

Appeal Decision

Site visit made on 5 August 2022

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 August 2022

Appeal Ref: APP/Y5420/D/22/3300507

76 Stapleton Hall Road, London N4 4QA

- 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 Keith Daley and Janet Elizabeth High against the decision of the Council of the London Borough of Haringey.
 - The application ref. HGY/2021/3563, dated 1 December 2021, was refused by notice dated 15 March 2022.
 - The development proposed is "*New on-site parking for an electric vehicle with permeable surface*".
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Decision

1. The appeal is dismissed.

Preliminary matters

2. At Appendix 5 of the appellants' statement are existing and proposed elevation drawings, even though they are both titled *Existing Front Elevation* and stamped with the same drawing number. Insofar as they simply depict the information shown on the existing ground floor plan and proposed parking layout plan submitted with the application, I have taken the drawings in Appendix 5 into account. At Appendix 2 are revised plans which show significant differences in the design and materials for the front boundary walls and different locations for the proposed vehicular and pedestrian entrances. Viewed as a whole, the revised scheme is so markedly changed from the scheme before the Council when it made its decision that I have decided not to consider those revised plans.
 3. The appeal site falls within the Stroud Green Conservation Area (SGCA). On-street parking hereabouts is affected by a Controlled Parking Zone (CPZ) so that only holders of residents' permits are entitled to park on the street between noon and 14.00 hours, Mondays to Fridays.
 4. The officer's report at paragraph 6.13 says that the proposal would result in the reduction of on-street parking capacity within the CPZ in conflict with Part A b) of Policy DM33 of the Haringey Development Management Development Plan Document (DPD). For whatever reason, this was not reflected in the decision notice which must be taken to be the Council's formal decision on the proposal, from which the single main issue in this appeal arises. That said, I shall return to the issue raised by the officer in the section on other matters below.
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Main issue

5. The main issue is the impact of the proposed development upon the character and appearance of the SGCA.

Reasons

6. The determination of the appeal is to be made in accordance with the development plan unless material considerations indicate otherwise. As well as the DPD, the development plan includes Haringey's Local Plan Strategic Policies (HLPSP) and the London Plan (LP). There is a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area, a designated heritage asset. The National Planning Policy Framework (the Framework) expects such assets to be conserved in a manner appropriate to their significance, with any harm to, or loss of, significance requiring clear and convincing justification. It explains that where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal.
7. The Council has not published a character appraisal or management plan for the SGCA. I have had regard to the representations from the parties on the SGCA, including the Heritage Statement submitted with application and the Heritage Appeal Statement at Appendix 4 of the appellants' main statement.
8. Nos 76 and 78 are brick-built, semi-detached houses of 2 and 3 storeys situated on the southern side of Stapleton Hall Road on the inside of an appreciable bend in the road. Understood to have been constructed in the 1890s, they address the road in the traditional manner behind fairly short and enclosed front gardens and have attractive front elevations with high-quality architectural detailing. They are typical of the well-preserved Victorian domestic architecture that lends significance to the SGCA. A similar semi-detached pair of houses (nos 80 and 82) stand to the north-east except they have a rendered finish. A terraced house (no. 74) of similar design and layout to no. 76 lies to the south-west.
9. It is proposed to construct a dropped kerb to facilitate parking in the front garden of no. 76 on a permeable surface, except for strips of hardstanding for the car wheels. That surface would be 5.10 m deep by 2.68 m wide. The scheme would require the removal of a section of the front boundary wall to create the vehicular access and a crab apple tree in the front garden which has grown to a height of about 3.50 m, according to the Arboricultural Statement provided at Appendix 3 of the appellants' statement.
10. The front boundary walls at no. 76 are of brick construction and contain 2 small openings for pedestrian accesses and several taller pillars. The brickwork is only subtly different on either side of the main central opening where there are attractive curved sections terminated by 2 of the pillars in line with the front entrance door behind. Even though the walls are not from the property's original front boundary, they enclose the front of the property in a visually attractive, traditional and balanced manner. I accept that the crab apple tree would be recommended for removal regardless of the proposals but other attractive planting is evident especially close to the boundary with no. 78. I am satisfied that the front garden and its enclosure make a positive contribution to the character and appearance of the SGCA.

