The main issues are the effect of the development on the character and appearance of the area including the Wood Green Common Conservation Area (WGCCA), and whether the development would provide satisfactory living conditions for its future occupiers with respect to their outlook and light.

Reasons

Character and appearance

4. The appeal site comprises the rear portion of the rear garden of No. 84, which is in a row of about 15 two-storey houses which back onto Bradley Road. The opposite, north, side of Bradley Road is comprised of a row of two-storey terraced houses which display a strong sense of consistency in their general design and form. This is a positive characteristic of the street scene.
5. The south side of Bradley Road has no such consistency. It is primarily comprised of the rear gardens of the houses fronting Station Road, some of which contain domestic outbuildings such as the garages at Nos. 88, 80 and 78. There is a dwelling, 23 Bradley Road, which is to the rear of Nos. 74 and 76. There is also a dwelling at the end of the road, behind Nos. 90 and 92, albeit that dwelling appears part of the flatted development at the rear of the church on Station Road. The mix of gardens and garages on this side of the

road does not add positively to the street scene. However, the absence of dwellings here, No. 23 to the east of the site excepting, lends a generally low-key characteristic to the street, providing relief between the houses on Station Road and those opposite the site.

6. 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 conservation areas. The WGCCA is a small conservation area focussed around Wood Green Common and extending up to Alexandra Park station and the houses and open space opposite. Its main significance results from the consistency of the late Victorian or Edwardian terraced houses, such as those along the north side of Bradley Road.
7. The proposal would comprise a small dwellinghouse arranged over two floors but with the lower floor being below ground level. It would hence appear, from most viewpoints, as a single storey building and, with its flat roof, would be similar in form to the garages in the neighbouring rear gardens.
8. However, although similar in form, shape and height to a garage, it would be substantially different to all other dwellings nearby. The contrast with the terraced dwellings opposite would be immediately striking, but it would also contrast with the few dwellings on the south side of the road. In particular, No. 23, though comparable in its position to the proposal, is a traditional two-storey, pitched roof house reflecting the form and scale of the dwellings opposite and behind it. It also has a modest garden and parking area to its side. In comparison, the proposed dwelling's flat roof, partly subterranean nature, lack of any gaps to its side boundaries and lack of active contribution to the street scene would mean it would contrast with the surrounding dwellings and appear cramped on its site.
9. From directly in front of the site, the dwelling would be barely visible as it would be hidden behind a new brick wall, similar in height to the other neighbouring fences on the highway boundary. However, it would be visible from positions to the east along Bradley Road because the fence between Nos. 82 and 80 is shorter than most others. Also, the land falls slightly towards Station Road and with it the fences along the side boundaries. The development however would not follow this contour and so would project above these fences, particularly at its southern end. It would also, most likely, be visible above the boundary fences, from the rear gardens at many of the neighbouring properties in Station Road. From all these positions, the incongruity of the dwelling would be apparent.
10. In addition, due to the openness of the neighbouring gardens, it would be visible from the first floors of the neighbouring houses on Station Road and Bradley Road. Although the view from the upper floors would, primarily, be of the green roof, even in this respect the dwelling would appear incongruous.
11. Aside from its localised visual impact, the provision of a dwelling would interrupt the run of domestic gardens (from Nos. 78 to 88) and the relief they provide between houses. An ancillary domestic outbuilding of this scale may reflect the others in the neighbouring gardens. But the introduction of a dwelling, even if it has the visible mass of a garage, would alter the character of this locality by introducing a more intensive use of the land. Accordingly,

though the site currently detracts from the character and appearance of the conservation area, the dwelling would cause greater harm to its character.

