



Appeal Decision

Site visit made on 5 June 2024

by A Edgington BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 4 July 2024

Appeal Ref: APP/Y5420/W/23/3335808

50, 52, 54 Stanhope Road, Highgate, London N6 5AL

- 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 Nick Charalambous of LonPro Highgate Ltd against the decision of London Borough of Haringey.
 - The application Ref is HGY/2023/0949.
 - The development proposed is: Erection of two semi-detached two-bedroom houses, parking and associate infrastructure on the Alford House Site.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted by Mr Nick Charalambous of LonPro Haydons Ltd. However, the appeal form names Mr Nick Charalambous of LonPro Highgate Ltd. The agent has explained that there was a typographical error on the application form. I see no reason not to use the corrected company name in the banner.

Main Issues

3. The main issues are:
 - Whether the development would preserve or enhance the character or appearance of the Highgate Conservation Area (HCA);
 - The effects of the development on the living conditions of existing occupiers with particular regard to light and outlook, and for future occupiers with regard to light and internal space; and,
 - Whether the development would accord with local policies with regard to parking stress and sustainable transport options.

Reasons

Character and appearance

4. The original village of Highgate was part of the Bishop of London's medieval estate. By the late 14th century, a toll road had been constructed to give direct access to the city of London from the north. Although there was an identifiable village core surrounded by open space and woodland until the early 19th century, by the late 19th century the Ordnance Survey (OS) maps clearly show

the geometric layouts of residential development to the south and west of the village, and by the 1920s almost all land to the south of Highgate Wood was developed. The nearby Shepherd's Hill, shown as little more than a track in the maps of the mid-19th century was by the turn of the 20th century, beginning to be lined with long rows of regular residential plots. Stanhope Road itself began to be developed with a similar development pattern around the same time. The 1915 OS map shows a highly regimented development pattern with large detached villas on a consistent building line, set fairly closely together but set back from the road and with long rear gardens.

5. Some of the 19th and 20th century villas on the upper section of Stanhope Road, particularly between Shepherd's Hill and Hurst Avenue, have now been replaced by blocks of flatted accommodation, which appear to date from the second half of the 20th century or later. These are generally set back from the front boundaries, and are partially screened from public view by large street trees and mature planting in retained front gardens.
6. The aforementioned flatted development has for the most part retained a not dissimilar height and bulk to the large period villas, many of which are four storeys tall. The flatted development has also been arranged to broadly correspond with the original plot layout. Most blocks adhere more or less to the original building line and have retained similar lateral separation. Moreover, although some of the more modern development harks back to an era of simple and utilitarian modernism, later blocks have more intricate typology. Overall, I concluded that the flatted blocks for the most part sit comfortably within the historic building pattern and those earlier buildings of greater architectural distinction, by retaining a degree of conformity of height, scale, building line and separation.
7. The appeal site appears to be a double width plot which contains two large and largely identical five storey flatted blocks with square footprints, arranged on two sides of a large open space. The principal elevation of one block, 17-32 Alford House (Nos 17-32) is set well back from the road, allowing views over a large grassed and parking area from its road facing flats. This open space also allows an appropriate gap between the two blocks of Alford House and the flatted Pastor Court to the north, which follows the general building line.
8. Although lacking the charm and detailed typology of the period villas nearby, the blocks of Alford House are simply designed with regimented and repetitious window arrangements on each of the original lower four floors. Each block has had a penthouse floor added, but overall the blocks relate well to each other and sit comfortably within the spacious plot, with adequate separation from each other, the road and Pastor Court.
9. A single storey bike and bin store has recently been built hard onto the footway along the site's front boundary. This presents a very utilitarian and blank façade which detracts from the views of the appeal site and is a negative contributor to the street scene.
10. Section 5 of the HCA Appraisal summarises the Shepherd's Hill area, saying that *it consists of residential streets with detached or terraced houses*. It notes the replacement of older dwellings on Shepherd's Hill with blocks of flats, but does not refer to other areas included in Section 5. Nonetheless, the large

residential villas of the late 19th and early 20th centuries and the underlying plot sizes and layout are still predominant in the locality.

