



Appeal Decision

Site visit made on 15 September 2022

by S A Hanson BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 October 2022

Appeal Ref: APP/Y5420/W/21/3280454

48, Mount Pleasant Crescent, Hornsey, London N4 4HP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission on an application for planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land without complying with a condition subject to which a previous planning permission was granted.
 - The appeal is made by Mr Felix Tanzer against the decision of London Borough of Haringey.
 - The application Ref HGY/2021/0748, dated 17 February 2021, was refused by notice dated 5 July 2021.
 - The development proposed is Variation of Condition 2 (approved drawings) of planning permission HGY/2019/3247 to raise the ridge height of the roof and corresponding height of rear dormer.
 - The condition in dispute is 02: The approved plans comprise drawing nos MP/ 21/B; 22/B; 23/B; 24/B. The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.
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Decision

1. The appeal is dismissed.

Background

2. Planning permission was granted by notice dated 30 January 2020 pursuant to HGY/2019/3247 for 'Construction of rear dormer window, raising ridge towards rear building and creation of roof terrace and associated balustrade on flat roof of existing outrigger' (the original PP). An application, reference Ref HGY/2021/0748, dated 17 February 2021 was submitted to vary condition 2 on the original permission to raise the ridge height of the roof and corresponding height of rear dormer. The appellant is seeking to replace approved drawing numbers: MP/21B, MP/22B, MP/23/B, MP/24B with drawing numbers MP/33B and MP/34/B.

Main Issue

3. This is whether the development preserves or enhances the character or appearance of the CA and its effect on the host property.

Reasons

4. The appeal property is a mid-terrace dwelling. The site is located within Stroud Green Conservation Area (the CA) and is part of a locally listed terrace. Mount Pleasant Crescent is characterised by the two-storey period terraced properties, separated by parapet firewalls. The council has described the terrace as '*slightly curved... with the overall effect that the attractiveness of this terrace is more*

appreciated when obliquely viewed when walking along the crescent as opposed to being viewed front on. The overall effect is that views of chimneys/chimney pots, parapet walls and the varied eaves line is a distinguishing feature of the terrace ...'

5. The houses are of similar brick construction and there is uniformity in the design of the front elevations with facades displaying a consistent fenestration style and decorative detailing. There is a slight variation in the height of eaves and ridges with some of the properties. While these modest inconsistencies do not detract from the cohesive nature of the terrace, the general uniformity of these properties and their relationship to each other within the crescent, contribute to the significance of the CA as a heritage asset.
6. The ridge height of the appeal property has been extended by approximately 100mm beyond that for which it had consent. While not usually a significant deviation, when considering the original proposal to raise the roof the Council made a judgement based on the application drawings. However, these misdirected the relationship between the appeal property and its adjoining neighbours due to errors concerning ridge and eaves levels. The effect of the errors is a more pronounced height difference between the appeal property and its neighbours either side. This has resulted in an actual height difference of approximately 200mm between Nos. 48 and 50 and 300mm between Nos. 46 and 48. As a consequence, this has also altered the slope of the roof to the front.
7. While the height difference is obvious, the resultant build draws the eye primarily due to the steeper angle of the roof slope which is at odds with others in the terrace. This is emphasised by the angle of the roof with the parapet wall particularly between Nos. 48 and 50. Although the pre-existing angle with the parapet may not have been parallel, as considered by the appellant, the re-alignment of the roof has left a much reduced visible parapet which also appears discordant against the backdrop of neighbouring roofs. I note the appellant's intentions to build up the parapet wall to achieve a parallel line. However, by doing so, this would likely impact the relationship between the roof and parapet wall on the adjoining property.
8. The appellant has provided photographs of examples of the disparity between some of the roofs in the crescent. When I visited the site, I walked its entire length to observe the properties in their setting. Except for the anomaly of Nos. 17 and 19, which are a modern infill and display few of the characteristic features of the Crescent, the row of terraced properties on either side of the road present slight variations in the nature of the roofscapes. There are examples of materials, ridge and eaves heights and planes which vary to different degrees. However, the increased height of the roof has created a steeper slope on the appeal property to such a degree that the roof form varies significantly from others within proximity. This results in a structure that appears awkward and more noticeable within this end section of the terrace.
9. Although distance views are limited, the roof form is observed from the junction with Mount Pleasant Villas, close by within the Crescent and from several neighbouring properties. In this context it is visually unsympathetic and discordant. Given the distinctive and relatively uniform character and appearance of these properties, the changes undermine the designated status of the crescent as they detract from the original design. In this respect the development is materially harmful to the character and appearance of the property and its immediate surroundings within the CA.

10. Paragraph 199 of the National Planning Policy Framework (the Framework) requires that when considering the impact of a development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm¹ to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Bearing in mind the scale of the CA, the localised harm that would be caused by the proposal would be, in the parlance of the Framework, less than substantial.
11. The Framework² confirms that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The appellant has not suggested any public benefits that would arise from the development, and it is likely that any would be a personal benefit rather than a public one to outweigh the harm.
12. I therefore conclude that, on balance, the alterations to the roof fail to preserve or enhance the character or appearance of the CA, to which I am required to have special regard and pay special attention by the Planning (Listed Buildings and Conservation Areas) Act 1990. In this respect, the development conflicts with the heritage requirements and design aspirations of Policy HC1 of the London Plan 2021, Policy SP11 and SP12 of Haringey's Local Plan Strategic Policies 2013 (Consolidated with alterations since 2017) and Policies DM1 and DM9 of The Development Management DPD 2017.

Other Matters

13. The appellant considers the council attributed undue weight to the drawing errors compared to a development proposal at No. 21 where there were similar circumstances. I viewed the property on my site visit and although there appeared to be some similarities with the appeal property, in my view, the roof slope does not appear awkward in relation to its surrounding properties. Notwithstanding this, I am not aware of the full circumstances of the development to enable a confident comparison of the developments. Dissatisfaction with the Council's alleged inconsistent approach to the handling of applications should be appropriately made in the first instance through the authority's own complaints procedure.
14. I have had regard to letters of support for the development from some third parties. However, their support does not outweigh the harm to the CA that I have identified, and these representations do not change my position.

Conclusion

15. For the reasons given above and having regard to all other matters raised, I consider the development to be contrary to the development plan as a whole and there are no other material considerations which outweigh this finding. Therefore, the appeal should not succeed.

S A Hanson INSPECTOR

¹ Paragraph 200

² Paragraph 202