12. One of the reasons for refusal refers to harm resulting from the loss of the existing open garden and its biodiversity value. The loss of an open area of land with a building of modest visible scale would have no appreciable harmful effect on the balance of built form and openness locally. Moreover, the appeal site does not appear to be maintained and is overgrown with ruderal vegetation. The provision of a green roof would offer an opportunity for ecological improvements.
13. Nonetheless, the development would harm the character and appearance of the area and would fail to preserve the character of the WGCCA. Consequently, it would fail to accord with policy DM1 of the Development Management Development Plan Document (2017) (the 'DMDPD'), policy SP11 of Haringey's Local Plan (2013) and policy D3 of The London Plan which all seek to ensure development respects its surroundings and local context.
14. It would also fail to accord with DMDPD policy DM7 which states that there is a presumption against the loss of garden land unless it represents comprehensive redevelopment of a number of whole land plots. Although the site has been subdivided from the house at No. 84, it still reads as part of its rear garden, akin to the neighbouring gardens to either side. In the absence of the redevelopment of those neighbouring gardens the proposal would represent the form of development which the policy seeks to prevent.
15. It would fail to accord with Local Plan policy SP12 and London Plan policy HC1 which require that development conserves the historic significance of heritage assets, and DMDPD policy DM9 which allows for the redevelopment of sites which detract from the character and appearance of a conservation area providing they complement the special characteristics and significance of the area.
16. The harm to the significance of the WGCCA would be less than substantial. Paragraph 202 of the National Planning Policy Framework (the 'Framework') requires that where less than substantial harm is found to the significance of a heritage asset, that harm must be weighed against the public benefits of the proposal. In this case, the public benefits are limited. Although the site currently detracts from the conservation area, the proposal, even with its new boundary wall, would be more harmful to the conservation area and so is of no positive benefit. The proposal would provide one additional unit to the Council's housing supply, and in an accessible location. But this benefit is limited and does not outweigh the harm set out above.

Living conditions

17. The development would have its bedroom and bathroom at ground floor level with all other accommodation at lower ground floor level in a single combined room. At lower ground level there would be full height glazed doors along the whole of the south elevation and similarly sized glazed doors around a courtyard area towards the front of the unit.
18. The view from the lower ground floor windows would be primarily of retaining walls. With boundary fencing on top, there would be very few parts of the dwelling from which the sky would be visible. As such, I consider that the

outlook from the lower ground floor of the dwelling, which would be the main living space, would be poor. This could not be mitigated with planting which could in fact further reduce the view. In addition, the amenity areas would feel very enclosed and oppressive and so would also not have a satisfactory outlook.

19. With respect to light, the appellant's original Daylight and Sunlight report states that the most comprehensive test for assessing daylight is the Average Daylight Factor (ADF). The report calculates that the ADF in the kitchen/living space is 3.06%, which exceeds the targets in the Building Research Establishment (BRE) Guide¹. Given the size of the two voids compared to the size of the room between them, I would agree that the amount of daylight in the lower ground floor would be likely to be satisfactory.
20. In terms of assessing sunlight, the report states the recognised methodology is the Annual Probable Sunlight Hours (APSH) method which calculates the hours of sunlight any room would receive over the year. The assessment shows that the kitchen/living space just meets the BRE guidelines of 25% APSH, but that during winter months it would receive no sunlight at all, whereas the BRE target is 5%.
21. However, a subsequent report, by a different company, submitted with the appeal, comes to a different conclusion and considers that the APSH for the kitchen/living room would be 17% in winter months. The report states that their figures take account of local climatic conditions. This second report also shows the results of a radiance assessment which assesses the combined sunlight and daylight in the development. The plans accompanying this show that, most likely, more than 50% of the lower ground floor would have a lux level of more than 141. The target² for living rooms is for more than 50% of the room to have a lux level in excess of 150.
22. On this basis, and without any evidence from the Council to the contrary, I consider the daylight, sunlight and general radiance in the lower ground floor would be adequate. Despite this, the outlook from the lower ground floor would be poor. As such, the proposal would fail to accord with policy SP11 and DMDPD policy DM12 which generally requires housing development to be of high quality design, and policy DM1 which states that proposals must ensure appropriate open aspects.

Other Matters

23. The Council accepts its delivery of housing over the past three years is substantially below its target. Paragraph 11 (d) of the Framework therefore applies. Part i. of paragraph 11 d) states that permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development.
24. In this case the WGCCA is an asset of particular importance. I have already considered that the development would lead to less than substantial harm to the significance of the conservation area and that harm is not outweighed by the public benefit provided by the addition of one dwelling to the Council's stock of housing. Paragraph 199 of the Framework states that great weight should be given to the heritages asset's conservation. This provides a clear

¹ Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice, 2nd edition, 2011'

² As set out in the National Annex to the European Standard (BS EN 17037:2018)

reason for refusing the development. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

25. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which would support a decision other than in accordance with the development plan.
26. Therefore, for the reasons given, and having had regard to all other matters, the appeal is dismissed.

Andrew Owen

INSPECTOR