11. The block Nos 17-32 does deviate from the building line, but it is a localised occurrence. Although its overall typology is now out of favour in current design terms, it nonetheless represents an example of careful design and site planning consistent with the architectural thinking of the period. Alford House's overall contribution to the street scene is derived primarily from its neutral impact on the underlying architectural aesthetic of Stanhope Road, and in the framing of the large void created along the street scene by the amenity and parking area, which adds to openness. Notwithstanding the intrusion of the bike store, I conclude that Alford House does not detract from the attractiveness and interest of the wider street scene, or the underlying development pattern. Moreover, although Stanhope Road is not selected for further description in the HCA Appraisal, none of its buildings is mentioned in the list of negative contributors to the HCA.
12. The HCA has high quality architectural and aesthetic values, based on the diversity and quality of built fabric, and the predominance of period residential villas which remain a significant element of the built form. The large and regular plots of those earlier villas have also informed the subsequent and incremental changes to the building pattern. As such the HCA's significance is derived from its high proportion of fine period architecture, regular building lines and mature vegetation, all underpinned by the underlying topography. Along Stanhope Road there is also significance to be derived from the scale and grain of the building pattern which notwithstanding the density of development, or the age and typology of its constituent parts, has retained a degree of consistency and an underlying spaciousness.

Proposals and effects

13. The development would comprise a pair of semi-detached three storey dwellings built on the open space between the two existing blocks. Their frontages would be set back from the building line of both 1-16 Alford House (Nos 1-16) which is closest to the road, and Pastor Court. They would replace part of the grassed amenity area as well as a narrow strip of the current parking area. They would also represent a considerable intrusion into the openness that currently separates the two blocks of Alford House as well as providing separation from Nos 1-16 and Pastor Court, and be inappropriately and incongruously underscaled in relation to those existing blocks.
14. The appellant advances the argument that Alford House is a negative contributor to the HCA. This not supported by the HCA Appraisal or my observations. Even if I agree that this is the case, the intrusion of two more dwellings, with contrasting form and scale, into the spaciousness of the underlying layout would not improve the situation with regard to the immediate street scene or the HCA.
15. Moreover, it cannot be expected that all built form within a conservation area will necessarily conform to its key characteristics. Whilst I agree that the distinctive built form of the original villas has been somewhat diminished along Stanhope Road, the current street scene has its own inherent character and attractive features which as set out above, has its own merit. It does not necessarily follow that additional development will enhance the existing development pattern which has been evolving over the last century.

16. The appellant argues that the development would reinstate the building line but the dwellings would sit back from the building line of both Pastor Cort and Nos 1-16. In any case, the existing layout of Alford House appears carefully planned to provide sufficient separation between the two blocks, as well as parking and amenity space. Moreover, I see no imperative to recreate the building pattern of the 1915 map. Even if I agreed that the distinctive urban grain of the early 20th century has been eroded, its current built form is not necessarily harmful to the character and appearance of the area. It does not justify building more dwellings within established open space.
17. Whilst I also acknowledge that Alford House is not representative of the earlier building pattern which characterises much of the Shepherds Hill HCA sub-subsection, it is within the HCA. Even if I agreed with the appellant regarding the extent of its incongruity, this would not be relieved or mitigated by an inappropriate development within the appeal site. Moreover, with regard to the development's incongruity and intrusion within the existing building pattern, this is reflective of poor design irrespective of conservation area status.
18. The appeal statement also states that there would be benefits to be derived from the increased grain and reduced scale of the development, but as set out above, the spaciousness is in part derived from the large scale and grain of the current development pattern. Moreover, the grassed and parking areas are clearly an integral part of Alford House's layout. The site is not a vacant plot.
19. I appreciate that the development would increase housing density which could be construed as an effective use of land, but it would be at the expense of the prevailing building pattern and local distinctiveness, as well as reducing the extent and usability of existing amenity space.
20. The development taken in isolation has an attractive and interesting form. Nonetheless, this does not alter my reasoning with regard to inappropriate intrusion and incongruous scale.
21. The proposals would be discordant with the underlying building pattern, result in a cramped site and would represent overdevelopment. The development would be unrelated to the scale and grain of the underlying development pattern, and would intrude into the separation of the Alford House blocks and the separation between Alford House and Pastor Court. The proposals would not preserve or enhance the character or appearance of the HCA. This would be in conflict with Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act) as well as Policy HC1 of the London Plan, and Policies DM9 and SP12 of the Local Plan (LP) which taken together are concerned with the safeguarding of historic assets.
22. There would also be conflict with London Plan Policies D3, and D6, and LP Policies SP11 and DM1, DM12 which are concerned with design quality, as well as LP Policy DM7 which requires infill development to relate to its surroundings appropriately and sensitively. Finally, the development would fail to accord with Section 16 of the Framework which is concerned with the protection of designated heritage assets.

Living conditions

Overlooking and Outlook – Existing occupiers

23. Separation between the rear of the development and the principal east facing elevation of Nos 17-32 would be around 13 metres at the closest point of the dwelling but about 10.6 metres when measured to the tall brick walls enclosing the development's rear patios. The occupiers of the east facing flats would look straight onto the development's rear three storey elevation. This would be particularly unsatisfactory for occupiers of the ground and first floors as there would be a very high degree of enclosure and loss of outlook, as well as the potential for intervisibility leading to overlooking and loss of privacy.
24. The appeal statement makes the case that the development would provide privacy for occupiers of Nos 17-32 by providing a barrier to views from the footway across the car park. This seems a rather extreme solution. In any case, it is unclear how building another development with windows directly opposite Nos 17-32's east facing elevation and at a higher level than the car park, would improve this situation.
25. The officer's report refers to LP Policies DM1 and DM12 with regard to a requirement for 18 metres between new homes and existing windows. I am unable to find this in those policies, but it does not alter my reasoning that the distance between Nos 17-32 in particular, and the development, would have an adverse effect on existing occupiers with regard to overlooking and outlook.

Light – Future Occupiers

26. The daylight and sunlight study¹ (the study) concludes that two of the eight habitable rooms in the development would fail to meet daylight illuminance standards for living rooms and would be borderline for bedrooms. On the plans these ground floor rooms are labelled as living/guest/study. However, even if I concluded that it is acceptable for guest bedrooms to have low light levels, it cannot be presumed that they will be used as guest bedrooms. Their illuminance would be well short of that required for living space.
27. The lack of light in these ground floor rooms is also justified on the basis that they have access to a patio. This suggests that there would be incentive to use the rooms as living space as they would be the only rooms with direct access to outdoor space. However, the shallow patio would be bounded by a full height brick wall which will significantly reduce light entry into the rooms behind. It is unclear whether this has been taken into account in the study.
28. The study also states that the daylight within the development's principal rooms will be very good. This is not substantiated by the sunlight exposure analysis. This shows that neither of the first floor front bedrooms would comply with expectations despite the computer generated illuminance imagery indicating that they would have greater illuminance than the rear first floor bedrooms, which would comply. I conclude that there is an error in this regard in the study. Nonetheless, the ground floor rooms would have poor illumination as set out above and this would be harmful to the living conditions of future occupiers.

Light – Existing Occupiers

29. The BRE guidance states that *in designing a new building, it is important to safeguard the daylight to nearby buildings. A badly planned development may make adjoining properties gloomy and unattractive.* It sets out several

¹ Daylight and Sunlight Report, Waterslade February 2023

methods to assess daylight loss in relation to existing development, and also states that *where the distance of a new development would be less than three times its height above the centre of an existing window*, as appears to be case here, the procedure that assesses whether an existing building would receive enough skylight should be carried out.

30. The Vertical Sky Component (VSC) assessment in the report shows that the development would reduce VSC in rooms served by windows W3/10, W4/10, W3/11 and W4/11 to levels below what is given as the level at which light loss is noticeable, that is 0.8. I note that other rooms would have a VSC that would be just above the 0.8 threshold.
31. The guidance goes on to set out the No-Sky Line (NSL) assessment which considers the impact of daylight distribution within a room and the point at which areas of a room receive no direct daylight and as such appear dark and gloomy. The results of the assessment for NSL indicate that ground floor bedrooms served by windows W5/20 and W6/20 would have light levels within those rooms reduced to less than the 0.8 threshold.
32. The study advances the argument that window W3/10 is a small slot window that contributes little to the room's overall illumination and therefore the room would not be adversely affected by the development. Nonetheless, the loss of light entering that window would be below the threshold and would therefore be noticeable. With regard to window W4/10 it is argued that as this serves a small kitchen and already has low light levels, the impact on the flat's living area as whole would be negligible. Nonetheless, as above, light levels would be below the threshold. Moreover, as the kitchen is already receiving low light levels this would be likely to have more of an adverse effect on living conditions for that occupier. Existing low light levels do not necessarily justify further reduction.
33. Moreover, it seems reasonable to suppose that there is a continuum of light loss between 0.8 reduction and no reduction. Where results are close to 0.8, there may be some reduction apparent to some occupiers. I conclude that there would be noticeable light loss for occupiers of rooms served by the aforementioned windows on the basis of the BRE guidance. There would also be light loss approaching and just above the noticeability threshold for a significant proportion of other existing occupiers.

Spatial standards

34. Although the officer report notes that the accommodation would be cramped as a consequence of layout rather than overall floor area, I am satisfied that this would not be sufficient reason to weigh against the appeal.
35. Nonetheless, with regard to overlooking and outlook, I conclude that the development would have an adverse effect on living conditions for some of the existing occupiers of Nos 17-32. There would also be an adverse effect on the living conditions of future and some existing occupiers with regard to light.
36. As such the development would conflict with LP Policies DM1, DM7 and DM12, and London Plan Policy D6, which taken together require development to be of a high standard, including privacy and amenity for its users and neighbours. The Council has also cited LP Policy SP11 in this regard, but this is concerned with general design and does not specifically mention amenity.

Parking stress and cycling provision

37. The Council has raised a concern in relation to parking provision. Although the officer's report notes that there would be two additional parking bays on the site, my review of the plans² suggest that there would be no net gain in parking bays. I also noticed that occupiers of the penthouse flats have designated spaces within the site which does seem to suggest that there is some parking stress.
38. A parking survey was carried on 15 and 16 June 2022. This indicates that on-street parking stress is around 76-77% and that there was parking availability within the site when the surveys were undertaken. At my visit there were a few free parking bays.
39. The survey results are disputed by interested parties but in the absence of clear and quantifiable evidence to the contrary it is difficult to conclude that there is parking stress either within or outside the site. The London Plan parking standards indicate that the maximum parking provision generated by the development, on the assumption that they would be three bedroomed houses, would be 2 more spaces. Nonetheless, notwithstanding that the development would cause parking increased pressure within the site, on the basis of what is before me it is difficult to conclude that there would be significant parking stress.
40. The Council has raised a concern in relation to the location of the proposed cycle storage but there is nothing before me that indicates that cycle stores need to be within a certain distance of dwellings. I am satisfied that a safe and secure provision could be found within the site.
41. LP Policies DM31, DM32 and SP7 taken together are concerned with the provision of sustainable transport options, encouraging cycle and car-club use, and providing car parking. On the basis of what is before me I am unable to find particular conflict in this regard and I am satisfied that any harm arising from the development would be mitigated by condition in the event that the appeal was allowed.

Other Matters

42. I acknowledge that there are no comments from a dedicated Conservation Officer in the officer's report but this does not alter my reasoning.
43. The officer's report notes some concern in relation to a tree that was situated on the grassed area. This has now been removed. However, this is not a matter for this appeal. In any case, whilst I acknowledge that the appellant suggests that a replacement tree could be planted this would have very minor benefit and would not overcome my concerns in relation to the development as a whole.
44. Interested parties have raised other concerns but as I have found harm in relation to the main issues there is no need for me to consider these further.

Planning Balance

² Dwg.s 141_00_03_PL1 and 141_00_13_PL2

45. The Council cannot demonstrate a five year housing supply and two modest dwellings would add to local supply. However, this carries only minor benefit in terms of local housing supply and the associated economic benefits.
46. In any case, the Framework states that where the policies most important for determining the application are out of date, permission should be granted unless the application of policies in the Framework that protect areas of assets of particular importance provide a clear reason for refusal. I have found harm in relation to designated heritage assets, which are one of the areas listed in Paragraph 11 footnote 7, in addition to harm to living conditions. As such, the adverse impacts of approving the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The presumption in favour of sustainable development does not apply.

Conclusion

47. The development would fail to accord with the Act, the local development plan and the Framework and relevant guidance, and there are no material considerations of such weight to lead me to conclude otherwise. The appeal is dismissed.

A Edgington

INSPECTOR