



Appeal Decision

Site visit made on 16 October 2024

by L Reid BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2024

Appeal Ref: APP/Y5420/W/24/3347165

137 Turnpike Lane, Wood Green, Haringey, London N8 0DU

- 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 Polo Investments LLP against the decision of the Council of the London Borough of Haringey.
 - The application Ref is HGY/2024/0693.
 - The development proposed is redevelopment of existing rear storage yard to create new two-storey unit, for storage use with ancillary office space.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Polo Investments LLP against the decision of the Council of the London Borough of Haringey. This application is the subject of a separate Decision.

Preliminary Matter

3. The second reason for refusal refers to 'part of Wandsworth Court'. This appears to be a spelling error as the appeal site is adjacent to Wordsworth Court. There is no reference to this in the Delegated Report and the Council has not elaborated on what the harm would be in its submission. I have therefore not considered this in my decision.

Main Issues

4. The main issues are the effect of the proposal on:
 - the character and appearance of the area, including the effect on trees; and,
 - the living conditions of the occupants of 3 – 7 Sydney Road with regards to outlook and privacy.

Reasons

Character and appearance

5. The appeal site relates to an elongated area of land containing a small single-storey building. It is situated behind the buildings fronting Turnpike Lane and Wightman Road and adjoins the rear boundaries of 1 – 7 Sydney Road and Wordsworth Court and the side boundary of The Mews.

6. The surrounding development in the immediate area is varied in scale. It consists of two and three-storey buildings, with roof extensions and rear projections of varying height and depth. Several of the buildings have extended up to their rear boundary. However, typically there is some spacing between the buildings and the boundaries of the adjacent sites which provides a degree of visual relief between the built form in this built-up context.
7. The proposed building would infill a large proportion of the site because of its length. It would also span the full depth of this part of the site. As a result of this, the building would abut both shared side and rear site boundaries. Unlike the surrounding development, there would be no space between the side and rear elevations of the building and the adjacent sites. This would result in a tight and cramped form of development. The siting of the proposed building would be different to that of The Mews which is set back with space between the building and the rear boundary of Wordsworth Court.
8. Whilst the first floor would be contained within the roof, the proposed building would appear bulky due to the width and long length of the mansard roof. This would add to the volume of the building even with its chamfered design and the use of different materials. By virtue of its scale and design, I do not consider that the proposed building would be similar to a rear garden outbuilding.
9. The proposed building would be surrounded by taller buildings. However, because of its length, width and overall volume, it would appear out of scale relative to the size of the plot and its constrained nature. The building would be visually prominent, particularly when viewed from the rear gardens of 1 and 3 Sydney Road, through its very close siting to their rear boundaries which would exacerbate its scale.
10. The trees within some of the rear gardens of the houses on Sydney Road and in the grounds of Wordsworth Court are close to the site boundary and overhang into the site. Although the existing building is near these garden trees, the proposal would bring development closer to the other trees in the nearby gardens. The details regarding the tree species, as well as health and life expectancy, are limited.
11. The appellant has drawn my attention to a previous permission which was for the erection of a single-storey building at the site (the previous approval)¹. I am not aware of all the details that were before the Council when they made this decision. The footprint of this previous approval is the same as the proposed building. However, as the proposal is for a two-storey building, the effect on these trees could differ. Even if these trees are not protected by a preservation order and could be pruned, consideration of the impacts upon them is required by the development plan policies as collectively they enhance the quality of the area and provide some greenery amongst these densely packed buildings.
12. The evidence fails to make clear what the extent of the construction works would be, what measures would be undertaken to protect the trees and the extent of any pruning. This provides little comfort that the trees would be adequately protected either during construction or in the longer term.

¹ Council Ref: HGY/2021/0837

13. There is therefore no reasonable certainty that the proposal could be implemented without harm to the trees when considering how close the proposed building would be. In light of this, I do not consider that this issue could be made acceptable by planning condition. Imposing a planning condition to require new trees to be planted elsewhere on the site would not be an adequate solution as these trees would take some time to establish to provide a similar amenity value.
14. For these reasons, I conclude that the proposal would cause harm to the character and appearance of the area. This would conflict with Policies SP11 and SP13 of Haringey's Local Plan Strategic Policies 2013-2026, consolidated 2017 (the Local Plan), Policies DM1 and DM7 of the Development Management DPD 2017 (the DPD) and Policy G7 of the London Plan 2021 (the London Plan). These policies, amongst other things, require development proposals to relate sensitively to the surrounding area, having regard to form and scale to improve the character and quality of an area and seek the protection and maintenance of existing trees.

Living conditions of the occupants of 3 – 7 Sydney Road

15. The proposed building would be located adjacent to the rear gardens of 3 – 7 Sydney Road and it would be taller than their rear boundary walls. The walls would screen the lower part of the building, however, would do little to screen the upper part of the building where most of the bulk would be. Even with the attempts to break up the massing, because of its siting, the main bulk of the proposed building would be visible from the rear garden of 3 Sydney Road (No. 3) which does not benefit from any other screening other than the boundary wall.
16. Given this close relationship and the scale of the proposed building, it would dominate the outlook from the rear garden of No. 3. Its overbearing impact would be felt by the occupants when looking out of and spending time in their garden. This would tangibly diminish their enjoyment of this rear garden to the detriment of their living conditions.
17. Whilst I accept larger buildings are visible from this rear garden due to the built-up nature of the site, they are not as close. This intervening distance provides some relief from the built form. In contrast, the proposed building would have a different relationship because of its closeness. As a result of the modest length of the rear garden of No. 3, the proposal would have an overbearing presence.
18. The appellant states that the proposal would not breach a 25 degree angle of view when measured from the ground-floor windows, which shows a lack of visual impact on nearby properties. However, this measurement is primarily used to assess light, and this is not a contested matter in this case. This would not mitigate against the harm from the loss of outlook from the rear garden of No. 3.
19. The trees near the site would screen some of the proposed building when viewed from the rear gardens of 5 and 7 Sydney Road. The building would therefore not be unduly imposing on the outlook from these rear gardens to such an extent that would be harmful to their living conditions.

20. The proposed building would have a first-floor window in the front elevation and several rooflights in the side elevation. Given the site context, some overlooking is a common characteristic of the relationship between adjacent buildings. If the application had been acceptable in all other regards, a planning condition could have been imposed to require these windows to be fitted with obscure glazing and to be non-opening. This would protect privacy and prevent any direct overlooking. Whilst there could be an element of perceived overlooking, it would not be to such an extent that would be harmful.
21. In summary, I have found that the proposal would not have a detrimentally harmful effect on the living conditions of the occupants of 5 and 7 Sydney Road with regards to outlook. Subject to planning conditions, the privacy of the occupants of 3 – 7 Sydney Road would also not be adversely harmed. However, for the reasons given above, I conclude that the proposal would unduly harm the living conditions of the occupants of No. 3 with regard to outlook. The proposal would therefore conflict with Policies DM1 and DM7 of the DPD. These policies, amongst other things, require development proposals to ensure a high standard of amenity for neighbours.
22. The reason for refusal refers to Policy D6 of the London Plan which is more focused on housing quality and standards and Policy SP11 of the Local Plan which concerns design. These policies are not determinative in the context of this particular main issue.

Other Matters

23. I made reference above to a previous approval on the site for the erection of a single-storey building. As there is no substantive evidence that this has commenced, it is no longer extant as it was granted on 13 May 2021. This therefore limits the weight I give to this as a fallback position.
24. Even if the previous approval has not lapsed, it is fundamentally different to the appeal proposal. Whilst the footprint of the previous approval and the proposed building would be the same, the previous approval was lower in height and was not significantly taller than the rear boundary walls of 1 – 7 Sydney Road. The impact on the outlook from the garden of No. 3 would therefore not be the same. The previous approval had a flat roof design with a projecting rooflight. The proposed building is taller and bulkier with a more substantial roof form. As the two schemes are not comparable, the previous approval therefore lends no support to the appeal proposal.
25. The appellant has raised concerns over how the Council handled the planning application and appeal. However, this does not alter my conclusions on the planning merits of the proposal.

Planning Balance

26. I have found that the appeal scheme would cause harm to the character and appearance of the area and the living conditions of the occupants of No. 3 with regard to outlook. The proposal therefore conflicts with the relevant development plan policies.
27. I acknowledge that the development would re-use and utilise the site and would provide a building that is suitable for the operational requirements. It would also provide storage space and additional employment floorspace, creating jobs in a highly accessible and sustainable location. Notwithstanding

this, no further details regarding the number of jobs that would be created have been provided. The social and economic benefits are therefore given limited weight.

28. Even if the existing use is currently unrestricted in terms of its hours and operations and the proposal could reduce noise, air quality and odour impacts, this has not been supported by any robust evidence. I therefore attribute these factors limited weight.
29. The use of the appeal site for storage purposes has been approved previously. The Council also raised no objection on transport or pedestrian safety grounds. However, these are neutral considerations and would neither weigh in support nor against the proposal.
30. Taken together, these benefits would not outweigh the harm I have identified including the conflict with the development plan.

Conclusion

31. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

L Reid

INSPECTOR