



Appeal Decision

Site visit made on 3 July 2025

by **M Cryan BA(Hons) DipTP MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 September 2025

Appeal Ref: APP/Y5420/W/25/3363505

17 Marlborough Road, Wood Green, London N22 8NB

- 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 John Emore of Microsystems Properties Freehold Ltd against the decision of the Council of the London Borough of Haringey.
 - The application reference is HGY/2024/2533.
 - The development proposed is a two-storey, one-bedroom dwelling at the rear of 17 Marlborough Road, with access situated on Thorold Road, including infilling the lower ground floor with cavity wall insulation, tanking, and underpinning.
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Decision

1. The appeal is dismissed.

Preliminary Matters and Main Issues

2. The decision notice issued by the Council gave four reasons for which it had refused planning permission for the proposed development. The third related to the provision of appropriate energy efficiency and sustainability measures, and the fourth to whether the development would achieve a biodiversity net gain of 10% or more.
3. The appellant's appeal submissions included an energy statement and a biodiversity net gain report. The Council's appeal statement indicated it considered that, notwithstanding concerns about a lack of some detail and calculations in the energy statement, outstanding matters in these respects could be dealt with by conditions in the event of the appeal being allowed. While the Council did not explicitly withdraw its reasons for refusal on these matters, I agree with its comments. Based on the evidence which has been put before me, I therefore consider that the third and fourth reasons for refusal no longer need to be addressed as main issues here.
4. The main issues, based on the two remaining reasons for refusal, are therefore:
 - The effect of the proposed development on the character and appearance of the Bowes Park Conservation Area; and
 - The effect of the proposed development on living conditions for neighbouring residents, with particular regard to daylight and sunlight, and whether it would be unacceptably overbearing.

Reasons

Character and appearance

5. The appeal site is within the Bowes Park Conservation Area (“the BPCA”), and I therefore have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. As heritage assets are irreplaceable, the National Planning Policy Framework (“the Framework”) states that they should be conserved in a manner appropriate to their significance (paragraph 202). It goes on to advise that any harm or loss requires clear and convincing justification (paragraph 213) and that any harm that is less than substantial must be weighed against the public benefit of the proposal (paragraph 215).
6. I have not been provided with a character appraisal or similar assessment of the BPCA. Walking round during my visit, however, I saw that it is in essence an area of late 19th and early 20th century suburban residential development, with considerable variety in the sizes and stylings of properties. In some places (such as parts of Truro Road and Palmerston Road) there are generously-sized semi-detached villas with two and three storeys set on reasonably spacious plots. In other parts of the area (including Marlborough Road, most of Thorold Road, and Whittington Road) I saw that the housing is predominantly in much denser, more modestly-scaled two-storey terraces. While there have been some unsympathetic infill developments, and a number of properties have evidently lost some of their original detailing and features over the years, I broadly concur with the description of the BPCA in the submitted Heritage, Design and Access Statement as comprising “relatively unspoiled, attractive Victorian and Edwardian housing”.
7. No 17 Marlborough Road is a two-storey end terrace property (divided into five self-contained flats) next to the junction with Thorold Road. The appeal site is a rectangular area at the rear of the property described by the appellant as “a parcel of garden land that has remained undeveloped for many years”. It has been fenced off from a small area of retained garden at the rear of No 17, and was mostly overgrown at the time of my visit. To the south the site bounds Thorold Road, from which it is separated by a timber fence, abuts the side wall of No 49 Thorold Road to the west, and the rear garden of No 19 Marlborough Road to the north.
8. The proposed development is the erection of a one-bedroom, two-person dwelling on two storeys, which would be set at the rear of the Thorold Road footway. There would be a combined kitchen, dining room and living area on the ground floor, with the bedroom and bathroom on the lower ground floor. There would be an external amenity space on two levels at the eastern end of the building, and storage for cycles and refuse/recycling at the western end. The building would be finished externally in mid-sand coloured brickwork; there would be four slim windows with dark grey aluminium composite frames on the front elevation facing Thorold Road. There would be four rooflights and three rooflights on the green sedum flat roof, which would be set behind the wall parapet. The building would have an overall height of around 3.2m above the ground level; external boundary walls and fences would be around 2.4m high.
9. The proposed dwelling would become part of the streetscene of Thorold Road, and would sit forward of the building line of the other houses on the north side of

that street. While all the evidence before me is that the proposed dwelling would be constructed using high-quality materials, its scale, form and detailing would not reflect the architectural qualities or characteristics of the surrounding homes; it would largely be at odds with the prevailing character and appearance of the street scene.

