



Appeal Decision

Site visit made on 22 March 2022

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9TH May 2022

Appeal Ref: APP/Y5420/W/21/3276506

Rear of 75 Windermere Road, London, N10 2RD

- 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 C&G Properties Ltd against the decision of London Borough of Haringey.
 - The application Ref HGY/2020/2982, dated 29 October 2020, was refused by notice dated 18 January 2021.
 - The development proposed is demolition of existing 5 no garages and erection of 1 no 3 bedroom single storey house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following the Council's decision, the National Planning Policy Framework (the Framework) was revised on 20 July 2021 and the London Plan 2021 has been published. The Council and appellant have had an opportunity to comment on the implications of these changes through their submissions.

Main Issue

3. The main issue is:
 - whether the proposed development would preserve or enhance the character or appearance of the Muswell Hill Conservation Area

Reasons

4. The appeal site is located within the Muswell Hill Conservation Area (CA) and encompasses a block of 5 garages which are located to the rear of 75 Windermere Road and are accessed from Muswell Avenue, which runs parallel to Windermere Road.
5. The dwellings within this part of the CA are well preserved, in terms of their character and architectural detailing and as terraces their significance is derived from their group value. The use of repeated gables, two storey bays and deep contrasting stone heads give a uniform appearance and this is reinforced by the generally consistent front garden walls. This consistent established pattern of development makes a positive contribution to the character, appearance and significance of the CA as a whole.

6. The existing garages which extend beyond the appeal site along Muswell Avenue are identified within the Muswell Hill Conservation Area Character Appraisal 2008 (MHCACA) as buildings which detract from the character and appearance of the CA. The principle of the redevelopment of the site has been established by the grant of planning permission in December 2019 for a single dwelling¹.
7. The ancillary garages and outbuildings have a consistency of size and scale and form a strong linear pattern. The proposed dwelling would have a greater footprint than the garage block it replaces and would project beyond the rear elevation of the existing garages into an area that is predominately open and undeveloped. This would disrupt the linear pattern which is currently evident and contributes to the character and appearance of the area. In this regard, the increased depth of the proposed dwelling would result in an incursion beyond this established pattern of development, diminishing the overall depth of the existing garden, failing to make a positive contribution to local character and distinctiveness.
8. I accept that there is an example of an ancillary domestic outbuilding located to the rear of the existing garage block directly adjacent to the appeal site, however the evidence before me in the form of the submitted location plan and figure 1 of the appellant's written statement does not indicate that this is characteristic of the wider pattern of development.
9. In line with paragraph 201 of the National Planning Policy Framework (the Framework), the harm that would arise to the heritage asset would not be severe and would therefore be less than substantial. Paragraph 202 of the Framework states that such harm should be weighed against any public benefits of the proposal. The proposal would give rise to some modest economic benefits during the construction phase and a single dwelling would provide minor support to the Council's housing supply.
10. However, a significant proportion of the other benefits outlined by the appellant would be realised with the development of the smaller dwelling which already has planning permission. This is acknowledged by the appellant in their final comments. Similarly, any benefit arising from it being a site that could be delivered quickly would be realised with the smaller scheme.
11. The proposal would also result in the removal of the existing garages, which are a noted detractor within the MHCACA, however the development proposed would not be the only option open to the appellant to remove the garages and therefore I have given this consideration limited weight.
12. Therefore, these modest benefits are not considered to outweigh the identified harm to which I must attach considerable importance and weight as required by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal would, therefore, fail to preserve or enhance the Conservation Area, and thereby the significance of, the designated heritage asset. It would not accord with the policies of the Framework which seek to conserve and enhance the historic environment.

¹ HGY/2019/2866 Demolition of existing 5 no. garages and erection of 1 x 2 bedroom single storey house

13. I conclude that the development proposed would fail to conserve or enhance the character or appearance of the Muswell Hill Conservation Area, contrary to policies SP11 and SP12 of the Haringey Local Plan 2017 and policies DM1, DM7, DM9 and DM12 of the Haringey Development Management DPD, July 2017 which together seek to ensure the highest standards of design, having regard to local context and character and the conservation of the historic significance of Haringey's heritage assets. Furthermore, developments for infill, backland and garden land must also relate appropriately to the surrounding area.
14. Whilst recognising that policies H1, D1 and D3 of the London Plan (LP) seek to optimise site capacity and increase housing supply, they also state that the form and layout of development should enhance local context by positively responding to local distinctiveness with regard to building types, forms and proportions. Therefore, for the reasons I have identified above the development would also fail to accord with policies H1, D1 and D3 of the LP. The development would also fail to accord with policies HC1 of the LP which refers to development affecting heritage assets.

Conclusion

15. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework and its presumption in favour of sustainable development, that outweigh this conflict.
16. For the reasons outlined above, I conclude that the appeal should be dismissed.

G Pannell

INSPECTOR