
Appeal Decision

Site visit made on 3 April 2025

by **A M Nilsson BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 April 2025

Appeal Ref: APP/Y5420/W/24/3349896

Flat A, 87 Southwood Lane, Hornsey, Haringey, London N6 5TB

- 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 Ben Ponniah against the decision of the Council of the London Borough of Haringey.
 - The application Ref is HGY/2023/0591.
 - The development proposed is a single side extension.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would preserve or enhance the character and appearance of the Highgate Conservation Area with specific regard to the design of the proposed development and its potential impact on a tree.

Reasons

3. The appeal property comprises the ground floor of a three-storey building which has been subdivided into 3 flats. It is located on Southwood Lane where there is a range of historic building designs and sizes. The appeal site is located within the Highgate Conservation Area (HCA) which is characterised as forming a large area primarily comprising of residential properties with an historic pattern of development with green open spaces.
4. The appeal building has been previously extended to the side and rear. The proposed extension would be to the side of the existing property and its rear extension. It would be set back deep into the plot and would maintain a small gap with the adjacent building which presents a large two-storey side elevation to the appeal site. Given the scale of both the side of the adjacent building and the appeal building, when combined with the siting and scale of the proposed extension, there would be very limited views from the street-scene. I observed on my site visit that such views would be limited to a very short section of the street outside and opposite the appeal property.
5. I acknowledge that the development would be built in an area which is currently free from any built form and this allows for views to the rear garden. However, given the overall size and scale of the development when considered against the larger buildings that would be either side, a sense of openness would be retained

as would views of the prominent Sycamore tree in the rear garden. Whilst such gaps can serve to enhance the spaciousness of the area, it was not an apparent characteristic or positive feature of this part of the HCA and the development would not significantly infill the gap in this context. The extension would be subordinate to the main building and use matching materials and details to those of the host building.

6. There is a large sycamore in the rear garden of the appeal property. Due to its overall height and the spread of its canopy it is visible from the street-scene and from the rear of nearby properties. For these reasons it makes a positive contribution to the character and appearance of the HCA. It has statutory protection by reason of its location within the HCA.
7. An Arboriculture Impact Report¹ has been submitted. This is not referred to in the Council's assessment and it is unclear if this was before them at the time of the decision. The evidence shows that the proposed extension would be located within the Root Protection Area (RPA) of the tree which extends to a radius of 12 metres. The tree is identified as being in satisfactory structural and physiological condition and 'a tree which must should [sic] be retained as part of the development'. The report acknowledges that if roots are damaged, the tree may suffer irreversible harm and eventually die.
8. It is set out that during the construction of a previous extension, which was located even closer to the tree, no significant roots were observed. Whilst this may be the case, it does not automatically mean that this applies to the site of the proposed development. It could even bolster the significance of the area in terms of the position of its roots, particularly, as has been identified, the existing buildings will have restricted root growth and the existing driveway, upon which the extension is proposed, will have root growth underneath. Although the report argues that the development 'should not' impact the tree's stability and overall health and there 'should be' no problem with proceeding with the further extension, it provides little certainty or assurance that this would be the case. Furthermore, the plans are not to scale and there is a clear conflict between them in relation to the area covered by the RPA.
9. The report also sets out that the development will require a Tree Protection Plan (TPP). This has not been submitted and there are no site-specific or development-specific construction methodologies set out that would ensure there would not be harm caused. Based on the evidence before me, I therefore cannot be certain that the proposed development could be undertaken without resulting in the decline and eventual removal of the tree.
10. Due to the potential harmful impact on the tree, I therefore conclude that the proposed development would not preserve or enhance the character or appearance of the HCA.
11. It would be contrary to Policies SP12 and SP13 of the Haringey Local Plan (2017), Policies DM1 and DM9 of the Haringey Development Management DPD (2017) and Policies HC1 and G7 of the London Plan (2021). These policies seek to ensure, amongst other things, the protection of existing trees for which it should be demonstrated are integrated into the development, and that developments preserve and enhance heritage assets, including conservation areas.

¹ Arboriculture Impact Report – Liam McGough Tree Services – 29-03-23

12. It would also be contrary to Policies SO4.4 and OS2 of the Highgate Neighbourhood Plan (2017) which seek, amongst other things, to protect and enhance the area's village character through conservation of its natural features, including trees, and that there should be no net loss of trees as a result of development.

Planning Balance and Conclusion

13. Having regard to paragraph 215 of the National Planning Policy Framework (the Framework), I find that as the proposed development would affect a limited part of the conservation area, the harm to the HCA is relatively localised, and therefore the proposed development would cause less than substantial harm to the significance of the designated heritage asset. I do not, however, find that this harm is outweighed by any public benefits of the proposed development.
14. The proposed development therefore conflicts with the development plan and there are no identified other considerations, including the Framework, that outweigh this conflict.
15. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR