
Appeal Decision

Site visit made on 25 October 2022

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 November 2022

Appeal Ref: APP/Y5420/W/21/3289508
110A Priory Road, London N8 7HP

- 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 Michael Frangeskou against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2021/1444, dated 5 May 2021, was refused by notice dated 1 July 2021.
 - The development proposed is Demolition of the existing building and erection of a 3.5-storey building comprising nursery use (Use Class E) at ground floor and residential use above (Use Class C3), with associated works to provide cycle and refuse storage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are the effect of the proposal on the character and appearance of the area and on the amenity value of Priory Common Orchard.

Reasons

Character and Appearance

3. The appeal site comprises a single storey building which is currently in use as a children's nursery. Formerly a public toilet, the building faces Priory Lane and is surrounded to the rear and two sides by Priory Common Orchard, an area of public open space (POS). The proposal would see the existing building demolished and a three and a half-storey building erected in its place, the ground floor of which would also be used as a nursery while on the first, second and roof levels would be flats.
4. From my observations on the site visit, the local area is of mixed residential and commercial use. The opposite side of Priory Road includes a long terrace, with commercial units on the ground floor and residences evidently located above. Building height on that side varies between two and a half and three storeys. The semi-detached dwellings to the west of the appeal site are two and a half storeys, while the terraces to the other side of Redston Road are of similar scales. As such, there is some variety of building height and types in the area, although generally speaking this does not rise above three storeys while semi-detached and terraces are predominant.

5. The proposed building would be taller than the opposing terrace, which is demonstrated on the section drawing (DWG No. D+S/1/ 901) in the Daylight and Sunlight Report (DSR) (Consil – 30 April 2021, Version 1). Its position adjacent an area of open space and detached from other buildings would introduce a large and imposing structure which appears out of scale with its immediate surroundings and incongruous to the local area. Although matching materials are noted, this would not prevent the building from appearing starkly out of context in the street scene, an incongruity which would be compounded by its position close to the footpath when compared to the setback of houses to either side of the POS. As such, the scale of the building and loss of openness of the immediate area would harm the character and appearance of the area.
6. The existing building is of low profile and suitable scale. Despite its lack of architectural interest, I disagree that it detracts from the street scene or that it is inappropriate in the area. As such, this would not represent an improvement to the character and appearance of the area.
7. Based on the foregoing, the proposal would be contrary to Policies DM1 and DM12 of the Haringey Development Management DPD (DPD) (adopted July 2017), Policy SP11 of the Haringey Local Plan Strategic Policies (SP) (adopted March 2013) and Policy D4 of the London Plan (LP) (adopted March 2021). These seek, among other things, to ensure development relates positively to neighbouring structures, new or old, to create a harmonious whole and makes a positive contribution to a place, improving the character and quality of an area.

Priory Common Orchard

8. This area of POS adjoins the appeal site and comprises a pleasant parcel of land accessible to the public in which to relax, tend to plants and trees and congregate socially. The open character and greenery of the common offers a welcome break in built form and it makes a very positive contribution to an otherwise busy area and lends a sense of openness to the street scene.
9. Although I understand that the proposal would not lead to the physical loss of land within the POS, the erection of a three and a half storey structure adjoining it would reduce outlook and introduce an overbearing and visually dominant feature for its users. This would diminish the enjoyment of the POS by the public considerably. Indeed, I observed on the site visit people tending to the trees and plants and there was informal seating and children's play equipment. It therefore appears to be well used and much loved locally. Although I have no reason to doubt that some negative influences occur, such as anti-social behaviour and vandalism, this does not justify the harm to a public asset which I have identified.
10. I note the additional concern of the Council with regards to overshadowing of the POS. The aforementioned DSR does assess the proposal for its impact on the area in question and concludes that 97% of the area would receive at least 2 hours of direct sunlight on March 21st, which would exceed the 50% recommended by the Building Research Establishment. Although a building of that scale would cast a shadow over the POS, particularly given its orientation relative to the proposed building, I have nothing before me to demonstrate that this would be at such a level that it would be harmful. As such, I am satisfied the proposal would be acceptable in this regard.

11. Notwithstanding the lack of harm with regards to overshadowing, the proposal would harm the amenity value of the POS, contrary to Policies DM20 of the DPD, SP13 of the SP and G6 of the LP. These seek to ensure development protects and improves Haringey's parks and open spaces and manage the impact of development in areas adjacent designated open space.

Other Matters

12. The Council has expressed additional concern in the officer report regarding cycle parking and refuse storage and collection for the building. However, these are not given as reasons for refusal and there is little substantive information on why the proposed arrangements for both are not acceptable. As I am dismissing the appeal on other matters, I have not considered these further.

Planning Balance and Conclusion

13. The Council informs that 2020 Housing Delivery Test figures show new housing in the Borough to be less than 75% of that required over the previous three years. Paragraph 11d of the National Planning Policy Framework (the Framework) is therefore engaged and indicates that relevant development plan policies are out of date. Planning permission should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.
14. The proposal would provide three new dwellings to the Council's existing stock. These are proposed to incorporate sustainable materials and technology, such as air source heat pumps and energy efficient lighting while making efficient use of the land available. These considerations are worthy of positive weight in favour of the scheme, although the weight attributed to three dwellings would be limited.
15. The nursery business would benefit from an improved host building. Any anti-social behaviour and vandalism occurring may also be alleviated to a degree by increased natural surveillance of future occupiers, particularly from balconies. Moreover, there would be some employment generated by the initial construction of the project. These matters are worthy of additional limited weight in favour.
16. However, I have found significant harm to the character and appearance of the area and the public amenity value of the POS. These carry substantial weight against the proposal. On balance, in my judgement these factors significantly and demonstrably outweigh the identified benefits of the proposal when assessed against the policies of the Framework.
17. Therefore, I conclude that this appeal should be dismissed.

C McDonagh

INSPECTOR