

Appeal Decision

Site visit made on 16 August 2023

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date: 7th September 2023

Appeal Reference: APP/Y5420/D/23/3323637

Land at 51 Cholmeley Crescent, Hornsey, Haringey, London N6 5EX

- 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 A. Keller against the decision of the London Borough of Haringey Council.
 - The application (reference HGY/2023/0269, dated 26 January 2023) was refused by notice dated 26 April 2023.
 - The development proposed is described in the application form as “works to front garden of property, including formation of a crossover and off-street vehicle parking, alterations to front steps”.
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Decision

1. The appeal is dismissed.

Main issues

2. The first main issue to be determined in this appeal is the effect of the proposed development on the character and appearance of the site and its surroundings. The second is the effect of the proposed parking space on highway safety and convenience.

Reasons

3. The appeal site is located in a residential area of north London, between the centre of Highgate and Archway Road (the A1) to the east. The area is suburban in character with an irregular street pattern over an undulating topography. Cholmeley Crescent is a curving road that rises and falls in a wide loop from the west of Cholmeley Park, set with fairly substantial detached and semi-detached homes on good sized plots. This residential area is within the Highgate Conservation Area.
4. The original buildings and their gardens have evolved over the years and a number of houses in the Crescent have a parking space and refuse recycling bins in the front garden of the property, although these usually permit a significant level of soft landscaping in addition to the surfaced areas. Trees in the public highway also add to the attractiveness of the locality.

5. Number 51 Cholmeley Crescent is located near the top of the loop at its western end, on the outside of the bend. The land continues to rise away from the road and the houses on the outside of the loop are set at a higher level. The houses in this part of Cholmeley Crescent are detached or semi-detached properties with modest front gardens but the plots are wider to the rear because of the geometry of the road layout.
6. Number 51 itself is a two-storey, semi-detached house with a brickwork structure under a tiled roof, embellished with "Tudor" details, including decorative brickwork, false timbering and a rendered panel on the front elevation. It is set at a higher level than the road, with a small front garden. Some works have been carried out to the property recently and the front garden was in an incomplete state at the time of my site visit, with entrance stairs that had been partly broken away.
7. It is now proposed to carry out engineering works to the front garden of the property, including the formation of a crossover and an off-street vehicle parking bay, in association with alterations to the front steps.
8. Provisions in the Planning (Listed Buildings and Conservation Areas) Act 1990 impose obligations on those considering whether to grant planning permission for development that would affect a conservation area. In such cases, decision makers are required to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas affected by development proposals.
9. Those formal requirements are reinforced by the 'National Planning Policy Framework', especially at Section 16, which emphasises the importance of conserving or enhancing the historic environment, though it also points out the desirability of putting a heritage asset to its "optimum viable use" as does the 'Planning Practice Guidance'.
10. The 'National Planning Policy Framework' also emphasises the aim of "achieving well designed places" in the broadest sense (notably at Section 12), while making effective use of land and encouraging economic activity. It is aimed at achieving good design standards generally, by adding to the overall quality of the area and being visually attractive and sympathetic to local character and history, although it is recognised that appropriate change may include increased densities.
11. An emphasis on the importance of protecting heritage assets and of encouraging good design more generally is also to be found in the Development Plan.
12. In particular, Policy SP12 of 'Haringey's Local Plan Strategic Policies 2013-2026' (dated 2017) aims at the conservation of Haringey's heritage assets, while Policy SP11 promotes high standards of design more broadly. Policies DM9 and DM1 of the 'Haringey London Development Management, Development Plan Document' (which was adopted in July 2017) pursue essentially the same objectives. The Policies that have been cited in the appeal include a particular aim of retaining soft landscaping on street frontages.
13. Similarly, Policies in the Neighbourhood Plan, 'A Plan for Highgate' (which was adopted in 2017), promote good design generally and are intended to preserve

or enhance the character or appearance of Highgate's conservation areas. Policy DH2 sets out this overall objective, while Policy DH6 specifically deals with the treatment of front boundaries.

