



Appeal Decision

Site visit made on 19 February 2024

by C Livingstone MA(SocSci) (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 April 2024

Appeal Ref: APP/Y5420/W/23/3321012

Land to the Rear of 7-8 Bruce Grove, London N17 6RA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for permission in principle.
 - The appeal is made by United Properties London Limited against the decision of the Council of the London Borough of Haringey.
 - The application Ref is HGY/2022/4536.
 - The development proposed is a residential development up to 9 dwellings with associated open space & landscaping.
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Decision

1. The appeal is allowed and permission in principle is granted for residential development comprising a minimum of 5 and a maximum of 9 dwellings at land to the rear of 7-8 Bruce Grove, London N17 6RA in accordance with the terms of application HGY/2022/4536 dated 22 December 2022.

Applications for costs

2. An application for costs has been made by the appellant and is the subject of a separate decision.

Preliminary Matters

3. A revised National Planning Policy Framework (the Framework) was published on 19 December 2023 accompanied by a written ministerial statement. The revised Framework is a material consideration which should be considered from the day of publication. Having considered the revisions and in light of the principles of natural justice, the main parties were invited to make submissions on the revised Framework. I have had regard to the revised Framework, and the comments made by the parties in respect of the revisions, in reaching my decision.
4. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.

5. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.
6. Following the submission of the appeal against non-determination, my assessment has been informed by the Council's statement of case.
7. The application includes a proposed block plan to demonstrate how the site might be developed. I have treated this information as illustrative.

Main Issues

8. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use, and the amount of development.

Reasons

9. The appeal site comprises of an area of approximately 0.3 hectares of land that was formerly part of the rear curtilage of 7-8 Bruce Grove which are Grade II Listed Buildings and is also within the Bruce Grove Conservation Area (CA) which is part of the Tottenham High Road Historic Corridor. The surrounding area comprises of a mix of residential and commercial uses in a highly accessible location, with a PTAL rating of 6a. The Bruce Grove District Centre is near the site, where there are a variety of shops, services, and community facilities.
10. The Council accepts that the appeal site is in a highly accessible location where housing can be acceptable. However, the site forms part of a larger area allocated as Designated Open Space under Policy DM20 of the Development Management DPD 2017 (DPD) and a Local Site of Importance for Nature Conservation (SINC) under Policy DM19 of the DPD. The Appellant states that the site has been in private ownership, with no access to the public, since the 1980s.
11. Haringey's Open Space and Biodiversity Study (2013) identified that there is a significant shortfall in open space to meet the needs of people resident in the Borough. The site is within a ward that is identified as not having enough open space. In recognition of the important part open space plays in the health and general wellbeing of communities Policy SP13 of Haringey's Local Plan Strategic Policies 2013-2026 (StP) requires all new development to protect and enhance open spaces.
12. The definition of 'open space' in the Framework applies to 'all open space of public value....which offer important opportunities for sport and recreation and can act as visual amenity'. Policy G4 of the London Plan includes areas of a specialist nature, including nature conservation areas within the definition of small open spaces. This is reflected in the Council's Open Space and Biodiversity Study (2014) which defines open space within nine typologies, one of which is 'natural and semi-natural green space'. Based on the evidence before me the appeal site falls within the definition of open space. The public value of the site is derived from its importance in terms of visual amenity and

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

biodiversity as a green space. While it would be preferable, public access is not intrinsic to an area being defined as open space.

13. The development of the site would result in the loss of an area of designated Open Space and therefore would be contrary to SP13 of the StP as well as DM20 of the DPD and Policy G4 of the London Plan (LonP) which do not support development which would result in the net loss or loss of protected open space respectively.
14. Bruce Grove Wood, an area of mature woodland, previously extended over most of the site. It is acknowledged that the initial designation of the site as a SINC reflected the important contribution mature woodland provides in terms of habitat and biodiversity. However, the site was clear felled several years ago. Ecological surveys carried out by both the Council and the Appellant have confirmed that, following felling, the site is dominated by scrub and invasive species, including Japanese knotweed. As such the main parties agree that the site is of lower value in terms of ecology and biodiversity, compared to when it was wooded. Nevertheless, the site does hold some existing value sufficient to warrant the Council's decision to retain the area as a local SINC, following a review in 2021.
15. The development of part of the local SINC for housing would diminish the nature conservation value of the site, particularly in areas directly affected by development. As such the proposal is contrary to Policy DM19 of the DMD which requires that development on SINC's should protect and enhance the nature conservation value of the site.