11. Looking across the street scene nearby (so nos 70-82) there are various low front boundary walls alongside which are hedges, planting or railings. The front boundaries are no longer consistent or wholly uniform in the sense of being perfectly matched but they are all intact and most of those front gardens contain planting. As a result, the visual continuity and enclosure to the street frontage that the retained front gardens and boundary treatments provide makes for an attractive and locally distinctive street scene within the conservation area.
12. In the context of this appeal, the appellants have overstated the degree to which the front boundary treatments along the same side of Stapleton Hall Road (between its junctions with Ferme Park Road and Oakfield Road) in the SGCA have been opened up to allow for off-street parking. There is no vehicular access or on-site parking at no. 136 as claimed. That leaves just 6 examples of forecourt parking along this section of road between nos 66 and 138, before the block of flats at Norman Court. One of those examples (no. 102) has no dropped kerb or vehicular crossover so it is unclear if the front garden there is used for parking. The vast majority of dwellings have retained their front boundaries. The very few that have not done so do not make a telling contribution to the character and appearance of the SGCA when viewed in the round. Even allowing for the narrow spacing between buildings on the southern side of the road, the most important point is that even the examples (nos 98 and 100) closest to the appeal site are not in any way visually linked to no. 76 as they are far removed from it and well beyond the appreciable bend in the road.
13. Thus, the situation is not comparable to the site at 298 Alexandra Park Road under appeal decision ref. APP/Y5420/W/21/3285780 submitted at Appendix 1 of the appellants' statement. The Inspector, in that case, found 4 front gardens used for parking very close to the appeal site along a straight road which led him to the view that off-street parking and front boundary walls could be said to contribute fairly equally to the character and appearance of the area around the appeal site. This does not apply in the case before me and moreover there is no suggestion in that appeal decision that the site fell within a conservation area.
14. As construction projects go the proposal might well be modest, but this settled part of the street scene, of which no. 76 is a part, would still be disrupted by the appeal scheme. The vehicular crossover would enable a vehicle to enter onto and park within the front garden close to the property's front elevation, some of the front boundary wall would be removed, the boundary walling that would remain would no longer appear balanced across the frontage, made worse by the omission of one of the attractive curved sections and the permeable base with hardstanding strips would lack the visual interest and softness of the existing planted area. Whilst some existing landscaping could be retained and no doubt be added to in response to a planning condition, this would not overcome the harm resulting from the disruption to the visual continuity and enclosure to the street frontage that the appeal scheme would cause.
15. There would be a lasting adverse impact on the street scene and this in turn would undermine the valuable contribution it makes to the quality of the SGCA. The quality of the built environment is one of the characteristics from which the SGCA derives its significance. The character and appearance of the SGCA would not therefore be preserved or enhanced. The scheme could legitimately result in neighbouring occupiers seeking to do the same. The collective disruption to

other front gardens and front boundary features in the immediate area would compound the harm I have identified. In the Framework's terms, it is clear that the harm to the significance of the conservation area as a designated heritage asset would be less than substantial.

16. I acknowledge that the appellants wish to use an electric vehicle in the near future and have a convenient layout for the charging cables. I do not dismiss this benefit of the proposal lightly but it is not clear as to whether that could be classed as a public benefit and in any event, even if it could, it does not outweigh the harm to the conservation area that I have found, to which I must attribute great weight. Moreover, it would not be reasonable to restrict the use of the off-street parking space to electric vehicles only.
17. I find on the main issue that the proposal would fail to preserve or enhance the character or appearance of the SGCA. There would be conflict with HLPSP Policies SP11 and SP12, DPD Policies DM9 and DM33 Part A c) and LP Policy HC1. Taken together these policies seek to ensure that all development is of the highest standard of design that respects its local context and character, conserves and enhances the significance of designated heritage assets and avoids a visual intrusion to the street scene where new vehicular accesses and crossovers are involved. The appeal scheme also goes against the Framework insofar as it relates to achieving well-designed places and conserving and enhancing the historic environment.

Other matters

18. There would undoubtedly be a reduction of on-street parking capacity within the CPZ in conflict with Part A b) of DPD Policy DM33. This would be the case even though the loss would amount to a single on-street car parking space. The appellants say that this space "*will be re-provided*" on the driveway. However, the driveway would not be available for other car drivers and when their vehicle is away from the property, the on-street space could still not be used because of the obstruction to the vehicular access it would cause. The appeal decision referred to in paragraph 13 above found against the proposal at that other site in part because of the conflict with this policy. The consideration of this other matter lends no weight in favour of the appeal scheme before me which was found to be unacceptable under the main issue.

Conclusion

19. My finding on the main issue is decisive to the outcome of this appeal. There is conflict with the development plan. The harm cannot be mitigated by the imposition of planning conditions and it is not outweighed by other material considerations.
20. For the reasons given above and taking into account all other matters raised, I conclude that this appeal should not succeed.

Andrew Dale

INSPECTOR