



Appeal Decision

Site visit made on 9 May 2022

by Katherine Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th June 2022

Appeal Ref: APP/Y5420/W/21/3289717

105 Boundary Road, Tottenham, London N22 6AR

- 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 Ross Walker-Love against the decision of London Borough of Haringey.
 - The application Ref HGY/2021/2883, dated 26 August 2021, was refused by notice dated 3 December 2021.
 - The development proposed is the demolition of existing outbuildings and the erection of a 2 storey house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposed development on:
 - The character and appearance of the appeal site and the surrounding area;
 - The living conditions of the occupiers of neighbouring properties with regard to the provision of external amenity space, outlook, daylight and sunlight; and
 - Whether appropriate living conditions would be provided for future occupiers with regard to the daylight, sunlight, outlook and the provision of external amenity space.

Reasons

Character and Appearance

3. The appeal site comprises the rear portion of the garden of 105 Boundary Road, a two storey end terraced house on the junction of Boundary Road with Rusper Road. The site lies in an established residential area characterised by two storey terraced housing of traditional design. Houses in the area are generally set back from the road by small front gardens and have longer rear gardens. There are some detached and semi-detached dwellings and domestic outbuildings which face onto side roads in the vicinity of the appeal site.
4. The proposal concerns the garden of only one property where the demolition of a small outbuilding and shed would not constitute comprehensive redevelopment. Therefore, it would not meet any of the exceptions of Policy DM7 of the Development Management Development Plan Document (2017) (DPD).

5. The proposal would occupy a significant part of the garden of the appeal property, eroding one of the gaps between the terraces which help to create a feeling of space and is a distinguishing characteristic of the area. Although stepped in part, the building would be higher than might normally be expected in a garden environment, incongruously so and significantly higher than the outbuildings it would replace. The built footprint would be more evident from elevated positions, thereby further compromising the spacious character of area. The result being that the plot would appear small and cramped in comparison to the more spacious linear plots with lengthy gardens nearby. Consequently, the proposal would neither respond to its locality nor enhance its surroundings.
6. Therefore, I conclude that the proposal would unacceptably harm the character and appearance of the area contrary to DPD Policy DM7, which seeks to resist the loss of gardens in the borough unless it relates appropriately to the surrounding area. The proposal would also fail to comply with Haringey Local Plan (2017) (HLP) Policy SP11, DPD Policies DM1 and DM12 and London Plan (2021) (LP) Policies D1, D3 and D6 which, amongst other things, seek to ensure that new development is of high-quality design and responds positively to its locality.
7. The Council refer to LP Policy D10 in relation to this main issue, but as this relates to the requirement for London boroughs to formulate their own policies for large scale basement development under existing buildings it is not relevant to matters relating to character and appearance. It has, therefore, not been a determinative factor in coming to my decision on this main issue.

Living Conditions – Existing Occupiers

8. The proposed dwelling would be close to the rear elevation of No 105, where its side elevation would form a high boundary wall to the remaining garden. As a consequence, the garden depth would be significantly reduced and the outlook from both the garden and the ground floor of No 105 would be severely restricted.
9. The proposed dwelling's rear elevation wall would also form a significant proportion of the side garden boundary of 107 Boundary Road. Although a stepped arrangement on this elevation has been proposed, the height of the boundary wall would be much higher than the existing boundary, to an extent that is not typically found in the area. As a result, the sense of openness and spaciousness that the occupiers of that property currently enjoy from their garden would be unacceptably diminished.
10. I am aware that the appeal property has an extant permission for a two-storey extension and conversion to three flats. The ground floor flat of this scheme would be a 3-bed family unit and was granted planning permission on the basis that it would have access to the garden as existing. However, the remaining garden would exceed the requirements for a unit of this nature. Nevertheless, my concerns are regarding the outlook rather than the size of the external space.
11. I therefore conclude the proposal would be harmful to the living conditions of the occupiers of 105 and 107 Boundary Road with regard to outlook. This would be contrary to HLP Policy SP11, DPD Policies DM1 and DM7 and LP Policies D1, D3 and D6 which seek to ensure development provides high

standards of amenity. I do not, however, find any conflict with LP Policy D6 in respect to the provision of external space for No 105.

12. The Council also refer to LP Policy D10 in relation to this main issue. However, as previously stated, it is not directly relevant to this main issue and has not been a determinative factor in coming to my decision in this respect.

Living Conditions – Future Occupiers

13. The external amenity spaces proposed would, cumulatively, meet the standards required by LP Policy D6. However, they would be formed of 3 small but distinct areas - an enclosed courtyard at the front of the property, space around the main access path and a small basement lightwell off two of the bedrooms. Individually, none would be particularly spacious, some not convenient or practical to use as outdoor amenity space, and all heavily enclosed. They would not, as a consequence, provide pleasant or convenient spaces commensurate with a dwelling of this size for sitting out, drying of laundry, or children's play, and are likely to be in shade for considerable parts of the day.
14. The outlook from and into these spaces would be oppressive and overbearing. In the case of the ground floor living space offering at best only glimpses, through perforated brick, of the street beyond. The outlook from rooms within the proposal despite having tall, openable windows to light wells would nevertheless be unduly oppressive and gloomy for occupiers to a degree which would not be appropriate.
15. I acknowledge that the appellant undertook a Daylight and Sunlight Assessment in relation to a previous appeal for a proposal on the same site¹ of a different design. However, I have not been supplied with any specific or detailed information relating to the particular scheme before me. It has therefore not been demonstrated that adequate daylight and sunlight would penetrate the building's living spaces and external amenity areas especially at basement level. Given the arrangement and layout of the property, however, it is likely that both external spaces and living accommodation would be in shade for considerable parts of the day. Bedroom 3 would be particularly problematic in this respect.
16. The configuration of the proposal may have overcome privacy issues identified from the previous scheme. However, the result would be an unacceptable sense of enclosure for the occupiers of the proposed dwelling both in real terms from the heavily enclosed spaces but also in perceived terms due to the fragmented nature of the spaces.
17. I therefore conclude that the proposal fails to provide appropriate living conditions for future occupiers of the proposed dwelling with respect to daylight, sunlight, outlook and the provision of external amenity space. Consequently, in this regard it conflicts with HLP Policy SP11, DPD Policies DM1 and DM7 and LP Policies D1, D3 and D6 which seek to ensure development provides high standards of amenity.
18. The Council have referred to LP Policy D10 in relation to this main issue. As previously, it is not directly relevant to this main issue and has not been a determinative factor in coming to my decision on this matter.

¹ APP/Y5420/W/20/3262759

Other Matters

19. A Basement Impact Assessment has been undertaken to demonstrate that the construction of a basement on the appeal site would be structurally acceptable. However, the matter of whether the basement would be structurally sound is not in contention. As such I have not considered it further.
20. Reference has been made to policies within the HLP and LP which the proposal would comply with. However, neither the support for housing delivery nor sustainable development in these plans or in the National Planning Policy Framework (the 'Framework') should be at the expense of ensuring all development is appropriate, including integrating the development suitably into its surrounding environment and ensuring adequate living conditions for existing and future occupiers. Given the scale of the scheme any contribution towards housing supply or mix, and environmental benefits would be limited and therefore the weight this carries in support of the proposal is also limited.
21. I note that the appellant states they had positive pre-application discussions. However, pre-application discussions are not binding on any future decision the local planning authority may make once a proposal has been subject to the formal planning process. This does not lead me to a different conclusion on the main issues.
22. My attention has been drawn to other properties in similar positions at the end of terraces nearby. From my observations, they do not have the same relationship to adjacent properties or their plot size and layout. Therefore, they are materially different to the scheme before me.
23. I have also had my attention drawn to other developments elsewhere in London which are similar to the proposal before me. I do not have the details of these before me or the precise circumstances regarding their surroundings or how they came to gain permission. Similar developments elsewhere do not indicate that the proposal before me would be acceptable and does not persuade me to come to an alternative conclusion on the main issues and that the scheme is contrary to the development plan as a whole.

Planning Balance

24. The Council acknowledges that its delivery of housing over the past three years is substantially below its target. Paragraph 11(d) of the Framework therefore should be engaged. There are no protected assets or areas as outlined in paragraph 11(d)(i) that indicate that the scheme should be refused.
25. The proposals would only contribute a net addition of one dwelling to the supply of housing in the area. Given the number of dwellings proposal, the benefits of providing one house in providing accommodation where there is a shortfall would be limited.
26. A benefit would arise from the use of environmentally sustainable features. I have attribute moderate weight to this benefit. I have found harm on the character and appearance of the site and its surroundings and also to the living conditions of both existing and future occupiers and that harm when taken together would be significant. Both these issues carry significant weight. With the above in mind, the adverse impacts of granting planning permission for the proposed development would significantly and demonstrably outweigh its benefits when assessed against policies in the Framework taken as a whole.

Therefore, it would not represent sustainable development for which the presumption in favour applies.

Conclusion

27. There are no other material considerations, individually or cumulatively, that would warrant taking a decision otherwise than in accordance with the development plan taken as a whole. I therefore conclude that the appeal should be dismissed.

Katherine Robbie

INSPECTOR