



Appeal Decision

Site visit made on 4 April 2022

by Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 May 2022

Appeal Ref: APP/Y5420/W/21/3278847

Block A - D St Matthews Court, Coppetts Road, London, N10 1NW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Greyclide Investments Limited against the decision of London Borough of Haringey.
 - The application Ref HGY/2021/0949, dated 17 March 2021, was refused by notice dated 13 May 2021.
 - The development proposed is a prior approval for the construction of two additional storeys to provide nine new dwellinghouses above St Matthews Court under Part 20, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (amended 2020).
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Decision

1. The appeal is dismissed.

Main Issues

2. From the evidence before me, I consider that the main issues are the effect of the proposal on (i) the external appearance of the building, (ii) the transport and highway impacts of the development, as well as (iii) the impact on the amenity of the occupiers of the existing building, with regard to internal space and overbearing impact, as well as neighbouring premises, with regard to overbearing impact.

Reasons

External appearance

3. The appeal building comprises a three-storey block of flats located alongside Coppetts Road, with a wing extending from the rear elevation. The building is set under pitched roofs, with brick elevations and there is an ordered pattern of fenestration to the elevation addressing the road. The surrounding topography results in levels falling to the north, with the road and nearby dwellings following this contour. The area surrounding the site is generally characterised by low-rise development, comprising of two-storey dwellings lining the majority of the adjoining roads.
4. The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) requires that the prior approval as to the external appearance of the building be applied for. Within the submitted statement, the appellant initially advocates that this requires a narrow assessment of the external appearance, limited to the building itself and not

the wider streetscene or surrounding area. However, within their final comments, the appellant accepts that following a recent High Court decision, a wider approach can be taken.

5. The appeal scheme would result in the addition of two storeys atop the existing building. Within the context of low-rise, mainly two-storey, development within which the building currently sits, together with its proximity to the road and its siting with a long elevation facing the road, the resultant building would appear as an overly dominant and harmfully assertive structure. It would relate poorly to the scale of the surrounding development, including the dwellings to the north which sit at a lower level. The proposed development would tower above these adjacent dwellings, and as well as those within the surrounding vicinity. As a consequence of this, it would be a highly discordant and visually intrusive feature of the street. This would be particularly, but not solely, appreciable when approaching the site from the lower level to the north.
6. I have had regard to the examples provided by the appellant of alternative, contemporary architectural approaches within the surrounding area. However, each of these examples is materially different from the appeal scheme that is before me, in terms of its bulk, massing, siting and appearance. As a result, none of the examples provided are directly comparable to the proposed development and they do not persuade me of its acceptability.
7. In respect of the detailed design of the upwards extension and its relationship with the existing building, the proposal incorporates a contemporary approach to its roof, with multiple roof planes. Additionally, while the fenestration pattern departs from the exact detailing seen in the existing elevations, it follows the general pattern while introducing variations in terms of size. I find that in isolation the design approach of the extension is appropriate and would sit acceptably against the existing elevations of the building. However, this does not outweigh the harm I identify above in terms of the appearance of the building within its wider context.
8. Therefore, for the reasons that I have set out, I find that the proposal would have a substantial harmful effect on the external appearance of the building, and it would be contrary to the design aims of the Framework, particularly but not limited to the requirement for upward extensions to be consistent with the prevailing height and form of neighbouring properties and the overall streetscene.

Transport and highways impacts

9. The scheme would result in nine new units within the site without the provision of additional parking facilities. There are discussions within the appeal documents in respect of the predicted car ownership of the proposed units, with local car ownership data indicating that 4 spaces would be required, while an assessment of car ownership within the existing development results in an estimated need for 6 spaces. While I note the Council's comments that 6 spaces should be an absolute minimum requirement, I find that this would be an overly onerous approach and find that 4 should be considered a minimum figure in line with local car ownership data, which provides a broader assessment.
10. It has been identified that subject to the marking out of additional spaces within the existing rear parking area at the appeal site, there is capacity to be

able to accommodate two additional parking spaces, in addition to the spare capacity of a single space that was identified in the parking survey. The additional spaces could be secured by way of condition should the appeal be allowed. This would result in only one on-street parking space being required.