10. The appeal site is not an undeveloped piece of land but, as described above, was part of the domestic garden of No 17 Marlborough Road, until its relatively recent physical separation from the remainder of the plot. Gardens make a positive contribution to the visual quality and character of the BPCA especially where, as is the case here, side boundaries adjoin neighbouring streets – this allows glimpses of trees in rear gardens and offers some sense of openness in what is otherwise a relatively densely-built part of the neighbourhood. The appeal scheme would infill much of the gap between the dwellings on Marlborough Road and Thorold Road, appearing somewhat cramped and diminishing the valuable openness of that space.
11. The small courtyard external amenity space which would be provided would also be at odds with the prevailing larger rear gardens generally found on Marlborough Road and Thorold Road close to the site. Taking all these points together the proposed development would appear incongruous within, and would dilute the historic character of, the BPCA.
12. The appellant drew my attention to the recent development at No 44 Whittington Road¹ and, although I was not provided with full background information for that scheme, it is at the far end of Thorold Road from the appeal site so I was able to view it during my site visit. The new dwelling, now known as No 44C Whittington Road, is at the back of the footway on the south side of the street between the side of No 2 Thorold Road and the rear of No 44 Whittington Road. It sits forward of the building line on Thorold Road, and its scale and form are similar to that proposed in this appeal. Although No 44C appears to be of high-quality materials, it does not clearly respond to or reflect the architectural qualities and character of the surrounding buildings or the wider area. However, I understand that site to have previously been occupied by a garage, so unlike in this appeal the new dwelling replaced an existing building.
13. Furthermore, the houses on Thorold Road closest to No 44C are detached and semi-detached, and a little larger than typical for the street; that part of the street has a rather greater sense of spaciousness than the eastern end around the appeal site where the housing is predominantly terraces of more modest scale. There is a considerably greater separation distance between No 44C and the rear of No 44 Whittington Road than there would be between the appeal dwelling and the rear of No 17 Marlborough Road. Combined with the fact that the site was already occupied by a garage, this means that the new dwelling has not had such a detrimental effect on the openness of area as would be the case here. While I acknowledge that there are similarities between the development at No 44 Whittington Road and that proposed here, and notwithstanding the proximity, the differences in context (including the previous use of the site) mean that it does not set an overwhelming precedent for the appeal scheme.

¹ LPA Ref: HGY/2020/0629

14. I therefore conclude that the proposed development would not preserve or enhance the character and appearance of the Bowes Park Conservation Area. It would conflict with Policies DM1, DM7 and DM9 of the 2017 Haringey Development Management Plan (“the DMP”), and Policies D3 and HC1 of the London Plan 2021. Together, and among other things, these policies seek to ensure that all development relates positively to its surroundings, including in respect of form, scale and massing prevailing around the site, and that heritage assets are conserved and enhanced. They also state, in respect of development on infill, backland and garden land sites, that there will be a presumption against the loss of garden land unless it represents comprehensive redevelopment of a number of whole land plots, which would not be the case here.
15. In the Framework’s terms the harm to the BPCA as a designated heritage asset would be less than substantial, and it must be weighed against the public benefits of the scheme. The proposed development would introduce an energy efficient dwelling in an area where a number of local amenities are available close by on Myddleton Road and elsewhere, and with very good public transport connections, including from Bowes Park railway station and Bounds Green tube station. In view of the Government’s aim to significantly boost the supply of housing, even allowing for the apparent acute need for small dwellings within the borough, the provision of a single dwelling would amount to a limited public benefit.
16. Given the small scale of the proposed development and its potential impact on the BPCA as a whole, I consider that the “the less than substantial” harm I have found could be placed towards the lower end of that categorisation. However, the Framework is clear that great weight should be given to the conservation of a designated heritage asset. The benefits identified which would arise from this scheme would be outweighed by the adverse impacts on the BPCA. The development would therefore also fail to accord with the provisions of the Framework which seek to protect and conserve heritage assets.

Living conditions

17. The rear wall of the proposed dwelling would be a little under 11.9m long and, for most of its length, around 3.2m high. It would be built up to, and would extend along much of the length of, the shared boundary with No 19 Marlborough Road. It would lead to an increased sense of enclosure in that rear garden, from where it would be perceived as harmfully overbearing and oppressive. The side boundary wall to No 17 would be around 2.4m high, and would create a very considerable sense of enclosure in the small rear garden retained for the host property, limiting its usefulness for the occupiers of the flats within that building.
18. A sunlight and daylight report was submitted during the appeal, based on which the Council acknowledged that the proposed dwelling would not contravene BRE guidelines² as far as overshadowing or its effects on daylight for neighbouring properties were concerned. However, this would not mitigate the harmful impact caused by the overbearing nature of the development.
19. I therefore conclude that the proposed development would be detrimental to the living conditions of the occupants of neighbouring properties. It would conflict with Policy DM1 of the DMP and Policy D6 of the London Plan 2021; together, and

² Site layout planning for daylight and sunlight - a guide to good practice, BRE 2022

among other things, these policies seek to ensure that development ensures a high standard of amenity for its users and neighbours.

Other Matters

20. The appellant also referred to a development at Lansdowne Gardens, in the London Borough of Lambeth, where permission was granted on appeal for a scheme described as the demolition of a doctor's surgery and the erection of a two-storey house with a lower ground floor. I have not been provided with a copy of that appeal decision, but could not disagree with the view attributed to the Inspector that "sensitive contemporary design, appropriate in scale and respectful of local context, can enhance rather than harm conservation areas" – it seems to me to be, in itself, an unarguable proposition.
21. I *have* been provided with what I take to be the approved drawings for the Lansdowne Gardens development. They show that it has some similarities in form to the appeal proposal before me, and I note that the dwelling sits forward of the adjacent building. However, the limited information which has been put before me does not allow a full understanding of the context of that scheme, though it may be significant that – unlike the appeal scheme, but like the Whittington Road development – it replaced an existing building on the site. Furthermore, that appeal relates to a site several miles away on the other side of London, and the decision was made in 2010 having regard to entirely different development plan policies (and at a time before the Framework was introduced). It carries very limited weight in terms of this appeal scheme, and does not justify my reaching a different decision here.

Conclusion

22. For the reasons given above the appeal is dismissed.

M Cryan

Inspector