14. Under the broad heading "Promoting sustainable transport", Section 9 of revised 'National Planning Policy Framework' deals with a number of transport related issues. It points out the need to address concerns about the transport network (including in terms of "capacity and congestion") and to prevent significant impacts on highway safety. It is intended that congestion ought to be reduced (and hence that new development should not inhibit the free flow of traffic, in principle), but it is of particular importance to ensure that "*safe and suitable access to the site can be achieved for all users*" (paragraph 110).
15. In 'Haringey's Local Plan Strategic Policies 2013-2026', Policy DM33A deals with crossovers and parking bays. It identifies various considerations that are relevant to the assessment of such proposals, namely: pedestrian and highway safety, the loss of on-street parking and visual impact.
16. The existing steps at the front of the property provide accesses to the front door and the side garden gate. Although the steps were broken and the front garden had been disrupted at the time of the site visit, it is clear that there would be space for a significant planting provision within the existing layout.
17. The proposed development would result in the hard surfacing of much of the front garden, with paths, steps, a parking bay and a refuse area. The garden area is both small and steep by comparison with many others in the Crescent, due to the geometry of the road pattern and the natural ground levels, and there would be limited scope for soft landscaping. Moreover, the submissions do not include full details of the proposed "soft landscaping" and "planting", leaving some uncertainty as to what may be intended. Nor do the submissions provide much detail of the "new brick retaining wall" or the proposed paving and steps, including in respect of proposed levels.
18. The front garden has a very run down appearance at present but it would obviously be improved by the implementation of a new scheme. Nevertheless, I have concluded that the front garden as proposed would be overly dominated by solid features: the car bay, refuse storage, paving, steps, retaining wall and balustrades. In consequence, the scheme would undermine the leafy character of this part of the Conservation Area and would harm the appearance of the area.
19. In reaching that conclusion, I am especially conscious that the proposed layout provides for the installation of a charging point for an electric vehicle and I attach significant weight to this element. Although other, public, charging points may be available in the area, I accept that the provision of such a facility on site would be likely to encourage the use of more sustainable transportation while reducing pressure on public installations.
20. Turning to the highway issue, I have noted that Cholmeley Crescent is a quiet residential road that does not carry through traffic, while the sharp bends in the road discourage high vehicle speeds. A speed limit of 20 mph applies. Existing car spaces on other property frontages are not laid out to enable cars to turn on site and I accept that, in this location, the proposed parking space

- would not give rise to dangerous traffic conditions, nor would it cause undue inconvenience to other vehicles or to pedestrians.
21. Of course, the new crossover would limit the scope for on-street parking, to an extent, but the household would be served by the new on-site space (with the benefit of an electric charging point) and I conclude that the scheme would have a negligible effect on parking pressures overall.
22. Evidently, the appeal site lies within an established urban area, which is “sustainable” in planning terms, and the proposed development would provide some benefits in planning terms. Even so, the scheme as presented would have a detrimental effect on the appearance of the surroundings and I have concluded that the project would fail to either preserve or enhance the character and appearance of the Conservation Area, even taking account of the varied character of frontages in Cholmeley Crescent.
23. I am not persuaded that the highway objections to the scheme that have been raised are well founded but, nevertheless, I am convinced that the harm that would be done to the surroundings in the Highgate Conservation Area outweighs the benefits of the project (including the provision of a vehicle charging point). Hence, I have concluded that the scheme before me would conflict with the aim of protecting the historic environment which is established in the primary legislation and reinforced by policies in the Development Plan and the ‘National Planning Policy Framework’.
24. I am convinced, therefore, that the appeal must fail and, although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.
25. In reaching these conclusions I have considered whether the appeal could be allowed but subject to conditions that might overcome the visual concerns that I have identified. In view of all the uncertainties involved, however, I have formed the opinion that it would not be possible to frame precise conditions to deal with the objections that I have identified and that therefore the appeal must be dismissed.

Roger C. Shrimplin

INSPECTOR