11. The details submitted indicate that an on-street parking stress survey identified 17 empty spaces within 200 metres of the appeal site across two nights. This indicates a parking stress of 87.8%, close to a recognised threshold of 90% being acceptable. The addition of a single car to this stress level would not result in the 90% threshold being breached. Indeed, I am not convinced that a small number of additional cars seeking on-street parking would be unacceptable.
12. I acknowledge that a parking stress survey has been submitted by interested parties. However, following my findings above, this does not persuade me that there would be any unacceptable increase in on-street parking as a result of the appeal scheme, particularly given the likely small increase in on-street parking demand.
13. Accordingly, I find that additional parking capacity could be provided and that any demand on the on-street parking provision would not result in unacceptable transport and highways impacts arising from the development. Thus, there would be no unacceptable impact on highway safety, or severe residual cumulative impact on the road network.

Amenity

Residents of appeal building

14. The Council contends that the proposed units would fall short of the minimum internal floor area requirement for the units, as set out in the Nationally Described Space Standards, and would therefore be contrary to the terms of paragraph 9(a) of Article 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
15. The Town and Country Planning (General Permitted Development) (Amendment) (England) Regulations 2020 (the Amendment Regulations) amended the GPDO. The effect of this amendment in relation to this appeal was by Regulation 3 to insert paragraph 9A to Article 3 – Permitted Development, which states that Schedule 2 of the GPDO does not grant permission or authorise any development of any new dwelling house where the gross internal floor area is less than 37 metres in size, or where the new dwellinghouse does not accord with the nationally described space standard (the NDSS).
16. Regulation 1 of the Amendment Regulations states that Regulation 3 would come into force on 6 April 2021. However, there are also Transitional and Saving provisions set out in the Amendment Regulations.
17. These set out under Regulation 12 (2) that:
The amendment made by regulation 3 of these Regulations does not have effect in relation to development under—
 - (a) Class M, N, O, P, PA or Q of Part 3 of Schedule 2; or
 - (b) Class A, ZA, AA, AB, AC or AD of Part 20 of Schedule 2,

where an application for prior approval is submitted before 6th April 2021.

18. It therefore follows that if an application was made before 6 April 2021, the requirements for the development to comply with the minimum floorspace and nationally described space standards do not apply.
19. The prior approval application that is subject of this appeal is dated 17 March 2021 and the Council has not disputed this. It is therefore clear that the application was submitted prior to the requirements of the inserted paragraph 9A coming into effect. Therefore, the development is not required to adhere to the requirements of the NDSS.
20. Block D of the existing building is arranged to the rear of Block B and as a result, there are windows which serve the units within Block B and lie in close proximity to Block D. This arrangement already limits the outlook that is available to occupiers of the units within Block B. However, it is noted that the windows that are mostly affected by this arrangement serve secondary, small bedrooms and are not the main bedrooms or main living spaces. In this regard, the increase in height of Block D to the rear would result in an arrangement that is no different from the lower floors of the existing building. Furthermore, the main living spaces to the front of the building would not be affected by the increase in height to the rear.

Neighbouring residents

21. To the north of the appeal site lie the properties of 5 and 6 Mandela Close. These properties lie at a lower level, with their gardens between the dwellings and the appeal building. The gardens provide separation between the two buildings and while the proposal would result in a noticeable increase in height of St Matthews Court, given that there would be no increase in built development to the sides of the gardens, the increase in height would not be such that it would result in unacceptable living conditions. Similarly, for properties to the south along Creighton Avenue, the proposal would be noticeable and obvious, yet it would not be so close and oppressive so as to have an unacceptable effect.
22. The top floor of Block D includes the provision of two recessed balcony areas that would face the properties along Creighton Avenue to the south. While this would introduce views towards these properties, there are existing windows in this elevation to the floors below which similarly afford views. As such, any increase in overlooking would not be unacceptable. I am conscious that the provision of balconies would allow persons to gather outside and there may be an increase in activity associated with this. However, the limited extent of the balconies would restrain the effect of such occurrences. Furthermore, the separation distance is such that this would also limit any disturbance or overlooking from these spaces.
23. Consequently, I find that there would be no unacceptable effect on amenity, with regard to the living conditions of the existing occupiers of the appeal building or the occupiers of neighbouring properties.

Other Matters

24. I have had careful regard to the other appeal decisions that have been put before me by the appellant. However, each turns on the specific circumstances of that case, as does the case before me. As such, they have little bearing on

my decision and do not persuade me that the appeal scheme would be acceptable.

Conclusion

25. While I find that the transport and highways impacts, as well as effect on amenity would be acceptable, I find that there would be a harmful and unacceptable impact in terms of the external appearance of the building.
26. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Martin Allen

INSPECTOR