

REPORT FOR CONSIDERATION AT PLANNING SUB-COMMITTEE

1. APPLICATION DETAILS

Reference No: HGY/2020/1826

Ward: Crouch End

Date received: 23/07/2020

Drawing number of plans: Lighting Report Rev 02, 1240-A-GA-PL-20A, 21A, 22A, 1240-A-GA-SC-20A, 21A, 1240-A-GA-EL-20A, 21A, 22A, 1240-A-SP-12A, Design & Access Statement Rev A, 1240-A-SP-03B, 1240-A-SP-11A, Supporting Illustrative Information, Construction Management Traffic Plan, Arboricultural Impact Assessment, BIA Screening/ Scoping Study, 18145.OS.101.02 & 18145.OS.105.01C.

Address: Land rear of 29 Haringey Park N8 9JD

Proposal: Construction of a 1 x 3 bedroom dwelling with associated access re-surfacing works and lighting.

Applicant: Mr and Mrs Pierre and Ally Carboni

Ownership: Private

Site Visit Date: 07/09/2020

Officer contact: Laurence Ackrill

REASONS FOR REFERRAL & SUMMARY OF RECOMMENDATION

- 1.1 The application has generated significant public interest and number of objections. In addition, the site has a long planning history being subject to many applications/ appeals. It was agreed with the Chair of the Planning Sub-Committee therefore that the application should be determined at a planning committee meeting.
- 1.2 The key issue to consider is whether the current scheme overcomes the concerns raised in the last appeal decision for this site in 2019, in which an Inspector raised concerns about the poor quality of the unsurfaced section of the lane which would provide access to this dwelling as well as the lack of street lighting and a designated pedestrian footway. Such conditions were overall viewed to be prejudicial to pedestrian safety.
- 1.3 Officers view the current scheme with the associated re-surfacing works and lighting to the lane overcome the concerns raised in terms of access and

pedestrian safety, with the delivery and implementation of such works to be secured via a S106 legal agreement.

- 1.4 As considered in the previous applications/ appeals the proposed dwelling is considered to be visually distinct and an inconspicuous addition to the Abbots Terrace street-scene respecting the informal, leafy and suburban 'back lane' character of the lane and overall preserving the character and appearance of this part of the conservation area. The proposal would not cause harm to neighbour amenity and tree protection conditions would protect the retained mature trees on and off the site.

RECOMMENDATION

- 2.1 That the Committee resolve to GRANT planning permission and that the Head of Development Management or Assistant Director for Planning, Building Standards and Sustainability is authorised to issue the planning permission and impose conditions and informatives and signing of a section 106 Legal Agreement providing for the obligations set out in the Heads of Terms below.
- 2.2 That delegated authority be granted to the Head of Development Management or the Assistant Director for Planning, Building Standards and Sustainability to make any alterations, additions or deletions to the recommended heads of terms and/or recommended conditions as set out in this report and to further delegate this power provided this authority shall be exercised in consultation with the Chairman (or in their absence the Vice-Chairman) of the Sub-Committee.
- 2.3 That the section 106 legal agreement referred to in resolution (2.1) above is to be completed no later than **31 January 2021** or within such extended time as the Head of Development Management or the Assistant Director Planning, Building Standards and Sustainability shall in her/his sole discretion allow.
- 2.4 That, following completion of the agreement(s) referred to in resolution (2.1) within the time period provided for in resolution (2.3) above, planning permission be granted in accordance with the Planning Application subject to the attachment of the conditions.

Conditions (the full text of recommended conditions is contained at foot of this report)

- 1) In accordance with approved plans
- 2) Development begun no later than three years from date of decision;
- 3) Materials submitted for approval;
- 4) Construction Management Plan;
- 5) Restriction on permitted development rights;
- 6) Hard and soft landscaping;
- 7) Tree protective fencing;

- 8) Refuse storage enclosure;
- 9) Cycle storage enclosure
- 10) Bird and bat boxes
- 11) Accessible and Adaptable Dwellings.
- 12) Energy Statement
- 13) Removal of PD Rights

Conditions (the full text of recommended conditions is contained in Section X of this report)

Informatives

- 1) CIL liability
- 2) Hours of construction
- 3) Street Numbering
- 4) Land ownership
- 5) Permission subject to S106 agreement

Section 106 Heads of Terms

- 1) Resurfacing works to the lane / Abbots Terrace (including, surfacing / construction materials, means of surface water drainage, details of the lighting installations/ illuminance levels), and including the necessary legal interest and funds to implement the resurfacing works.

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3.0 PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed development

- 3.1 The application is for the construction of a new 3-bedroom residential dwelling to the rear of No. 29 Haringey Park, adjacent to Abbots Terrace on what was a previously developed site (a builders' yard), and prior to that part of a rear garden. It is proposed to provide a single car parking space and cycle parking with the unit.
- 3.2 It is proposed to access the development from Abbots Terrace, and the applicant is proposing to resurface Abbots Terrace from the junction with Crouch Hill to the development site and provide lighting.

Site and Surroundings

- 3.3 The application site comprises the rear part of the original garden to No. 29 Haringey Park, which previously contained a builder's yard becoming subsequently redundant and now removed. Approximately half the length of the rear garden as measured from the closest part of the house has been separated off to form a separate plot. The rear boundary of the site fronts onto an accessway route which runs between the rear gardens of Haringey Park and Cecile Park.
- 3.4 This accessway leads west onto Crouch Hill approximately 200 metres away. The accessway also carries on past the application site to the east as far as Sandringham Gardens. The accessway is unmade and generally gives access to the rear gardens and garages of the properties on Haringey Park and Cecile Park. At its western end, closest to Crouch Hill, a late 20th Century row of 6 small mews type cottages has been built (Abbots Terrace). There is also access point onto this access route from southern end of Ivy Gardens, via a small and stepped pedestrian way.
- 3.4 The site lies within Crouch End conservation area, specifically Sub Area 5. The character appraisal for the conservation area makes reference to Abbots Terrace and the un-surfaced track:

"An un-surfaced track shown on the Hornsey Enclosure Map of 1815, runs east between No. 116 and No. 118 Crouch Hill, passing Abbots Terrace and providing access to lock-up garages within the rear gardens of properties on the northern side of Cecile Park and the southern side of Haringey Park. This track retains some of its old world charm, but now has a neglected and overgrown appearance and exposes long views of the rears of nearby properties. The eastern end of the track is now blocked by No. 54A and No. 54B Cecile Park, a small semi-detached pair of two storey reddish/brown brick 1930s cottages at the rear of Derwent Court."

Relevant Planning and Enforcement history

Most recent planning history

- HGY/2007/0983 - Rear Of 29 Haringey Park London N8 9JD - Demolition of existing workshop / storage garage and erection of single storey dwellinghouse with associated garage, terrace and rear garden. – Refused - 05/07/2007. Appeal reference - APP/Y5420/A/07/2059769 – Appeal dismissed – 18/06/2008.
- HGY/2007/0986 - Rear Of 29 Haringey Park London N8 9JD London – Conservation Area Consent for demolition of existing workshop / storage garage and erection of single storey dwellinghouse with associated garage, terrace and rear garden. – Refused - 05/07/2007. – Appeal reference - APP/Y5420/E/07/2059771/NWF – Appeal dismissed – 18/06/2008.
- HGY/2008/1791 - Rear Of 29 Haringey Park Hornsey London N8 9JD London - Demolition of existing work and storage garage and erection of single storey three bedroom dwellinghouse with associated single car garage, terrace and rear garden. – Refused - 22/10/2008. – Appeal reference APP/Y5420/A/09/2101529 – Appeal dismissed – 01/10/2009.
- HGY/2008/1792 - Rear Of 29 Haringey Park Hornsey London N8 9JD London - Conservation Area Consent for demolition of existing work and storage garage and erection of single storey three bedroom dwellinghouse with associated single car garage, terrace and rear garden. – Refused - 22/10/2008. – Appeal reference APP/Y5420/E/09/2101589/NWF – Appeal dismissed – 01/10/2009.
- HGY/2016/0637 - Rear of 29 Haringey Park London N8 9JD - Construction of single family dwelling with ground and basement levels – Refused - 27/06/2016 – Appeal reference APP/Y5420/W/16/3153672 – Appeal dismissed – 04/11/2016.
- HGY/2017/1431 - Rear of 29 Haringey Park London N8 9JD London - Construction of 1 x 2 bedroom dwelling with associated works – Refused - 21/06/2017 – Appeal reference APP/Y5420/W/17/3186301 - Appeal allowed – 28/02/2018.
- HGY/2017/2314 - Rear of 29 Haringey Park London N8 9JD London - Construction of 1 x 2 bedroom dwelling with associated works – Refused - 21/09/2017 – Appeal reference APP/Y5420/W/17/3186303 – Appeal dismissed – 28/02/2018.
- HGY/2018/3670 - Rear of 29 Haringey Park London N8 9JD - Construction of a 1 x 3 bedroom dwelling with basement level – Refused - 22/02/2019 – Appeal reference APP/Y5420/W/19/3226826 – Appeal Dismissed – 13/08/2019.

4. CONSULTATION RESPONSE

4.1 The following were consulted regarding the application:

Internal:

LBH: Transportation:

LBH Building Control:

LBH: Design:

LBH Arboricultural Officer

4.2 The following responses were received:

Internal:

LBH: Transportation – Raise no objection subject to a legal agreement under s106 to show that the developer has the necessary legal interest and funds to implement the resurfacing/ lighting works with the said detail of such works (including, surfacing / construction materials, means of surface water drainage, details of the lighting installations/ illuminance levels) also being agreed with the LPA and fully implemented before the occupation of the residential unit, as well as the satisfactory discharge of other related conditions.

5. LOCAL REPRESENTATIONS

5.1 The application was publicised by way of press and site notice displayed in the vicinity of the site and 165 letters. The number of representations received from neighbours, local groups, etc in response to notification and publicity of the application are as follows:

No of individual responses: 56

Objecting: 56

Supporting: 0

5.2 The following local groups/societies made representations:

- Abbots Terrace & Ivy Gardens Residents Association – Object on the following grounds:
 - Impact on ecology
 - Impact on character of the conservation area
 - Proposal would set a precedent for development along the lane

5.3 The following Councillor(s) made representations

- None

5.5 The following issues were raised in representations that are material to the determination of the application and are addressed in the next section of this report:

Amenity

- Impact on outlook
- Loss of privacy / overlooking of houses on Cecile Park, Haringey Park and Sandringham Gardens
- Noise and disturbance
- Light pollution from bollards and house
- Reduced security

Impact on built & natural environment

- Development would stand in stark contrast to the open and spacious back garden plots
- Impact on the character of the area
- Paving and lighting would completely change the character of the lane
- Building does not reflect the architecture of the surrounding houses
- Precedent set by the development with associated impact on quiet lane in the conservation area
- Loss of green space/ an important green space in the conservation area
- Impact on trees / removal of trees and impact on the roots of other trees
- Impact on wildlife
- Drainage

Access, parking and safety

- Lane remains too narrow and weak to take a large amount of traffic
- Lane unsuitable for the kind of vehicles that would be needed to build structure
- Safety concerns during construction/ residents of Abbots Terrace will be unable to access or exit our properties safely
- Impact on off-street parking conditions
- Fire engine access/ alley is too narrow in places to admit a fire engine
- Concern about maintenance of access road and lighting

5.4 The following issues raised are not material planning considerations:

- Provision of services (Officer Comment: This would be subject to provision being made by the relevant water/ electricity / gas / internet companies and is not a material planning consideration).
- CPZ along the access track (Officer Comment: Given that the access road is a private road it does not come under the jurisdiction of the Local Highway Authority and would therefore be outside of the scope of implementing a CPZ).

- Inaccuracies as part of the submitted detail relating to width of access road (Officer Comment: This was checked by Officers on site and concerns relayed to the developer, with amended plans subsequently provided).
- Misleading information (Officer comment: The address has been amended to accurately reflect the application site. Nevertheless, the submitted details are considered to clearly and accurately reflect the location and position of the site in question).
- Ownership issues / legal issues (Officer Comment: The planning system entitles anyone to apply for permission to develop any plot of land, irrespective of ownership. This does not however affect any civil rights which can preclude development from being implemented if the consent of the owner is not obtained).
- Notifications to anyone with a leasehold / freehold interest within the land (Officer Comment: The applicant was made aware of concerns that the relevant interested parties may not have been notified in accordance with the Development Management Procedure Order prior to the submission of the application. However, the LPA are not in possession of any substantive evidence to suggest otherwise).

6 MATERIAL PLANNING CONSIDERATIONS

6.1 The main planning considerations raised by the proposed development are:

1. Background/ planning history;
2. Principle of development;
3. Design and impact on the character and appearance of the conservation area;
4. Impact on the amenity of adjoining occupiers;
5. Living conditions for future occupants;
6. Access, parking and highway safety;
7. Impact on trees and ecology; and
8. Basement development.

Background/ planning history

6.2 Since 2007, eight applications for the erection of a dwelling have been submitted previously for this site as detailed within the planning history section above, along with subsequent appeals following refusal by the LPA.

6.3 A material consideration in this case are the two appeal decisions (A & B - Refs: HGY/2017/2314 & HGY/2017/1431) dated 28th February 2018, one allowed and one dismissed and a later appeal decision in 2019 (Ref: HGY/2018/3670) which was dismissed. All of these applications relate to the erection of a single dwelling on the same site.

6.4 The only meaningful difference between the two schemes decided on appeal in February 2018 was the means of access, one of which had a pedestrian access

to/from Haringey Park (allowed) and the other via the access lane on Abbots Terrace from Crouch Hill (dismissed). In dismissing the appeal with access only from Abbots Terrace, the Inspector concluded that *“the use of Abbots Terrace by future occupiers of the development would be prejudicial to pedestrian safety”*. In respect of erecting a dwelling house on the site and its effect on the character and appearance of the area and this part of the conservation area, the Inspector found that both proposals would not result in unacceptable harm.

- 6.5 The latest appeal for the site in 2019 was materially different from the previous cases in that it involved pedestrian access to/from Abbots Terrace, which was proposed to be partially resurfaced and lit with new street lighting. The proposed resurfacing and street lighting works extended just beyond the existing pedestrian access to Ivy Gardens and excluded the first section of the track. In determining this case the Inspector concluded that *“given the poor quality of the unsurfaced section of the lane which would remain, in addition to the lack of street lighting and a lack of a designated pedestrian footway, this would be prejudicial to pedestrian safety.”*
- 6.6 The current application has been amended in that the entire section of track between the application site and Abbots Terrace and on to Crouch Hill has been included within the scope of re-surfacing works and would also benefit from new lighting. This differs from the extant permission in that access to the dwelling would be from the track leading on to Ivy Gardens & past Abbots terrace on to Crouch Hill, which would be re-surfaced, rather than pedestrian access to/from Haringey Park.
- 6.7 It is therefore important to point out that there is an extant consent for this site (HGY/2017/2314) for the erection of a dwelling, which will expire on 27th February 2021. This extant consent represents a fall-back position which is a material consideration in the determination of this current application. Equally the Inspectors comments in the allowed and dismissed cases are a material consideration.
- 6.8 It is highlighted that the Town and Country Planning Act 1990 specifically outlines that the local planning authority must have regard to "material considerations" when deciding on a planning application. It is also well established case law that previous planning decisions are material considerations, which need to be taken into account as this is important for the purpose of securing public confidence in the operation of the planning system for all those involved.

Principle of development

Supply of housing/ small sites

- 6.9 The principle of additional housing is supported by the London Plan (2016) Policies 3.3 'Increasing Housing Supply' and 3.4 'Optimising Housing Potential'. It is also

supported by Haringey's Local Plan Policy SP2 'Housing'. Policy SP2 states that the Council will seek to ensure a mix of dwelling sizes arising from development and recognises that there is a lack of family sized housing in the Borough. The Haringey Local Plan has a target of 19,820 dwellings between 2011 and 2026.

- 6.10 Government policy as set out in the NPPF 2019 requires Local Planning Authorities to significantly boost the supply of housing (para. 59). Paragraph 68 supports approval on small sites and outlines that such sites can make an important contribution to meeting the housing requirement of an area, as they often can be built out relatively quickly.
- 6.11 The new draft London Plan (intend to publish version) policy on small sites (H2) is afforded weight in the determination of this application. The plan has been 'examined in public' and as such carries weight in the decision-making process. Policy H2 sets out a presumption in favour of small sites and seeks to promote infill development on vacant or underused sites within PTALs 3-6 and within 800m of a Tube or rail station. The site here is within 800m (774m) of a tube station and while in an PTAL 2 area it is very close to PTAL 3.

Backland development

- 6.12 The local plan has a specific policy on backland, infill and garden land development. Policy DM7 of the Development Management DPD states that there will be a presumption against the loss of garden land but equally the subtext of the policy outlines that for the Council to meet its housing needs, optimising existing built sites it may be necessary, but importantly such development should be of "sensitive design in order not to detract from the character of the street scene, the architectural integrity and scale of adjacent buildings or from residential amenity". Third parties have raised this issue. Part B of the policy outlines a number of criteria that should be met in relation to infill/ backland development, as set out below.
- a. Relate appropriately and sensitively to the surrounding area as well as the established street scene, ensuring good access and where possible, retaining existing through routes;
 - b. Provide a site specific and creative response to the built and natural features of the area;
 - c. Where appropriate, repair or re-provide street frontages and provide additional passive surveillance and increased security;
 - d. Safeguard privacy, amenity, and ensure no loss of security for adjoining houses and rear gardens;
 - e. Retain and provide adequate amenity space for existing and new occupants;
 - f. Incorporate at least one street frontage or be ancillary to the host dwelling and the adjacent houses/terraces; and
 - g. Not result in 'gated' developments that prevent access which would normally be provided by a publicly accessible street.

- 6.13 The development here is backland development by virtue of where the development would sit, with no main road frontage, and it is on previously developed land (builder's yard). This issue has been specifically considered in the previous applications/ appeals for the site. In specific the Planning Inspector as per the 2018 allowed appeal (ref: HGY/2017/2314) accepted that *"the erection of a dwelling in this backland location would not be entirely consistent with the prevailing settlement pattern. However, the weight to be attached to these arguments must be moderated by the fact that a workshop and builders yard occupied the site between 1935 and 2010. In effect the development would simply reinstate the settlement pattern that existed when the CECA was designated in the 1970s."*
- 6.14 Having regard to the comments made by the Planning Inspector as part of the latest appeal decisions at the site, the proposal is considered acceptable in principle, but must be assessed against Part B of Policy DM7 and other relevant policy objectives, as discussed below.
- 6.15 It is noted that concerns have been raised in relation to the proposed development setting a precedent for further development along this lane. It is however important to point out that each application has to be considered on its own individual planning merits, site circumstances and judged accordingly. This is reinforced by the Planning Inspector's decision specifically referred to above. As such the granting of permission here does not necessarily set a precedent for similar development along this lane, with rather each application having to be determined on its individual merits.

Design and impact on the character and appearance of the conservation area

- 6.16 Policy 3.5 of the London Plan (2016) requires housing development to be of the highest quality; policies 7.1, 7.4, 7.5 and 7.6 states that development should make a positive contribution to the local character, public realm and streetscape. It should incorporate the highest quality materials and design appropriate to its context. Local plan policy SP11 requires development to enhance and enrich Haringey's built environment.
- 6.17 DM Policy (2017) DM1 'Delivering High Quality Design' states that development proposals should relate positively to their locality, having regard to, building heights, form, scale and massing prevailing around the site, urban grain, sense of enclosure and, where appropriate following existing building lines, rhythm of any neighbouring or local regular plot and building widths and distinctive local architectural styles, detailing and materials.
- 6.18 London Plan Policy 7.8 requires that development affecting heritage assets and their settings to conserve their significance by being sympathetic to their form,

scale and architectural detail. Haringey Local Plan Policy SP12 requires the conservation of the historic significance of Haringey's heritage assets.

- 6.19 The resulting house in terms of form, appearance and footprint is materially the same as that previously considered acceptable, namely the extant scheme/ the fall-back position as referred to above. The dwelling would still appear subservient to the buildings fronting Haringey Park. The Planning Inspector as per the February 2018 decisions, commented on the merits of the new house and effects on the lane, specifically outlining the following:

".....(the back lane) is clearly a street that has evolved over the years and will continue to do so. Despite its designation within the CECA," and saw nothing "so inherently sensitive about its character or appearance to suggest that no further development can ever take place. The dwelling itself would be well-meaning, visually distinct and an inconspicuous addition to the Abbots Terrace street-scene respecting its informal and low-key sensibilities and preserving its leafy and suburban 'back lane' character".

- 6.20 Given that the visible elements of the scheme have not significantly altered in relation to the previous scheme, it is not justifiable to raise any further concerns in terms of the proposed development and its impact on the character and appearance of this part of the conservation area.
- 6.21 It is noted that concerns have been raised in relation to the impact on the character and appearance of the lane from the re-surfacing works. However, it is important to highlight that a Planning Inspector did not raise concerns in relation to such works (although accepted to be of a smaller scale). The Inspector notes that the *"section of the lane, which is proposed to be resurfaced and lit, would provide a good quality surface"*.
- 6.22 As such while accepting the appearance of the lane will change the proposed re-surfacing involving grass pavers would still respect the character of the lane with the low-level lighting not being intrusive as to harm its qualities.
- 6.23 Overall, taking into consideration the previous appeal decisions for the site, the proposed development would not have a significant impact on the character and appearance of the conservation area. The effect therefore is to leave the conservation area unharmed / preserved.
- 6.24 To ensure that the development is of high quality and complements its surroundings, a number of matters relating to the detailed design of the building and works to the lane are to be agreed with the local planning authority via the planning conditions imposed.

Impact on the amenity of adjoining occupiers

- 6.25 The London Plan (2016) Policy 7.6 *Architecture* states that development must not cause unacceptable harm to the amenity of surrounding land and buildings. DM Policy (2017) DM1 'Delivering High Quality Design' states that development proposals must ensure a high standard of privacy and amenity for the development's users and neighbours.
- 6.26 The proposed new dwelling has not been altered from the outcome of the previous application, where it was considered acceptable in terms of its impact on the residential amenity of neighbouring occupiers. The dwelling would be well set away from the rear of No 29 Haringey Park. The development will also be set in from the property boundary it shares with 30 Haringey Park to the west and Ravensdale Mansions to the east. The subordinate scale and siting of the proposal means that the living conditions in terms of daylight/sunlight and outlook currently enjoyed by neighbouring properties will still be maintained.
- 6.27 It is highlighted that Officers previously raised concerns in the 2016 application, (ref: HGY/2016/0637) that illumination (when in use) and general use of the private access would give rise to light and noise pollution on the surrounding rear gardens, thereby being detrimental to local amenity. The Planning Inspector in considering the associated appeal however did not agree and rather concluded that the proposal would not have a harmful effect on the living conditions of neighbouring occupiers (No 29 Haringey Park and Ravensdale Mansions) with particular regard to light pollution and noise.
- 6.28 Given the building would be no higher than one storey above ground level, it is considered that the proposed development would not facilitate overlooking of neighbouring properties and gardens.
- 6.29 While accepting there would be more lighting installations along the access lane such lighting can be controlled by condition. While accepting that elements of the lighting scheme may be apparent in locations where not currently existing, this would not be material or significant so as to cause harm to the amenity of neighbouring occupiers.
- 6.30 It is also important to highlight that levels of illumination have been proven to deter criminal behaviour, the fear of crime and antisocial behaviour. While there are no guarantees of lower crime, it is considered that the introduction of modest lighting here could improve conditions in respect of security, over and above existing site circumstances.
- 6.31 It is noted that concerns have been raised in relation to noise and disturbance during construction works. However, as highlighted later in this report, the development would be subject to the submission of a construction management plan, so as to ensure construction works, including the movement of construction vehicles, are limited to a time, route and rate that would minimise disturbance to

neighbouring occupiers. The construction works would also be subject to the control of pollution act legislation, restricting hours of construction works.

- 6.32 Overall, the proposal would not have a detrimental impact on the living conditions and amenities to the occupiers of neighbouring properties.

Living conditions for future occupants

- 6.33 London Plan 2016 policy 3.5 and accompanying London Housing Design Guide set out the space standards for all new residential developments to ensure an acceptable level of living accommodation offered.

- 6.34 In assessing the proposal against these requirements, the proposed unit would accord with the minimum unit size requirements. The minimum standards prescribed for individual rooms are set out within The London Housing Design Guide and the proposed rooms conform to these standards as shown on the floor plans with the unit meeting the minimum requirement as follows:

- 1 x 180m² for a 2 storey, 3 bedroom, 6 person unit. (102m² required).

- 6.35 The proposed unit would be dual aspect with the windows generally being either east or west facing. The bedrooms, while at lower ground floor level, would be served by substantial lightwell areas. As such, the proposal would benefit from adequate daylight and outlook for the occupants of the unit. There would also be a section of amenity space at ground floor level by way of garden areas.

- 6.36 It is also noted that the Planning Inspector as per the recent appeal decisions did not find any issue with the layout and quality of accommodation associated with this unit.

- 6.37 Overall, the development is considered to provide an acceptable quality of accommodation for future occupiers.

Access, parking and highway safety

- 6.38 Local Plan (2017) Policy SP7 Transport states that the Council aims to tackle climate change, improve local place shaping and public realm, and environmental and transport quality and safety by promoting public transport, walking and cycling and seeking to locate major trip generating developments in locations with good access to public transport. This is supported by DM Policy (2017) DM31 'Sustainable Transport'.

- 6.39 As per the 2019 appeal decision the Planning Inspector upheld the LPA's reason for refusal in relation to providing adequate safe and secure access arrangements from Abbots Terrace. The Inspector made the following observations:

“...the link between Abbots Terrace and Ivy Gardens was stepped and therefore it would be difficult to use for future occupiers with mobility issues, which may force such users to continue their journey along Abbots Terrace beyond the resurfaced track and onto the unmade and unlit part of the track which goes to Crouch Hill. Despite the relatively low traffic volumes and vehicle speeds, given the poor quality of the unsurfaced section of the lane which would remain, in addition to the lack of street lighting and a lack of a designated pedestrian footway, this would be prejudicial to pedestrian safety.”

6.40 As highlighted above, compared to the 2019 scheme the current scheme incorporates the entire section of track between the application site and Abbots Terrace and Abbots Terrace and the start of the public highway on Crouch Hill, to be subject to re-surfacing works and a lighting scheme installed. Such works seek to address the concerns raised about the condition of the lane as expressly viewed to be prejudicial to pedestrian safety.

6.41 The Council's Transportation Team has been consulted and have commented on the scheme.

Access Arrangements

6.42 The site has a PTAL value of 2 and is very close to an area of value 3 to the west. A PTAL of 2 is considered 'poor' access to public transport services. There are 5 different bus services accessible within 1 to 6 minutes walk of the site. Crouch Hill Station is just outside of the walking distance criteria (12 minutes/960m) for inclusion into the PTAL value.

6.43 The site is also within the geographical area of Crouch End 'A' CPZ, which has operating hours of 10.00 to 12.00 Monday to Friday however there are no formal parking restrictions in place within Abbots Terrace given it is a private road.

6.44 As described above, the site is accessible from Abbots Terrace, which is a narrow private access track that is currently partly hard surfaced along the stretch from Crouch Hill to the end of Ivy Gardens. Eastbound from Ivy Gardens to the application site, is not hard surfaced. Neither is Abbots Terrace lit. It is used by vehicles for access to private garages accessed directly off the track at the end of gardens and groups of garages located on hardstanding areas.

6.45 It is pointed out that widths/ measurements to sections to the lane within the application submission have been questioned by residents. Officers thus visited the site to carry out checks of the dimensions. Measurements were made along the first section of Abbots Terrace from Crouch Hill, which is the narrowest section of the track, fronting Nos. 1 to 6. Planning officers noted that the clear width dimensions were narrower than indicated within the application. At the narrowest, the clear width was 3.3m. The applicant has now provided updated details of the width measurements along Abbots Terrace and east of the cottages at 1 – 6

Abbots Terrace. It is noted that the width of the lane varies between 3.3m and 4.7m, and there are two locations where there are hard standings for garages.

- 6.46 The track can accommodate vehicles travelling in one direction and along most of its length it is possible for vehicles to pass pedestrians. There are also garage hardstanding and parking spaces accessed off Abbots Terrace with some opportunities for vehicles to pass one another. The Transport Assessment (TA) undertaken details 25 garages in total plus an unspecified number of parking spaces (7 formal spaces plus a hardstanding area that could accommodate up to 6 or so more cars).
- 6.47 Vehicles have to access the lane from the wider highway network from Crouch Hill. It is possible to access the lane by foot or cycle from Ivy Gardens as well, however there are steps so not so it accessible or suitable for wheelchairs or mobility scooters etc.
- 6.48 Considering the environment along Abbots Terrace and guidance within 'Manual for Streets' (section 7.1) which references that a 4.1m wide lane can safely accommodate vehicles such as cars and delivery vans and pedestrians passing each other, there are opportunities for cars/vehicles to pass each other along this lane i.e. the wider sections where there are garage accesses/hardstandings.
- 6.49 The narrower section by Nos. 1 to 6 Abbots Terrace is relatively short and straight with good visibility. At present and as per current conditions it is expected that drivers show caution if any pedestrians or cyclists are on this section at the same time, and given the low numbers of vehicles and other opportunities for passing, this is considered acceptable. The uplifts in pedestrian/cycle trips and vehicle trips that would result from this application are very small so effectively there would be no change to the existing conditions and driver/pedestrian/cyclist behaviour along Abbots Terrace.

Existing and future use of Abbots Terrace

- 6.50 The TA includes 12 hours counts of pedestrians and vehicles currently accessing Abbots Terrace and the count recorded 135 pedestrians using the lane during the survey period, with 16 pedestrians during the AM peak and 23 during the afternoon peak, and a total of 20 vehicle movements recorded along the lane during the 12 hours (10 arrivals/10 departures).
- 6.51 The TA predicts up to anything between 2 and 6 vehicle movements per day depending on whether the occupiers use their private vehicle for work trips only or work and shopping/school trips. Essentially the single dwelling proposed would not add many additional trips to Abbots Terrace, and it is expected servicing trips would be very low, likely to be less than one trip a day on average.

- 6.52 Manual for Streets provides guidance for the consideration of shared surface areas, and in 7.2.1.4 it references that Shared Surfaces may be appropriate where the volume of motor traffic is below 100 vehicles per hour and where parking is controlled, or it takes place in designated areas. It is considered that the existing and proposed arrangements here do fall within those criteria. It is however important to ensure that the environment along Abbots Terrace is as suitable as possible for the mobility impaired.

Proposed surfacing and lighting

- 6.53 It is proposed within this application (reference the letter from Lacey and Saltykov architects of 21/7/20) to fully resurface Abbots Terrace from the junction with Crouch Hill to the application site. It is also proposed to provide lighting along the lane. Officers considered the works to improve the surface of the lane and provide lighting could meet the observations/requirements of the Planning Inspectorate, as discussed earlier, overall providing an improved environment for pedestrians and the mobility impaired compared to present conditions.
- 6.54 The submitted detail for the resurfacing references the use of Suregreen PP50 geotextile, often used for emergency accesses, car parks and the like. It is a geotextile that is filled with aggregate to provide a hard surface that can be trafficked and walked on.
- 6.55 The construction section shown on the drawing does not detail the construction depths and overall surfaced widths and other dimensions, it is suggested that the applicant provide a fully detailed design for this to demonstrate that the proposed arrangements will provide a durable surfacing arrangement, that will be serviceable for many years, able to withstand the expected trafficking from the vehicles that use it including service vehicles.
- 6.56 It is required that the detailed design/construction details be provided for review by LPA/ Officers, prior to commencement of the development, so as to ensure the scheme is fit for purpose, the traffic expected and for the needs of pedestrians and cyclists.
- 6.57 As Abbots Terrace is not a public/ adopted highway, Officers view that it is very important to ensure the proposed works here can be implemented and that they are durable and fit for purpose. As such it is viewed reasonable that the application should enter into a legal agreement under s106 of Town and Country Planning Act 1990 with the Council to show that the developer has the necessary legal interest and funds to implement the resurfacing/ lighting works to the lane; with the said detail of such works (including, surfacing / construction materials, means of surface water drainage, details of the lighting installations/ illuminance levels) being agreed with the LPA and fully implemented before the occupation of the residential unit.

Car parking

- 6.58 A single car parking space within the site is proposed. Swept path analysis has been provided which details the entry and exit manoeuvres to and from the parking space. This shows that parking can be achieved in a simple movement without the need for multiple manoeuvres and is considered acceptable

Cycle parking

- 6.59 Provision of secure, weatherproof cycle parking for 4 cycles is proposed, to be located to the front side of the site. Final details will need to be provided to confirm proposed arrangements as secured by way of a planning condition.

