



Appeal Decision

Site visit made on 23 January 2023

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 8 March 2023

Appeal Ref: APP/Y5420/W/22/3303446

30 Colney Hatch Lane, Hornsey, London N10 1DU

- 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 Ms Anita McGuire of 30 Colney Hatch Lane Limited against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2022/0323, dated 24 January 2022, was refused by notice dated 11 May 2022.
 - The development proposed is described as 'to extend the existing driveway to allow for additional car parking and to demolish two garages which are in a poor state and are falling down of their own accord. The existing boundary wall and the pedestrian gate access will need to be demolished as well and rebuilt matching the existing.'
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on highway safety; and
 - The effect of the proposal the character and appearance of the Muswell Hill Conservation Area.

Reasons

Highway safety

3. The appeal site is set well back from the adjoining road. It shares a driveway with the adjoining property, No 28 Colney Hatch Lane, which leads to an open fronted, flat roofed garage, with space for two cars. The current parking arrangement, which the appellants state provides for four parking spaces, provides no formal parking at the front. This suggests that access to parking within the garages would at times be restricted, and cars may on occasion have to reverse out of the site onto the road.
4. The proposal would not change the position of the entrance and driveway leading off Colney Hatch Lane. The entrance is, however, fairly narrow for accessing and exiting vehicles for two large properties. This is exacerbated by a combination of factors including the narrow crossover over the adjoining pavement, several items of street furniture, street parking adjacent to the entrance, and hatching within the adjoining carriageway.

5. In addition, the site is on a busy road, which at the time of my site visit had a near constant movement of cars and other vehicles, including buses. There are several bus routes on this road, with a number of bus stops located on Colney Hatch Lane, close to the site. Whilst my visit is only a snapshot in time, and there is a speed limit along this stretch of road, it did demonstrate that the volume of traffic would mean that there are limitations on the visibility at the entrance to the site to ensure that cars coming into and out of the site have a full view of pedestrians and users of the adjoining pavement, plus other vehicles passing the site.
6. Although the swept path analysis submitted by the appellant for an estate car is described as a 'sufficiently large enough' vehicle, this fails to meet the Council's requirements for a larger vehicle. As No 28 is divided into flats, it is likely that vehicles larger than an estate car, for perhaps deliveries or maintenance, would be, on occasion, entering and exiting the parking area at the front. Therefore, it has not been demonstrated that there is sufficient manoeuvring or parking space within the site to ensure the safety of pedestrians and other vehicles.
7. Whilst the current parking arrangements at the site are informal, it does result in limited vehicle movements into the site, with a clear separation between pedestrians, which have their own entrance, and vehicles. Although the proposal would retain the pedestrian entrance, there would be no formal pathway and pedestrians would have to walk through the parking area and weave around vehicles to reach the entrance to the building. This would affect the safety of users of the site.
8. The proposal would encourage more parking on the site than appears to be available at present. This would therefore result in more vehicle movements, which would lead to greater level of harm to highway safety than that which currently exists. However, the limitations of the site and the lack of space, could result in vehicles either reversing out into oncoming traffic or disrupting traffic flow by trying to enter the site.
9. Therefore, I conclude that the proposal would unacceptably harm highway safety. The proposal would not accord with the car parking standards outlined in Policy DM32 of the Haringey Development Management DPD, and with Policy T1 of The London Plan, 2021, which encourages a strategic approach to transport including delivering trips to be made by foot, cycle or public transport.

Character and appearance

10. Number 30 Colney Hatch Lane is an imposing, brick-built, mid-terraced house within a short row of similar properties. The front door, which is raised and is accessed by a flight of metal steps, is reached by a paved pathway from the street, framed by brick pillars and a low stone wall. The front garden consists of a mixture of plants, shrubs and grass, with some small trees growing on the boundary with No 32 Colney Hatch Lane. The driveway slopes from the road towards the house so that the roof of the garage is located below the level of the bottom of the ground floor bay window.
11. The site is in the Muswell Hill Conservation Area which covers the extensive Edwardian suburb that developed on Muswell Hill. The significance of this part of the Conservation Area results from it being lined with high quality residential

dwelling set well back from the road with substantial front gardens, many with mature trees and dense shrubs. Generally, the properties consist of short rows of terraced housing or detached and semi-detached dwellings, two or three storeys in height. The terrace, in which No 30 is located, is characterised by the large numbers of windows on the frontage. These all have extensive stone surrounds and include canted bay windows, with the attic windows set within a Mansard style roof. These details make a positive contribution to the character of the Conservation Area.

12. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Paragraph 199 of the National Planning Policy Framework (the Framework) states that when considering the impact of a proposed development on the significance of a designated heritage asset, in this case the Muswell Hill Conservation Area, great weight should be given to the asset's conservation.
13. The site currently retains a traditional layout with the pathway weaving through the front garden. Introducing a large area of block paving, even if this includes grass blocks, would mean that the parking of cars and the turning area would dominate the front. The proposal would also lose the key alignment between the pedestrian front gate and the front door of the house so that pedestrians would not have a direct route to the entrance to the building. Whilst the plans show that the trees along the boundary would be retained, the new surfacing and paving extends up to the trunks of the trees and retains only a narrow area of planting along the boundary. The landscaping would therefore be significantly reduced.
14. I saw that most of the front gardens in the terrace have been removed and replaced with large areas of hardstanding for parking; and that it is only Numbers 28 and 30 Colney Hatch Lane that have garages to the front. I find that the garages, which are unattractive and in a poor state of repair, do detract from the character and appearance of the Conservation Area. The front boundary walls and piers which are collapsing, would be rebuilt. However, to create the two additional parking spaces and the turning area, which would be in the existing garden area, the pathway and soft landscaping that fringes it would be removed. This would mean the loss of the verdant front garden that currently exists.
15. Policy DM34 of the Haringey Development Management DPD (DPD), adopted July 2017, which covers driveways and front gardens, only permits parking on front gardens where a minimum of 50% of existing soft landscaping is being retained. The policy also requires all proposals to have regard to their impact on the historic environment in line with Policy DM9, the management of the historic environment. From my observation, the proposed landscaping would likely result in less than 50% of the retention required by Policy DM34 of the DPD, however, it is the effect of this on the historic environment, in this case the host dwelling and the conservation area, which would be visually harmful.
16. The proposed layout would, despite the benefits of removing the garages, disrupt the uniformity of the terrace, and the formal parking of cars parallel to the front of the house, in front of the bay window, and potentially along the drive, would appear intrusive and detract from the characteristics of the site and the Conservation Area.

17. I have identified the importance of this part of the conservation area and No 30 to the significance of the conservation area, which would be eroded by the proposal. As a result, harm would be caused to this part of the Muswell Hill Conservation Area. The proposal would neither preserve or enhance the character and appearance of the conservation area and accordingly there would be conflict with the Act.
18. In assessing the degree of harm to the significance of the conservation area, as a designated heritage asset, as set out in the Framework, I consider that this would be less than substantial. In such circumstances paragraph 202 of the Framework requires the harm to be weighed against the public benefits of the proposal. Whilst the proposal would remove the unsightly garage and rebuild the front wall and pillars, the creation of the parking area is essentially a private benefit. I therefore give limited weight to this.
19. Against the limited public benefit identified, is the great weight that I am required to give the heritage asset's conservation. Accordingly, the public benefits of the proposal do not outweigh the harm to the designated heritage asset.
20. I conclude that the proposal would be unacceptably harmful to the character and appearance of the Muswell Hill Conservation Area. The proposal would fail to accord with Haringey's Local Plan Strategic Policies 2013-2026, consolidated with alterations since 2017, Policy DM34 in relation to parking in front gardens, and Policy DM9, along with Policy HC1 of The London Plan, which requires the conservation of heritage assets. It would also not accord with the historic environment objectives of the Framework.

Conclusion

21. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and associated development plan conflict.
22. For the reasons given above, I conclude that the appeal is dismissed.

M J Francis

INSPECTOR