Other Matters

16. The proposal would result in the loss of a proportion of designated open space in the Bruce Grove area, that is not open to the public. The Appellant states that they would include areas of improved open space for public and recreational use within the future layout of the development, thereby improving the public benefit of what is currently a retained area of land. In my judgement, given the significant proposed improvements to landscaping and public access, the proposed provision would be at least equivalent to the existing position and would off-set the loss of designated open space, which is not publicly accessible.
17. The value of the site in terms of biodiversity and ecology has been undermined following the clear felling of the site, which has also allowed for the establishment of non-native invasive species. As a Local SINC it is acknowledged that the Council would prefer the restoration or the enhancement of the ecology of the site and the biodiversity of the area. However, there is no evidence before me detailing any mechanism in which such maintenance could be enforced on planning grounds. The Appellant's Preliminary Ecological Assessment, recommends the removal of non-native species, including Japanese knotweed, which due to their invasive nature can dominate and adversely impact native biodiversity.
18. Removal of non-native species and other improvements to biodiversity including the incorporation of native plant species within landscaping and the installation of bat, bird, and insect nesting boxes could be secured as part of a further technical details consent. In addition to this, a scheme for the protection and of the existing trees within the site, in particular any subject to

a Tree Preservation Order, both during and after construction could also be secured as part of the technical details consent. Given the condition of the site as existing, the potential benefits to biodiversity as part of the development and maintenance of the site in perpetuity, are a material consideration of significant weight.

19. The CA and in turn the larger Tottenham High Road Historic Corridor are an example of a commercial townscape dating from the late Victorian period, its significance is derived in part by the density and uniformity of development fronting on to the High Road and Bruce Grove. The site is well contained in visual terms, behind the properties that front Bruce Grove, and screened from wider views in the CA. As such the site could be developed while preserving the character or appearance of the CA and Tottenham High Road Historic Corridor.
20. The application site forms part of what was originally the rear curtilage of 7-8 Bruce Grove which are Grade II Listed, and form part of a larger group running from No 1 to 16 consecutively. Their significance is derived from the continuity and quality of the architecture of the group that they form a part of, which is constructed from buff brick with design features including stuccoed cornice with paired quasi-modillions and a stuccoed band at first floor level. The setting to the front of the building makes a positive contribution to its significance, generous front gardens allow for the buildings to be set back from the main road and this set back coupled with the quality of design details, on the principal elevations, give the buildings a sense of grandeur.
21. The land to the rear of the buildings once formed part of the large rear gardens of the buildings. Based on the evidence before me the application site is in separate ownership. However, in its undeveloped state the area still reads as garden ground. The development of the site would significantly reduce the area of open space to the rear of the building and the setting of the listed building would not be preserved in this respect. As the setting of the listed building is primarily attributed to the land to the front of the building, the loss of open space to the rear of the building would result in less than substantial harm to the setting of the listed building which must be weighed against the public benefits of the proposal. The proposed development would result in the provision of up nine dwellings in an area, where there is an identified need, and would include publicly accessible open space. Therefore, in my judgement the public benefits of the proposal are a clear and convincing justification for the harm to the setting of the listed buildings.
22. A high quality scheme would have limited impact on designated heritage assets and avoid conflict with Policy HC1 of the London Plan and the Local insofar that they seek to ensure development proposals should conserve the significance of heritage assets and integrate heritage considerations at an early stage in the design process. The proposed use and scale of development is appropriate in the site's context.
23. I am tasked with determining the proposal before me regardless of the Appellants treatment and maintenance of the site. Differing circumstances would represent matters to be considered were other similar proposals to be advanced in the future.

Planning Balance and Conclusion

24. While there is a broad level of compliance with the development plan in terms of the principle of housing development, in an accessible location, the proposal would result in the loss of an area of designated open space which is also a local SINC and is contrary to Policy G4 of the LonP, Policies DM19 and DM20 of the DMD and Policy SP13 of the StP. Due to its conflict with these key policies the proposal conflicts with the development plan as a whole.
25. The Council is unable to demonstrate a 5 year supply of deliverable housing sites² and therefore paragraph 11 (d) of the Framework is engaged. In these circumstances, this sets out that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.
26. In the context of the Government objective to significantly boost the supply of homes, up to nine dwellings would make a notable contribution towards housing in the area. The proposal would result in the gain of publicly accessible open space as well as a net gain in terms of biodiversity. Alongside the social and economic benefits associated with the construction and subsequent occupation of the dwellings, these matters weigh in favour of the appeal.
27. As set out above, I have found that the proposal would conflict with the spatial strategy of the development plan which is largely consistent with the provisions of the Framework in resisting the development of land that is a designated open space or a local SINC. However, I have also identified that material considerations exist, and that these carry sufficient weight to outweigh these conflicts. Given the quantum of development, and scale of the shortfall I afford positive weight to the housing land supply benefits, along with the economic, social and biodiversity benefits of the scheme.
28. On balance having taken all matters into consideration, the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The proposal therefore benefits from the presumption in favour of sustainable development.
29. The PPG makes it clear that it is not possible for conditions to be attached to a grant of planning permission in principle, whose terms may only include the site location, the type and amount of development.
30. For the reasons set out above, I conclude that the appeal should be allowed.

C Livingstone

INSPECTOR

² The Appellant and the Council agree that the housing land supply stands at 3.87 years.