



Appeal Decision

Site visit made on 25 January 2024

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th March 2024

Appeal Ref: APP/Y5420/W/23/3323817

97 Stapleton Hall Road, Hornsey, Haringey, London N4 4RH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr David Hersh against the decision of the Council of the London Borough of Haringey.
 - The application Ref is HGY/2023/0542.
 - The development proposed is the excavation of basement to form a studio flat.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 20 December 2023, the Government published its revised National Planning Policy Framework ('the Framework'). The Framework represents the Government's up-to-date planning policies for England and how they should be applied. I have had regard to the Framework in reaching my decision.

Main Issues

3. The main issues are whether or not the proposed development would
1) preserve or enhance the character and appearance of the Stroud Green Conservation Area, and 2) provide acceptable living conditions for future occupants with regard to outlook, light and amenity space provision.

Reasons

Character and appearance of the Stroud Green Conservation Area

4. The appeal property is a two-storey end of terrace property that has been subdivided into four self-contained flats. As with the similar end of terrace properties it has a distinctive bay window. It is located in a predominantly residential area.
5. The property is also located in the Stroud Green Conservation Area (SGCA) which is characterised as forming a predominantly residential area with many historic properties displaying fine examples of domestic architecture and detailing.
6. The proposed development would involve the excavation of a basement to form a one-person, studio flat. This would follow the form and building lines of the host building so that it would appear as a downward continuation of the existing building. The fenestration of the existing ground floor would be broadly

followed in the basement extension. It would also include the provision of lightwells to the front. The details also show revised refuse facilities and planting to the frontage.

7. The existing ground floor of the property sits around 1 metre higher than the existing street-level. As the basement would follow the form and fenestration of the existing building, and provided external materials are used which match the host building, I do not consider that it would cause harm to the character and appearance of the building and the wider SGCA. The planting as shown would also screen much of the development from public vantage points.
8. Having regard to the overall scale and mass of the existing building, the proposed basement addition would not be of an excessive form and scale. Although it would remove a small amount of the existing frontage area, this existing area is completely hard-surfaced and does not make a positive contribution to the SGCA. Its loss therefore does not cause harm.
9. The proposed development would therefore not harm, and would thereby preserve, the character and appearance of the SGCA. It would comply with Policies DM1, DM9 and DM12 of the Haringey Development Management DPD (2017) and Policies D6 and HC1 of the London Plan (2021). Collectively, these policies seek to ensure high quality design in developments which conserves heritage assets, and that proposals for alterations to existing buildings in Conservation Areas should complement the architectural style, scale, proportions, materials and details of the host building.

Living conditions for future occupants

10. Around two-thirds of the proposed basement flat would be positioned beneath the street-level. There would be two windows in the bay serving the living/kitchen/dining area and three windows serving the bedroom area.
11. On the matter of whether or not acceptable levels of light would be achieved, the Council's evidence is somewhat contradictory. Having regard to the submitted Daylight Report, the Council acknowledge that the development would accord with BRE standards and state that their concerns relate to outlook. Elsewhere in their evidence, however, they maintain that there would be unacceptable levels of light.
12. Having regard to the Daylight Report and the fact that the dwelling would have a southerly orientation, I consider that there would be acceptable levels of light to the property.
13. I acknowledge that the development would be single aspect, something which is to be avoided. In this case however, the development would face a southerly direction. I do not envisage that the provision of an additional aspect would be particularly beneficial in this case, and I do not find harm would be caused by the mere fact the dwelling would be single aspect.
14. In terms of outlook, this would primarily be onto the retaining walls of the lightwell, with the upper sections of the windows sitting above ground level with permissible views skywards and towards the frontage area of the property.
15. The outlook from the bedroom, and to a lesser extent the living/kitchen/dining area would also include the large refuse storage containers which are

proposed. Beyond this is the proposed hedging which the appellant describes as a soft landscaped visual barrier. The retaining wall would also necessitate the installation of some form of guard rail. In addition, the outlook would be curtailed by both the downward staircase to the proposed flat and the central stairs and landing leading to the entrance to the rest of the property. Taking these features into account, and the small degree of separation, when combined with the submerged nature of the dwelling, this would not provide acceptable living conditions in terms of outlook.

16. Policy D6 of the London Plan (2021) outlines that a minimum of 5 sqm of private outdoor space should be provided for 1-2 person dwellings. This requirement is also set out in Policy DM12 of the Haringey Development Management DPD (2017). The appellant suggests that the site constraints are such that it is not possible to provide private outdoor amenity space, and in regard to the supporting text of the London Plan, the floor area exceeds the minimum amount and thus represents an acceptable exemption.
17. Although the proposed floorspace exceeds the minimum amount for a unit of this nature, the exemption should only be provided in exceptional circumstances. The evidence shows that there are gardens to the rear of the appeal site. I accept that the proposed layout would not facilitate access to the rear, however I am not convinced that it is impossible as outlined in the policy. I therefore do not consider that an exception to the provision of any private outdoor amenity space is justified in this instance.
18. The appellant has referred to the proximity of Stroud Green open space to the appeal site. Whilst there are areas of open space in the wider area, these are of varying distances and do not provide the same type and nature as having private amenity space at the property as is required. Therefore, they do not justify making no provision of private outdoor amenity space.
19. The evidence and representations also refer to concerns in relation to the refuse and cycle storage. Although these were not specifically within the Council's reasons for refusal, I share the concerns that have been made. Notwithstanding the visual implications of the siting of the refuse storage as outlined above, 1100 litre and 660 litre containers are proposed. These would require manoeuvring in a confined area, and it is not set out whether this would be the responsibility of residents or refuse collection to manoeuvre such large and cumbersome containers on a regular basis.
20. In terms of cycle storage, it is suggested that cycles be stored internally at the rear of the property. This would require future occupants to carry their cycle down a turning staircase and passing through the property to the cycle storage area. This would be a poor and unsuitable arrangement. The refuse and cycle storage arrangements therefore weigh against allowing the appeal.
21. I therefore find that the proposed development would fail to provide acceptable living conditions for future occupants in terms of outlook and amenity space. It would be contrary to Policies SP2 of the Haringey Local Plan (2017), DM12 of the Haringey Development Management DPD (2017), and D6 of the London Plan (2021). These policies require, amongst other things, that housing development is of high quality and provides minimum levels of private outdoor amenity space.

Other Matters

22. The appellant has referred to the benefits of the proposal in terms of the provision of planting and the consolidation of the existing refuse storage arrangement. As I have found that each of these matters have implications elsewhere, they are benefits of limited weight in the appeal. It is also not clear that the proposed development is the sole means of delivering these benefits.
23. The Council refer to the need to enter into a S106 agreement to ensure the development is car free. The appellant considers that such restrictions could be imposed by a suitably worded planning condition. As I am dismissing the appeal for other reasons, the presence of an agreement or the use of a condition could not, in any event, have resulted in a different outcome. It has therefore not been necessary for me to reach a finding on the matter.

Planning Balance and Conclusion

24. The Government's objective as set out in the Framework is to support sustainable housing growth. The proposed development would result in a slight increase in the Council's overall housing number and would be in a sustainable location on previously developed land. It would include some landscaping enhancements. It would also bring a small number of additional residents to the area who would contribute to the local economy and deliver a CIL payment. Collectively, I give these matters moderate weight in favour of the proposed development.
25. However, the failure to provide acceptable living conditions attracts significant weight that outweighs the benefits associated with the proposed development.
26. The proposed development would therefore conflict with the development plan and there are no identified other considerations that outweigh this conflict.
27. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR