
Appeal Decision

Site visit made on 21 March 2023

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 April 2023

Appeal Ref: APP/Y5420/D/23/3315094

1 Rose Place, The Broadway, Haringey, London N8 9SU

- 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 Mark Fitzpatrick against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2022/1760, dated 15 April 2022, was refused by notice dated 18 November 2022.
 - The development proposed is the erection of a second floor to provide new bedroom and bathroom.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The appellant has requested that the appeal be determined with consideration given to additional plans, which show stone and render banding to the proposed elevation facing Weston Park and the findings of a Daylight and Sunlight Assessment, dated October 2022 (D&SA). The Council has neither considered these extra drawings or the D&SA nor consulted others on them.
3. Nevertheless, as the revised plans include a minor alteration to a single elevation of the building with no significant change sought to the substance of the appeal scheme, I am satisfied that no injustice would be caused if I were to consider them. Accordingly, I shall deal with the appeal based on the drawings provided at both the application and appeal stages.
4. With regard to the D&SA, the Council has not raised natural light as an issue nor, from the information provided, requested such an assessment. As the D&SA introduces new evidence that was not before the Council when it reached its decision, interested parties have not had the opportunity to consider its content or comment on it. As the interests of the Council and others could be prejudiced if I were to take the D&SA into account, I have not done so.

Main issues

5. The main issues are the effect of the proposed development firstly, on the character and appearance of the local area; and secondly, on the living conditions of the occupiers of nearby properties with particular regard to visual impact and sense of enclosure.

Reasons

Character and appearance

6. The appeal property is a 2-storey dwelling that is nestled into a confined plot just beyond the rears of terraces that face The Broadway and Weston Park within the Crouch End Town Centre. It also falls within the Crouch End Conservation Area (CA), which has a suburban residential character and a vibrant shopping and commercial area at its core. I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA as required by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended. The National Planning Policy Framework (the Framework) explains that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.
7. A high brick wall defines the northern boundary of the site, which is hereafter referred to as 'the wall'. The upper section of the wall is visible from Weston Park in the gap between an end-terrace dwelling and a building in use as flats called Hubert House. When seen from Weston Park, the wall is an unattractive feature primarily given the unbroken expanse of brick and its dark red colour, which noticeably contrasts with the lighter red brick buildings on either side. As such, the wall contributes little positively to the streetscape.
8. The proposal is to raise the height of the wall as part of enlarging and altering No 1 to provide a new first floor with a terrace inset into the new roof slope, using matching external materials. In doing so, the wall would become taller and appear more substantive and, as a result, gain prominence in the street scene. In views from Weston Park, an even greater expanse of solid wall would be evident projecting above an existing glazed structure and a boundary wall in the foreground. The awkward contrast in the colour of brick with the existing buildings on either side of the site would become even more pronounced.
9. Having carefully viewed the site from Weston Park, I have little doubt that the wall, as proposed to be extended, would further detract from the character and appearance of the townscape and that of the CA. Its harmful impact could not be satisfactorily mitigated by introducing 2 narrow stone and render bands, as shown in the revised plans. Although the banding would add some visual interest to the wall, they would also draw attention to its discordant presence in the street scene and within the local area. As such, the proposal would fail to preserve the character and appearance of the CA.

Living conditions

10. Of the neighbouring properties in the vicinity of the site, it is the occupiers of the upper flats at 42-44 The Broadway and some flats within Hubert House that are closest to the site and are most likely to be affected by the proposal.
11. The appeal dwelling would be noticeably taller and larger with the new built form in place and, as a result, the completed building would further enclose the restricted space at the rears of Nos 42 and 44. While the proposal would be visible at close range from the rear windows of these properties, so is the existing appeal dwelling. The proposed enlarged dwelling would not be significantly closer to the back of these adjacent properties and the eaves level of the finished building would remain relatively low. On balance, the presence

of the appeal scheme would not be so imposing as to feel oppressive nor unduly heighten a sense of enclosure for the occupiers of Nos 42 and 44.

12. Similarly, the completed building would keep a relatively low profile relative to the rear windows of the lower floor flats and a studio in Hubert House. From what I saw, most views of the finished building from the windows of these adjacent flats would be at a tight oblique angle with the main outlook towards Weston Park largely unaffected. In those circumstances, I doubt that the enlarged dwelling, as proposed would be so great as to overbear or increase the sense of enclosure for the occupiers of the flats within Hubert House.

Public benefits

13. The harm caused to the character and appearance of the local area would be localised and so the effect on the CA would be less than substantial. Even so, the Framework states that great weight should be given to the conservation of such assets, which I have done. The Framework also notes that the harm should be weighed against the public benefits of the scheme. In this case, benefits such as creating additional living space would appear to be largely private. No other public benefits are identified, and none would outweigh the harm that I have identified.

Conclusion on the main issues

14. The living conditions of the occupiers of nearby properties would not be materially reduced by the proposal. However, it would cause significant harm the character and appearance of the local area. Accordingly, the appeal scheme conflicts with Policies D6 and HC1 of The London Plan, Policies DM1, DM9 and DM12 of the Council's Development Management DPD and Policies SP11 and SP12 of Haringey's Local Plan. These policies broadly aim to ensure that new development achieves high quality design that contributes to the distinctive character and amenity of the area and safeguards designated heritage assets. There would also be a conflict with the Framework regarding the protection of heritage assets and with the statutory duty.

Other matters

15. Several interested parties support the proposal and refer to the improvements to the appearance of the appeal building and the benefits to the local area that would result if the proposal were to come forward. The Council appears to raise no objection regarding the potential loss of sunlight or daylight. From the submitted evidence, I, too, find the proposal acceptable in this regard. However, these matters do not outweigh the harm that I have identified.

Conclusion

16. The proposed development would conflict with the development plan, as a whole. There are no material considerations, including the policies of the National Planning Policy Framework, which indicate that the decision should be taken otherwise than in accordance with the development plan.
17. For the reasons set out above, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR