



Appeal Decision

Site visit made on 15 September 2020

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2020

Appeal Ref: APP/Y5420/W/20/3254270

Land adjacent to 2 Lanchester Road, Hornsey, London N6 4TA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant [outline] planning permission.
 - The appeal is made by Sonia Farhadi against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2020/0673, dated 9 February 2020, was refused by notice dated 23 April 2020.
 - The development proposed is The demolition of an existing garage and the construction of a detached, single-storey house with basement, associated garden and off street parking located adjacent to no.2 Lancaster Road N6.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the character and appearance of the area with regards to the loss of garden land, and of a new dwelling;
 - The effect on the living condition of occupiers with regards to internal conditions, outlook, privacy levels and day light and sunlight levels; and
 - The effect of the proposal on highway safety.

Reasons

3. The appeal property is a substantial detached dwelling that fronts onto Woodside Avenue and turns the corner with Lanchester Road. It occupies a generous plot with a large rear garden that abuts the boundary with No. 2 Lanchester Road where the existing garage and driveway is located behind a gated access.

Character and Appearance – loss of garden

4. The prevailing character is residential in nature with the dwellings on Lanchester Road and Woodside Avenue mostly semi-detached and of similar 1920's design and scale with double height curved bay windows, and some more modern flatted developments along Lancaster Road. The houses all have a unifying element of generously sized dwellings set within spacious plots.

5. The area to be removed to accommodate the proposal for the erection of a new dwelling is described by the Council as back land/infill development. The land in question does not share the same characteristics as the main domestic garden as this area is currently occupied by a garage with hardstanding and shed, with various paraphernalia distributed about. There was general landscaping to the area although not all the land proposed to be developed would be exclusively garden. I find the proposal is more akin to being described as infill development as the area is a built-up area where there is a small parcel of land that is both built upon and part garden land, between buildings.
6. A substantial domestic garden would be in existence should this site be developed. There would be limited number of landscaping removed with little effect on the ecology benefits of the site. I find no harm would arise to the characteristics of the existing garden or the character and appearance of the area as a consequence of removing this portion of land from the site.
7. On the basis that only a very small element of garden land would be removed and the large remaining portion, I find no direct conflict with the Haringey Development Management Development Plan Document (DPD) (July 2017) Policy DM7 in so far as this policy relates to garden land, or Policy DH10 of the Highgate Neighbourhood Plan 2017 to retain trees and landscaping. It would comply with the aims of the National Planning Policy Framework (the Framework) in its objectives to make effective use of land. However, I find no direct relevance to the London Plan 2016 Policy 3.5 for development to be of highest quality internally and externally.

Character and Appearance of new dwelling within area

8. Whilst I do not find harm would arise to the character of the garden of No 2 Woodside Avenue, that is not to say that the proposal in this location would amount to acceptable development.
9. The location of the proposal would more closely relate to the dwellings along Lanchester Road as it would face onto this road. The prevailing local character of the area consists of two storey houses of similar design characteristics set in spacious plots with a strong street scene presence. This dwelling would not follow this defining pattern as it would be screened from public view via the high gates. Nor would it appear similar to the local vernacular, with the design of which further highlights its discordant nature, in stark contrast to the design of neighbouring houses.
10. The proposed built development would virtually encompass the complete plot with very limited external space surrounding it, and due to the small size of approximately 61.8m², this size of plot and scale of development is not commensurate with the area.
11. The dwelling, as a consequence, would appear as a cramped form of development. Regardless of whether or not the proposed building reflects the building line of the adjacent dwelling at No. 2 Lanchester Road, and the Design and Access Statement explains in more detail it has been designed to reflect the characteristics of a garage/outbuilding, the proposal would be viewed as an incongruous dwelling that would not be a sympathetic addition to the street scene. It would not harmonise with the character and appearance of the area and I conclude that the development would erode the area's defining characteristics, and thus harmful to the character and appearance of the area.

12. The proposal would conflict with the Haringey Development Management Development Plan Document (DPD) (July 2017) Policies DM1 and DM7 in its aim to contribute to character and make a positive contribution to place and relate to the surrounding area. It would not reflect Policy SP11 of the Haringey's Local Plan (2017) to create high quality places that respect local character. It would not correspond with the aims of the Framework in its objectives to promote good design and to achieve well designed places. Finally, it would not comply with the London Plan 2016 Policy 3.5 for development to relate to its context or Policy 7.4 and 7.6 for development to relate to local character and for development not to cause unacceptable harm to the amenity of the surrounding land.

Living Conditions

13. The three bedrooms would be accommodated within the basement area and the ground floor dedicated to the remaining living space. I have been made aware by the appellant that they can increase the head room by further excavating the ground. However, I have based my decision on the refused plans before me.
14. Outlook from the proposed rear elevation onto the garden would also be within close quarters of the boundary enclosure to the garden. Due to its small size, it would result in a very enclosed sense of space and would be further compromised as the garden faces north. The outlook from the kitchen window would be dominated by the car parking space. Therefore, the outlooks from both aspects, despite the fact they are dual aspect, would be poor.
15. Each basement bedroom would contain full height windows that look out into small external patios, although these external spaces would be at a subterranean level with high retaining walls surrounding them. There would be little in the way of sense of context to the surrounding area when standing in the patios given the high retaining walls. This effect would be amplified as boundary fences would be required at ground floor level for safety and privacy reasons. The outlook from both patios and bedrooms would give rise to an oppressive sense of enclosure to future occupiers.
16. There may be overlooking between bedrooms within the basement due to the proposed configuration, although future occupiers would be aware of the layout and I do not consider a loss of privacy would be detrimental to their living conditions.
17. A Daylight and Sunlight Assessment has been submitted with the appeal. It also considered the implications of the proposal on the dwellings of No 2 Woodside Avenue and No 2 Lanchester Road. There are no concerns raised with respect to the impact of the proposal to either properties.
18. However, the effect on the living conditions of future occupiers of the dwelling requires consideration. BRE guidance has been used as a basis for the assessment for three-bedroom windows within the basement as well as the kitchen/living/diningroom. The report explains that the average daylight factor (ADF) exceeds the benchmark levels for each room.
19. However, the details submitted within the report do not provide a clear working out of how daylight into rooms has been precisely measured, and I question the appropriateness of this report to accurately assess internal daylight levels,

and its effect on living conditions. Daylight may enter the room, and from the illustrations this appears to occur, but it does not appear to extend into the majority of the room spaces. As a consequence, there could be a strong likelihood of relying on switching on lights to provide a comfortable environment for occupiers.

20. There is debate between parties regarding the internal ceiling heights. The London Plan Policy 3.5 explains that the Nationally Described Space Standards sets internal ceiling heights of dwellings. These should be a minimum height of 2.3m for at least 75% of the gross internal area of the dwelling. The Council's own Supplementary Planning Document recommends ceiling heights are 2.5m for 75% of the gross internal floorspace.
21. As explained before, as a means of co-operation with the Council, the appellant agrees to increasing the ceiling heights by lowering the basement floor. However, as I have found that the internal living conditions would not meet an acceptable living conditions standard, whether or not the ceiling heights are 2.3m or increased to 2.5m would make no difference to the harm I have previously identified to the living conditions of future occupiers.
22. The proposal would conflict with DMP Policy DM1 and the London Plan Policy 3.5, specifically in their joint aims for development to be the highest quality internally and externally.

Highway Safety

23. Off-street parking would be provided incurtilage. It would be positioned on a slight slope within the site and vehicles would most likely reverse out of the site onto Lanchester Road. Apart from the internal slope being created, I see little difference to the arrangement proposed than to the current one where cars would reverse onto the road. No net increase of vehicles would use the access as a result of the proposal. Furthermore, the displacement of cars from the main dwelling of No. 2 onto local roads would not lead to parking congestion as, according to the Council's Statement of Case, there is 'significant parking provided at the front'.
24. Furthermore, I am also aware that the Council's Highways officer raises no objections to the proposal but only refers to the heights of boundary walls and the visibility splay. Whilst Manual for Streets is cited by the Council as a reason to object to the scheme, and although I am aware of the principles and guidance within this document, nonetheless, I have assessed the proposal on the ground, and find no harm would arise to highway or pedestrian safety.
25. It would therefore not conflict with the Local Plan Policy SP7 in its aims to improve transport quality and safety, or DMP Policy DM32 to support development with limited on-site parking. DMP Policy DM33 is not directly relevant as a dropped curb exists, or DMP Policy DM34 as it relates to parking in front gardens. With regard to the London Plan policy 6.11, I can find no direct relevance to this policy as it relates to smoothing traffic and tackling congestion. It would not conflict with the London Plan Policy 6.13 as it would not result in excessive car parking provision. Finally, it would not conflict with the principles within Manual for Streets.

Other Matters

26. Objection matters of precedent, construction disruption and noise associated with the use, views from the property, impacts on gardens and trees and density levels and any other matters not covered within this decision letter are noted. However, they require no further consideration as I am dismissing the appeal.
27. An additional dwelling would contribute to housing numbers, however the small benefit this would bring would be limited and would not outweigh the harm I have identified.

Conclusion

28. Whilst I do not find harm would arise to the character and appearance of the area as a result of the loss of a small portion of garden, or that highway or pedestrian safety would be compromised, I do find the proposal would lead to harm arising to the character and appearance of the area in other regards, and unacceptable living conditions for the occupiers would ensue. For the reasons given, the appeal is dismissed.

Alison Scott

INSPECTOR