



Appeal Decision

Site visit made on 1 February 2024

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 10 June 2024

Appeal Ref: APP/Y5420/W/23/3327965

Cornerways, Ellington Road, Hornsey, Haringey, London N10 3DD

- 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 Steve and Mrs Lisa Carson against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2023/0521, dated 21 February 2023, was refused by notice dated 23 June 2023.
 - The development proposed is to develop the vacant site south of Cornerways on Ellington Road, Muswell Hill to provide a 2-storey plus basement 3 bed 6-person dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and
 - the living conditions of the occupiers of the proposed dwelling with regard to daylight and outlook.

Reasons

Character and appearance

3. The appeal site is a roughly triangular area of land, which is part of the garden of Cornerways. It is located on a corner plot at the junction of Ellington Road and Cranley Gardens.
4. The area is characterised by traditional two storey, detached and semi-detached housing, although Cornerways has been remodelled and is larger and distinctive in character, with modernist influences. To the rear of Cornerways is Parkland Walk, an area of woodland.
5. The proposed development has been designed with a shape and form that reflects the host property. The building would be much lower than Cornerways and No 12 Cranley Gardens next to it, so that it would not impose on the street. The low height and flat roof would infill this corner plot and when viewed from Cranley Gardens would appear subservient to the host property.
6. The National Planning Policy Framework (the Framework) advises that whilst development should not prevent or discourage appropriate innovation or change, it should be sympathetic to local character. Ellington Road does not

conform to a particular building style, with a mixture of designs and infill plots. However, Cranley Gardens with its detached and semi-detached houses has a pattern of groups of repeating designs which extend down the slope of the road. This is interrupted at the corners of Ellington Road where the side garden of Cornerways forms the appeal site, and the opposite triangular plot has been infilled by No 14A Ellington Road, a two-storey block of modern, semi-detached houses.

7. Whilst the design of the proposed development would contrast with most buildings around it, the form of the building would mirror the flat roofed extensions on the host property. Its construction in a subtle and light brick would harmonise with the housing in the area including No 14A on the opposite corner.
8. There is no dispute that the proposed development has been designed with consideration to No 12. Moreover, it would maintain front and rear building lines with Cranley Gardens and would have space around the building. The footprint would also be smaller than a previously approved house¹ on this site. The design has carefully considered the constraints of the site and planting would soften the boundaries. This would ensure that it would not be discordant in this highly visible corner location.
9. Therefore, to conclude, the proposal would not harm the character and appearance of the area. It would accord with Policy D3 of The London Plan, 2021, (LP), Policy SP11 of Haringey's Local Plan Strategic Policies 2013-2026, March 2013, (HLP) and Policies DM1 and DM7 of Haringey Development Management DPD, 2017 (DPD). Collectively, these policies, amongst other things, require design to enhance local context by delivering buildings that positively respond to local distinctiveness and character, as well as the established street scene.

Living conditions

10. The house would be built on three levels with entry from Ellington Road to the ground floor where two bedrooms would be located. A further bedroom would be located on the 1st floor and the basement area would comprise the kitchen and living area. The eastern elevation of the basement would have extensive glazing with rooflights providing additional light to the living area.
11. A daylight, sunlight and overshadowing assessment² has found that all but one of the habitable spaces within the building would have adequate levels of daylight. However, the basement floor would be single aspect with the kitchen furthest from the windows so the kitchen would probably need additional lighting for most of the time. Nonetheless, I also note that the adjacent area of the basement level would actually exceed the standard for daylight. Overall, therefore, internal light levels would be acceptable.
12. Whilst the outdoor garden space adjoining the living area would be adequately sized, it would be set low into the ground. Although landscaping and planting would provide a verdant setting, it would be a relatively enclosed space providing a poor outlook from the main living space for the occupiers of a family sized dwelling.

¹ HGY/2018/2596

² Greenbuild Consult, February 2023

13. Therefore, to conclude on this issue, whilst the proposal would not harm the occupiers of the proposed development with regard to daylight, it would result in a dwelling with a limited outlook. It would not accord with Policy D6 of the LP, Policy SP11 of the HLP and Policies DM1 and DM7 of the DPD. These collectively seek to achieve quality housing standards with a high level of amenity.

Other Matters

14. The previous appeal³ on this site was dismissed under a previous development plan and prior to the publication of the National Planning Policy Framework and is therefore of limited influence on my own assessment.
15. Whilst the subsequently approved applications for a dwelling on this site all had flat roofs, they were two-storey in height with two bedrooms at basement level and living accommodation on the 1st floor. Therefore, the intended numbers occupying these proposals and the scale and height of the approved schemes were smaller than the proposed development that is before me. They do not, therefore, set a compelling precedent for the appeal proposal, and instead carry little weight in its favour. I am not beholden to previous, lapsed decisions of the Council in any event.
16. The appellant has provided several examples of new build dwellings within Haringey. This includes No 12 Coppetts Road where a flat roofed modern building was built and No 35A Wood Vale, a two-storey dwelling, both of which appear from the photographs provided, to be level sites with space around the constructed dwellings. These provide different contexts than the appeal site.
17. Other examples at 63 Lanchester Road and 25/25A and 27 Hurst Avenue show new dwellings constructed within areas of traditional housing, including one in a conservation area. However, from the information provided, none of these examples are on small, corner plots. The circumstances of each permission are in any case likely to be different and not directly comparable to the appeal case before me which must be considered on its own merits.
18. I acknowledge that the proposed development would provide a separate pedestrian access and level parking on the site and would have good transport links. Whilst rainwater harvesting would be included in the proposed development, this would be part of the appropriate management of surface water on the site which is as required in all new development.
19. Based on the square metreage of the building it would be subject to a Mayoral CIL charge of £9,742.50 and a Haringey CIL charge of £59, 409.11 which would be collected by the Council if the appeal was allowed. Whilst this would deliver infrastructure to support the development, this would be a neutral consideration in the planning balance.
20. The proposed development would include an air source heat pump to contribute to reducing carbon emissions, with the energy statement⁴ outlining that the overall proposal would achieve a CO² emissions reduction of 50%. The appellant has agreed to enter a legal agreement to secure a payment of £2,600 to offset the remainder of the CO² emissions resulting from the scheme. This would be subject to a planning obligation in the form of a Unilateral

³ APP/Y5420/A/07/2037023 in relation to HGY/2006/1501

⁴ Greenbuild consult, February 2023.

Undertaking (UU) if the appeal was allowed. This is again a neutral consideration in the overall planning balance.

Conclusion

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

M J Francis

INSPECTOR