

Appeal Decision

Site visit made on 28 August 2024

by K L Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 September 2024

Appeal Ref: APP/Y5420/W/24/3340191

27 Aylmer Road, Hornsey, Haringey, London N2 0BS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Sidhartha Sinha against the decision of the Council of the London Borough of Haringey.
 - The application reference is HGY/2024/0073.
 - The application sought planning permission for the demolition of existing house and erection of a new two-storey detached house, comprising a basement with light wells, front roof lights, rear dormers and a car lift without complying with a condition attached to planning permission Ref HGY/2022/3947 dated 30 October 2023.
 - The condition in dispute is No 2 which states that:
The development hereby permitted shall be carried out in complete accordance with the approved plans and drawings listed in this decision notice, other than where those details are altered pursuant to the conditions of this planning permission.
 - The reason given for the condition is:
For the avoidance of doubt and in the interests of proper planning.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs has been made by Mr Sidhartha Sinha against the Council of the London Borough of Haringey. This is subject of a separate decision.

Preliminary Matter

3. The Government published a revised National Planning Policy Framework (the 'Framework') in December 2023. Subsequently, a consultation draft for a revised Framework has been published, whilst this may be a material consideration in the determination of the appeal it does not change the planning policy context in respect of the main issues, and I have determined the appeal accordingly. For the avoidance of doubt, I shall refer to section and paragraph numbers in the December 2023 version of the Framework where necessary.

Procedural Matter

4. The application subject to this appeal is made under Section 73 of the Town and Country Planning Act 1990 (as amended) (the Act) for a minor material

amendment. It seeks a revised design for the dwelling to that approved in October 2023 (the approved scheme). This type of application is possible because a condition was imposed on the original permission specifying the approved plans. The appeal seeks removal of the condition and replacement with a condition specifying the plans which reflect the amended design.

Main Issues

5. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Highgate Conservation Area.

Reasons

6. The appeal property lies on Aylmer Road, a busy dual carriageway forming part of the Great North Road (A1). Planning permission has been granted for its demolition and replacement with a two-storey detached house, comprising a basement with light wells, front roof lights, rear dormers and a car lift. It lies within the Highgate Conservation Area (HCA). This part of the conservation area is characterised by substantial detached inter-war residential properties with Arts and Crafts style and neo-Georgian influences, which are set back from the road by short front gardens and driveways, of which the appeal property is one. They make a positive contribution to the character and appearance of the area.
7. Although some of the properties along this part of the road have been altered over time, they retain characteristics common to their origins, including small dormers and hipped or gabled projections to the front. Many are asymmetrical in appearance providing variation and interest to the street scene. Where replacement dwellings have a symmetrical appearance, their front facades are articulated with a combination of projecting wings, centralised porches or dormers adding interest reminiscent of their Arts and Crafts-style and neo-Georgian origins.
8. The appeal property contains some Arts and Crafts characteristics, which would be lost as a result of its demolition. However, the appeal proposal lacks the articulation and visual interest of the existing dwelling or the approved scheme. Neither would it have the same visual interest of other properties close by, such as the combination of two-storey forward projections, small dormer windows or gable features. As a result, the proposal would appear monolithic and bland in this context. This would be at odds with the character and appearance of this part of the HCA.
9. Whilst I accept that some properties on Sheldon Avenue are symmetrical in appearance, they predominantly have forward projections at the front which lend the properties some visual interest. Furthermore, the appeal proposal would not be viewed in the context of these properties, which differ in style, appearance and context to those on Aylmer Road.
10. I acknowledge that the Highgate Conservation Area Character Appraisal and Management Plan (HCACAMP) is of some age and properties have since been altered or re-developed. Nevertheless, the overall character and appearance of this part of the HCA remains as one where the dwellings are consistent in size, scale and style as identified in the HCACAMP. Moreover, I have not been made aware of any significant changes to the character of the area which would mean that the Council's assessment of the character of the area

is not accurate. Furthermore, the document refers to inappropriate alterations and demolitions which had taken place at that time.

11. In considering the effect of the proposal on the HCA the impact must be weighed against the harm it would have on the heritage asset. The proposal would introduce a form of development which, given the dwelling's position would be prominent when viewed from the road. As such, the inappropriately detailed front facade would appear unacceptable in this context. The harm to the HCA which would arise as a consequence would, nevertheless, be less than substantial.
12. Paragraph 208 of the Framework states that where the harm is less than substantial, this harm should be weighed against the public benefits of the proposal. The proposal would provide living accommodation for his family. This is largely a private benefit. I have not been presented with any demonstrable public benefits which arise from the proposal.
13. The proposal would adversely affect the character and appearance of the host building and consequently would not preserve or enhance the character and appearance of the HCA, for which no public benefits have been demonstrated. As such it would conflict with Policies DM1, DM9 and DM12 of Haringey's Development Management DPD and Policies SP11 and SP12 of Haringey's Local Plan Strategic Policies which together set out the Council's approach to design standards for development in conservation areas. There would also be conflict with Policy DH2 of the Highgate Neighbourhood Plan which states that development will be expected to preserve or enhance the character or appearance of Highgate's conservation areas.

Other Matters

14. The appellant is concerned that the Council have variously stated that the appeal property makes either a positive or neutral contribution to the HCA. However, the principle of its demolition has been accepted and thus the whether the contribution it makes to the HCA is either positive or neutral is not relevant to the appeal before me and has not been determinative in reaching my conclusion on the main issue.
15. My attention has been drawn to a significant number of other properties close by and the appellant has provided a detailed critique of the Council's Conservation Area Character Appraisal and Management Plan and the houses within it. Although some of them display some of the characteristics of the scheme before me none of them are identical to the appeal proposal. The evidence presented does not persuade me that the proposal before me is acceptable. I therefore attribute little weight to these examples which do not outweigh the harm that I have set out above.

Conclusion

16. For the reasons given above, having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

K L Robbie

INSPECTOR