
Appeal Decision

Site visit made on 24 May 2022

by Peter White BA(Hons) MA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 July 2022

Appeal Ref: APP/Y5420/W/21/3289243

848 High Road, Tottenham, London N17 0EY

- 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 Gulfraz Taj against the decision of London Borough of Haringey Council.
 - The application Ref HGY/2021/2529, dated 4 August 2021¹, was refused by notice dated 29 September 2021.
 - The development proposed is described on the application form as “first floor rear extension, with internal and external demolition and alterations to facilitate the proposal of a new 1 x 1 bed dwelling with ground floor commercial space”.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by the appellant against London Borough of Haringey Council. That application is the subject of a separate decision.

Preliminary Matters

3. This appeal follows a previous application and appeal². The principal changes relate to enlargement of the rear yard on the ground floor, a roof terrace on the first floor, and a balcony on the second floor.
4. The Council states that it was unable to establish the nature of the development due to conflicting plans, and therefore considered all iterations. The appellant has clarified that the plans to be considered, of those before the me and the Council, are the following plan numbers: LP01, BP01, 101.3, 102, 103, 104.4, 105.4 and 106.4. He has also confirmed that earlier plans dated March 2020 and numbered 104.3 and 105.1 are not part of the proposal. Notwithstanding the description of development, the plans for consideration do not include a first-floor rear extension.

Main Issues

5. The effects of the development on: (i) the character and appearance of the building and the North Tottenham Conservation Area, with regard to the first-floor roof terrace and second floor balcony; and (ii) the living conditions of future occupiers of the development, with particular regard to layout, outlook, and amenity space.

¹ As stated in the appellant’s appeal statement and Council’s decision notice.

² APP/Y5420/W/20/2363034

Reasons

Character and appearance:

6. No 848 falls within the North Tottenham Conservation Area (NTCA), one of a number around Tottenham High Road. I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the NTCA. 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. At my site visit I saw that the significance of the NTCA, insofar as this appeal is concerned, derives from its harmony and examples of formal, predominantly nineteenth century, buildings (principally along High Road).
7. The Council also advise that the appeal building is a locally listed building. I consider its significance to be its historic proportions and architecture, and in turn its contribution to the character of the area as part of a traditional terrace of buff brick with a slate roof, vertically proportioned fenestration and chimneys, and a shopfront retaining traditional features.
8. The appeal site is a mid-terrace building with a shop unit at the ground floor. It has a vacant space at the rear, which the appellant advises is a storage area, accessed only from the rear alleyway via Roebuck Close. A residential flat encompasses the first and second floors, accessed from the High Street at the front, and with rear access to Roebuck Close via a fenced roof terrace and external staircase.
9. There would be no changes to the front of the building, and external works to reduce the footprint of the ground floor rear structure and remove of the rear external staircase from the yard would have no material impact on the character of the building or the area. The reduction in size of the fenced first-floor roof terrace would not be harmful, but its enclosure with obscure glazing panels, or at a height of 1.7m as proposed on the application form³, would be significant modern features which would contrast with the railings on the other rear terraces and harm the character and appearance of the building and the NTCA. Alteration of the ridged slate roof to incorporate a flat roof, with metal or obscure glass balustrades would also conflict with, and adversely affect, the uniformity of design of the slate roofs. These alterations would be visible from public areas on Roebuck Close and would harm the character and appearance of the NTCA and the locally listed building.
10. The development would therefore give rise to less than substantial harm to the NTCA, being limited to a small part of the NTCA, and consideration must therefore be given to paragraphs 199, 200 and 202 of Framework. Harm must be weighed against the public benefits of the proposal, great weight should be given to the conservation of heritage assets, and clear and convincing justification is required for harm to the significance of a heritage asset.
11. Paragraph 203 of the Framework also requires a balanced judgement in relation to the effect on the significance of the locally listed building, as a non-designated heritage asset.
12. The public benefits of the proposal are the net increase in one single-bedroom residential unit in an accessible location, and the potential increase in

³ I note a lower height is depicted on the plans

commercial attractiveness of the smaller ground floor commercial unit (although the unit is currently let and there would be no reduction in the existing retail floorspace). The appellant's claims to protecting neighbouring amenity and having no impact on parking and highway safety, and the absence of objections from neighbouring occupiers are neutral, rather than weighing in favour of allowing. Overall, I attribute limited weight to the provision of the public benefits in favour of the development, and as such they do not outweigh the harm that would result.

13. I conclude the development would be harmful to the character and appearance of the NTCA and to the locally listed building contrary to London Plan (2021) ("LP2021") Policy HC1, Haringey Local Plan Strategic Policies 2013-2026 (2013) ("Local Plan Strategic Policies") Policies SP11 and SP12 and Haringey Development Management DPD (2017) ("DM DPD") Policies DM1 and DM9 which together relate to heritage conservation and design, and chapter 16 of the Framework which relates to heritage matters.

Living conditions:

14. The previous Inspector found the internal layout of proposed Flat 1 to be acceptable. Notwithstanding the absence of a specific minimum floorspace figure for a 1-bed 1-person ("1b1p") 2-storey dwelling in LP2021 Policy D6 Table 3.1, such accommodation is not explicitly excluded. Applying the same 8sqm uplift required for stairs and circulation in a 1b2p 2-storey dwelling, the proposed floorspace for Flat 1 would be reasonable. I therefore agree with the previous Inspector. The addition of the second-floor balcony in the current scheme would provide adequate private outdoor space which meets the London Plan requirement of 5sqm.
15. The re-configuration of proposed Flat 2 would provide additional external space on the ground and first floors with a marginally increased internal area and a first-floor roof terrace. However, despite the setback of the rear of the building, and a larger rear yard compared to the previous scheme, outlook from the ground floor kitchen/dining/living space would be poor and oppressive, being limited to views of an enclosed yard at the end of a long room. With the exception of one small hallway window, Flat 2 would be a single aspect dwelling, which LP2021 Policy D6 states should normally be avoided. Overall, I find that the proposed layout would result in a poor living environment with inadequate outlook for the future occupiers of Flat 2, which would not be overcome by the proposed private outdoor space on the ground and first floors.
16. I am not bound by previous decisions made by the Council, but have had regard to the appellant's examples of other developments approved by them. With one exception, those developments related to dual aspect units, and in that case, at 429-431 High Road, the single aspect flats at first and second floor levels were of a very different layout to the appeal proposal. None of those developments are therefore directly comparable to the appeal proposal.
17. In conclusion, I consider the development would provide inadequate living conditions for future occupiers of the development, with particular regard to layout and outlook. The development would conflict with the relevant provisions of London Plan (2021) Policy D6, Local Plan Strategic Policies SP2

and SP11, DM DPD Policies DM1, DM11 and DM12, and the London Housing SPG⁴, which together seek appropriate housing standards and design.

Other Matters

18. The Council states that its Housing Delivery Test results show delivery of housing over the last three years to be substantially below its housing requirement, and therefore that paragraph 11 of the Framework applies. However, the harm I identify to the NTCA provides a clear reason for refusing the development proposed within the terms of Framework paragraph 11(d)(i). Whilst I acknowledge there would be certain benefits of the proposal, notably in representing a numerical increase in housing in the foregoing context, no other material considerations in favour of the scheme are sufficient to outweigh the clear harm that would result.

Conclusion

19. For the reasons above, having regard to the development plan as a whole, the approach in the Framework, and all other material relevant considerations, I conclude the appeal should be dismissed.

Peter White

INSPECTOR

⁴ London Plan Housing Supplementary Planning Document (2016)