Delivery and service arrangements

- 6.60 The servicing demands for a single 3-bedroom dwelling are expected to be very low, and the TA details that the proposed arrangements are for smaller service vehicles up to 3.5 tonne vans using Abbots Terrace/ the lane, and large vehicles parking on the Highway and trolleying goods to the site.

Refuse and recycling collection arrangements

- 6.61 The TA details that all refuse and recycling collections will be carried out using a private waste management services provider, with an appropriately sized vehicle used to access the site from Abbots Terrace to make the respective collections. Full details of the proposed arrangements are required to be provided, as secured by way of a planning condition, to ensure such an arrangement is implemented.

Construction Phase

- 6.62 A draft Construction Management Plan (CMP) has been included within the application, and the following points are noted:

- The construction programme is for an overall build time of 52 weeks
- 22 weeks is for the initial phase of work as to excavate and build the foundations
- Construction vehicle numbers are expected to be low, and vehicles will not attend site during the AM and PM peak periods. The periods of 0800 – 0900 and 1700 – 1800 are referred to, this should be extended to 0800 – 0930 and 1530 – 1800
- Delivery and collection vehicle slots will be timed and managed to avoid the AM and PM peaks as described and to ensure vehicles do not wait on the highway. A call up arrangement will be utilised so that delivery vehicles will need to get approval from the site manager to access the site.
- The vehicles proposed for servicing the site build include short wheelbase tipper trucks, 12m hiab delivery trucks, a concrete mixer and a small 10.2m long mobile crane for moving structural components into the site. It is detailed that the widest vehicles are 2.9m wide. and now the applicant has provided

accurate measurements of the clear widths of Abbots Terrace, it is known that the narrowest point is at No 6 where there is a 3.3m clear width. The applicant will need to carry out a detailed assessment of the vehicles intended to be used for construction and only use vehicles that will be suitable taking into account this pinch point.

- As Abbots terrace can only accommodate a single vehicle along it all construction vehicle movements will be overseen by two banksmen. No vehicles will be permitted to visit the site or move along Abbots Terrace without oversight/supervision.
- Deliveries and collections will be made from the lane into the site, and all materials/arising will be stored within the site.
- Swept path plots have been provided for reversing manoeuvres into Abbots Terrace from both directions along Crouch Hill. These will be overseen by banksmen and there is reference to the use of stop/go boards to control traffic and pedestrians when these entry and exit manoeuvres are made. It is recommended that the contractor/applicant contact the Highway Authority in advance of the works to agree any special traffic management arrangements with respect to movements onto and off of the highway. Abbots Terrace is private and not public highway.
- There are details within the CMP relating to keeping the public highway and Abbots Terrace swept clean and free of debris, and also to the use of protection mats to avoid damaging the integrity of Abbots Terrace during the construction phase.
- Overall, the draft CMP does provide a lot of information as to how it is intended to service the buildout. It is a difficult site to access overall and a refreshed and updated CMP will be required to elaborate on the intended arrangements and vehicles envisaged for the build out taking into account the narrowest section of Abbots Terrace at Nos. 1 to 6.
- If the development is consented, the applicant will need to manage this process and work with/liaise with users and residents impacted by the build out to manage the process very carefully.

6.63 Considering the existing and future usage of Abbots Terrace with respect to vehicle and pedestrian movements, only a slight uplift will be resultant from the new residential unit, with this acceptable in transportation terms, taking into account the surfacing and lighting works to improve conditions for pedestrians and the mobility impaired; as such overcoming the previous reasons for refusal and those upheld in the latest appeal decision for the site.

6.64 As indicated above a condition is being imposed to secure full/ final details of the resurfacing and lighting works proposed for the lane. Similarly, conditions relating to securing final details of cycle parking and the refuse and recycling collections arrangements for the site are being imposed. Finally, a CMP is required to be submitted prior to commencement of works to ensure that access for construction vehicles and the build out of the development are carefully and fully considered.

Subject to the satisfactory discharge of the above conditions, the scheme here is considered acceptable in terms of access, parking and highway considerations.

Trees & ecology

- 6.65 DM Policy (2017) DM1 'Delivering High Quality Design' states that the Council will expect development proposals to respond to trees on and close to the site.
- 6.66 It is noted that as part of various previous applications at the site, the development has been considered acceptable in terms of its impact upon trees, through various arboricultural reports submitted in support of the development. As part of the most recent application refused at the site, 2 x category trees were subject to potentially to be removed to facilitate the development and no objections were raised in relation to this. Conditions in relation to tree protective fencing and landscaping measures would be sufficient to outweigh / mitigate the loss of the low grade trees and protect the remaining trees on and adjacent to the site.
- 6.67 It is noted that the impact assessment only accounts for trees on the site. However, no trees along the access lane are proposed to be removed. Works may be required to prune back some trees to allow for access vehicles to pass. However, this would not result in the loss of any trees along the lane.
- 6.68 It is noted that concerns have been raised in relation to loss of wildlife. However, the site is not designated for ecological protection and its lawful use is a builder's yard. As highlighted above, the proposal would not result in the loss of trees along the access lane. The removal of some trees on application site itself can be outweighed by trees being replanted on the site. A condition is to be attached to ensure that hard and soft landscaping mitigation measures are included as part of the development to off-set the loss of any areas of soft-landscaping cleared to facilitate the works.
- 6.69 In terms of the proposals impact on ecology, the site does not form part of an area designated an ecologically valuable site or an ecological corridor. There are also are existing residential properties backing onto the lane with associated light coming from such properties. Notwithstanding the site having no formal ecological designation the site and lanes provide landscape and ecological value which needs to be given consideration.
- 6.70 The works here are however sensitive to nature of the site and the lane, in specific using low level lighting as such minimising the direction of illumination/ light spoilage and in turn ecological impact. Additional enhancements can include the provision of bat and bird nesting boxes. These requirements can be secured by suitable planning conditions. Such issues were not reasons for refusal / dismissal previously.

Basement development

- 6.71 Policy DM18 of the Development Management DPD states that householder extensions to existing basements, and the construction of new basements, including in existing dwellings will only be permitted where it can be demonstrated that the proposal does not adversely affect the structural stability of the building, does not increase in flood risk to the host or nearby properties and does not cause harm to the appearance or setting of the property or the established character of the surrounding area.
- 6.72 A Basement Impact Assessment has been submitted as part of the application detailing the soil and groundwater conditions on site, this is the same as the submitted as part of previous applications at the site. It is noted that the Council's Building Control team raised no objections to the information provided as part of previous applications and given that the site circumstances have not changed since the determination of the previous application; it is considered that the information acceptable for the purposes of complying with policy DM18.

Conclusion

- 6.73 Taking into consideration the previous appeal decisions for the site, in specific the unresolved material considerations, Officers view the current scheme with the associated re-surfacing works and lighting to the lane overcome the remaining concern raised by the Planning Inspector in terms of access and pedestrian safety.
- 6.74 As considered in the previous applications/ appeals the proposed building is considered to be acceptable in design terms and would preserve the character and appearance of this part of the conservation area. The proposal would not cause harm to neighbour amenity and tree protection conditions would protect the retained mature trees on and off the site.
- 6.75 All other relevant policies and considerations, including equalities, have been taken into account. Accordingly, it is therefore recommended that planning permission be granted.

CIL APPLICABLE

- 7.1 Based on the information given on the plans, the Mayoral CIL charge will be £7,692.68 (173.2sqm x £35 x 1.269) and the Haringey CIL charge will be £49,937.024 (173.2sqm x £265 x 1.088). This will be collected by Haringey after/should the scheme is/be implemented and could be subject to surcharges for failure to assume liability, for failure to submit a commencement notice and/or for late payment, and subject to indexation in line with the construction costs index. An informative will be attached advising the applicant of this charge.

8.0 RECOMMENDATIONS

GRANT PLANNING PERMISSION subject to conditions and a Section 106 Legal Agreement

Applicant's drawing Nos: 1703.A-00-001 09, 1703.A-02-001- 09, 1703.A-03-112-01 09, 1703.A-03-112-02 09, 1703.A-03-112-03 09, 1703.A-03-114-01 09, 1703.A-03-114-02 09, 1703.A-03-114-03 09, 1703.A-03-132-01 09, 1703.A-03-132-02 09, 1703.A-03-132-02 09, 1703.A-03-132-04 09, 1703.A-03-132-05 09, 1703.A-03-133-01 09, 1703.A-03-133-02 09, 1703.A-03-133-03 09, 1703.A-03-133-04 09, 1703.A-03-133-05 09, 1703.A-03-133-06 09, 1703.A-03-133-07 09, 1703.A-03-133-08 09, AMA Demolition Statement of Intent AMA_REP_02 Nov 2017, AMA Structural Engineering Report AMA_REP_01 Jul 2017, Design and Access Statement July 2017 (MacArchitect)

Subject to the following conditions:

1. The approved plans comprise drawing nos (Lighting Report Rev 02, 1240-A-GA-PL-20A, 21A, 22A, 1240-A-GA-SC-20A, 21A, 1240-A-GA-EL-20A, 21A, 22A, 1240-A-SP-12A, Design & Access Statement Rev A, 1240-A-SP-03B, 1240-A-SP-11A, Supporting Illustrative Information, Construction Management Traffic Plan, Arboricultural Impact Assessment, BIA Screening/ Scoping Study, 18145.OS.101.02 & 18145.OS.105.01C). The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.

Reason: In order to ensure the development is carried out in accordance with the approved details and in the interests of amenity.

2. The development hereby authorised must be begun not later than the expiration of 3 years from the date of this permission, failing which the permission shall be of no effect.

Reason: This condition is imposed by virtue of the provisions of the Planning & Compulsory Purchase Act 2004 and to prevent the accumulation of unimplemented planning permissions.

3. Samples of materials to be used for the external surfaces of the development shall be submitted to, and approved in writing by, the Local Planning Authority before any above ground development is commenced. Samples should include sample panels or brick types and a roofing material sample combined with a schedule of the exact product references.

Reason: In order for the Local Planning Authority to retain control over the exact materials to be used for the proposed development and to assess the suitability of the samples submitted in the interests of visual amenity consistent with Policy 7.6

of the London Plan 2016, Policy SP11 of the Haringey Local Plan 2017 and Policy DM1 of The Development Management DPD 2017.

4. No development shall take place, including any works of demolition, until a Method of Construction Statement, to include details of:
 - a) parking and management of vehicles of site personnel, operatives and visitors
 - b) loading and unloading of plant and materials
 - c) storage of plant and materials
 - d) programme of works (including measures for traffic management)
 - e) provision of boundary hoarding behind any visibility zones
 - f) wheel washing facilities:

have been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented and retained during the demolition and construction period.

Reasons: To ensure there are no adverse impacts on the free flow of traffic on local roads and to safeguard the amenities of the area consistent with Policies 6.3, 6.11 and 7.15 of the London Plan 2011, Policies SP0 of the Haringey Local Plan 2017 and with Policy DM1 of The Development Management DPD 2017.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (and any order revoking and re-enacting the order) no extensions or outbuildings shall be built and no new window or door openings inserted into any elevation of the buildings (other than that development expressly authorised by this planning permission).

Reason: To safeguard the amenities of neighbouring occupiers and the general locality.

6. No development shall commence until a scheme for the treatment of the surroundings of the proposed development including the timescale for the planting of trees and/or shrubs and appropriate hard landscaping has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be implemented in accordance with the approved details.

Reason: In order to provide a suitable setting for the proposed development in the interests of visual amenity consistent with Policy 7.21 of the London Plan 2016, Policy SP11 of the Haringey Local Plan 2017 and Policy DM1 of The Development Management DPD 2017.

7. No development shall start until all those trees to be retained, have been protected by secure, stout, exclusion fencing erected at a minimum distance equivalent to

the branch spread of the trees and in accordance with BS 3998:2010 and to a suitable height. Any works connected with the approved scheme within the branch spread of the trees shall be by hand only. No storage of materials, supplies or plant machinery shall be stored, parked, or allowed access beneath the branch spread of the trees or within the exclusion fencing.

Reason: In order to ensure the safety and well-being of the trees on the site during constructional works that are to remain after building works are completed consistent with Policy 7.21 of the London Plan 2016, Policy SP11 of the Haringey Local Plan 2017 and Policy DM1 of The Development Management DPD 2017.

8. Prior to the first occupation of the development, a detailed scheme for the provision of refuse and waste storage and recycling facilities has been submitted to and approved in writing by the Local Planning Authority. Such a scheme as approved shall be implemented and permanently retained thereafter.

Reason: In order to protect the amenities of the locality and to comply with Policy DM4 of The Development Management DPD 2017 and Policy 5.17 of the London Plan 2016.

9. Prior to the first occupation of the development, details of the type and location of secure and covered cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until a minimum of 2 cycle parking spaces for users of the development, have been installed in accordance with the approved details. Such spaces shall be retained thereafter for this use only.

Reason: To promote sustainable modes of transport in accordance with Policies 6.1 and 6.9 of the London Plan 2016 and Policy SP7 of the Haringey Local Plan 2017.

10. No development in connection with the permission hereby approved shall take place unless an Energy Statement has been submitted to and approved in writing by the Planning Authority, including full details of the proposed energy efficiency measures and renewable technologies to be incorporated into the development.

The development shall not be occupied unless it has been carried out in accordance with the approved details in the Energy Statement. The carbon reduction measures shall be retained in place and be fully operational before first occupation of the dwelling unit.

Reason: To comply with London Plan 2016 Policy 5.2 and 5.9 and Local Plan Policy SP4 and in the interest of adapting to climate change and to secure sustainable development.

11. Details of bird and bat nesting boxes shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall include the exact location, specification and design of the habitats. The nesting boxes shall be provided strictly in accordance with the details so approved, installed prior to the first occupation of the building to which they form part or the first use of the space in which they are contained and shall be maintained as such thereafter.

Reason: To ensure that the development provides the maximum provision towards the creation of habitats for biodiversity in accordance with Policies 5.3, 5.9, and 5.11 of the London Plan 2016 and Policies SP5 and SP13 of the Local Plan 2017.

12. The residential unit hereby approved shall be designed to meet Part M4 (2) 'accessible and adaptable dwellings' of the Building Regulations 2015 (formerly Lifetime Homes Standard) unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the proposed development meets the Council's Standards in relation to the provision of accessible and adaptable dwellings.

13. The development hereby approved shall be designed to Secured by Design compliance. Prior to occupation, confirmation of the final certification shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development meets Police standards for the physical protection of the building and its occupants, and to comply with Policy SP11 of the Local Plan 2017 and Policy DM2 of the Development Management, DPD 2017.

Informative

- 1) CIL liability
- 2) Hours of construction
- 3) Street Numbering
- 4) Land ownership
- 5) This permission is subject to S106 agreement for re-surfacing works to Abbots Terrace / The Lane.

INFORMATIVE : Community Infrastructure Levy

The applicant is advised that the proposed development will be liable for the Mayor of London and Haringey CIL. Based on the information given on the plans, the Mayor's CIL charge will be £10,735.20 (180 sqm x £59.64) and the Haringey CIL charge will be £66,659.40 (180 sqm x £ 370.33 (Indexation included)). This will be collected by Haringey after the scheme is implemented and could be subject to surcharges for failure to assume

liability, for failure to submit a commencement notice and/or for late payment, and subject to indexation in line with the construction costs index.

Note: The CIL rates published by the Mayor and Haringey in their respective Charging Schedules have been inflated in accordance with the CIL regulations by the inflation factor.

INFORMATIVE: Hours of Construction Work

The applicant is advised that under the Control of Pollution Act 1974, construction work which will be audible at the site boundary will be restricted to the following hours:-

8.00am - 6.00pm Monday to Friday

8.00am - 1.00pm Saturday

and not at all on Sundays and Bank Holidays.

INFORMATIVE: The new development will require numbering. The applicant should contact the Local Land Charges at least six weeks before the development is occupied (tel. 020 8489 3472) to arrange for the allocation of a suitable address.

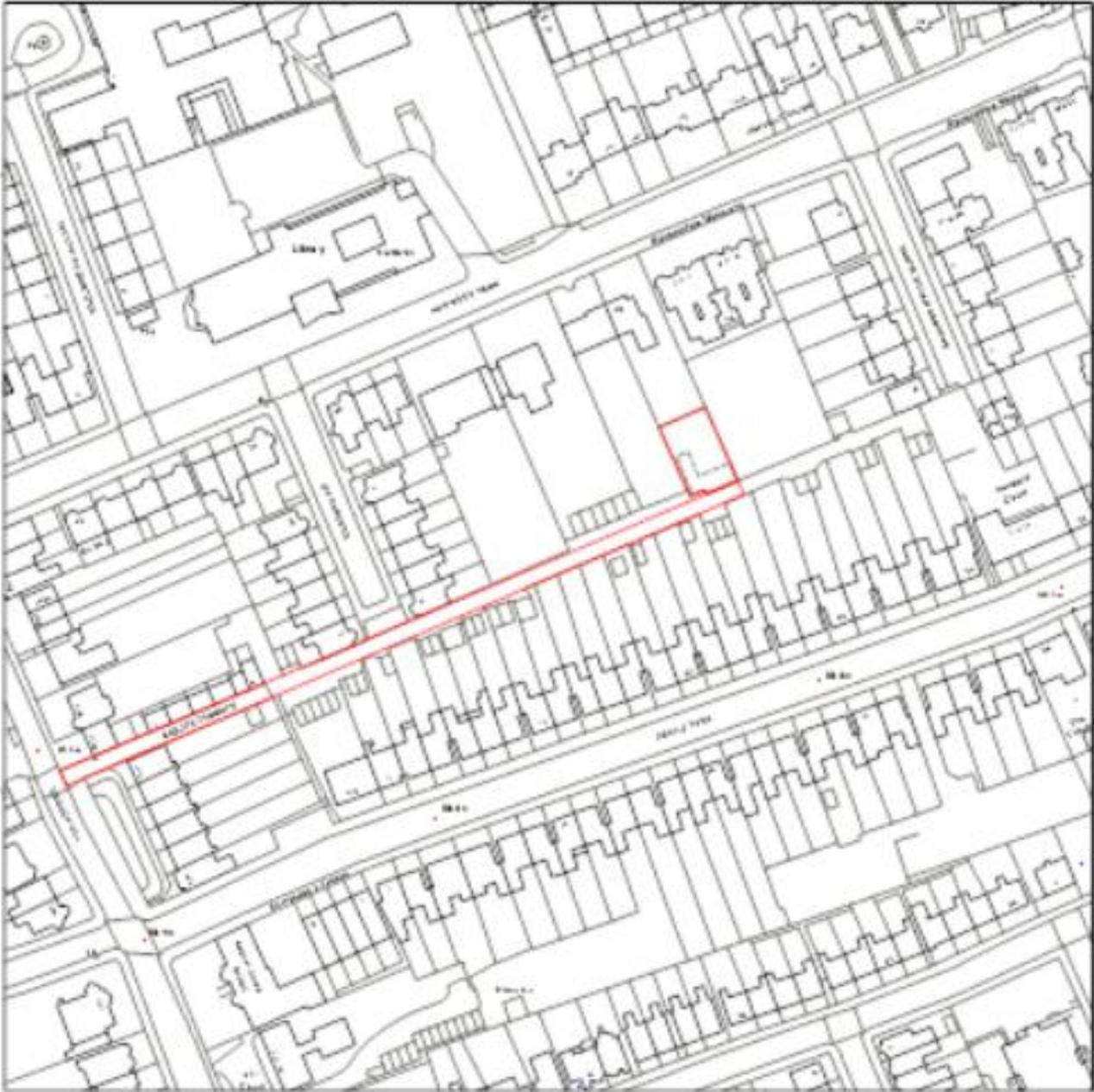
INFORMATIVE: Land Ownership

The applicant is advised that this planning permission does not convey the right to enter onto or build on land not within his / her ownership or control.

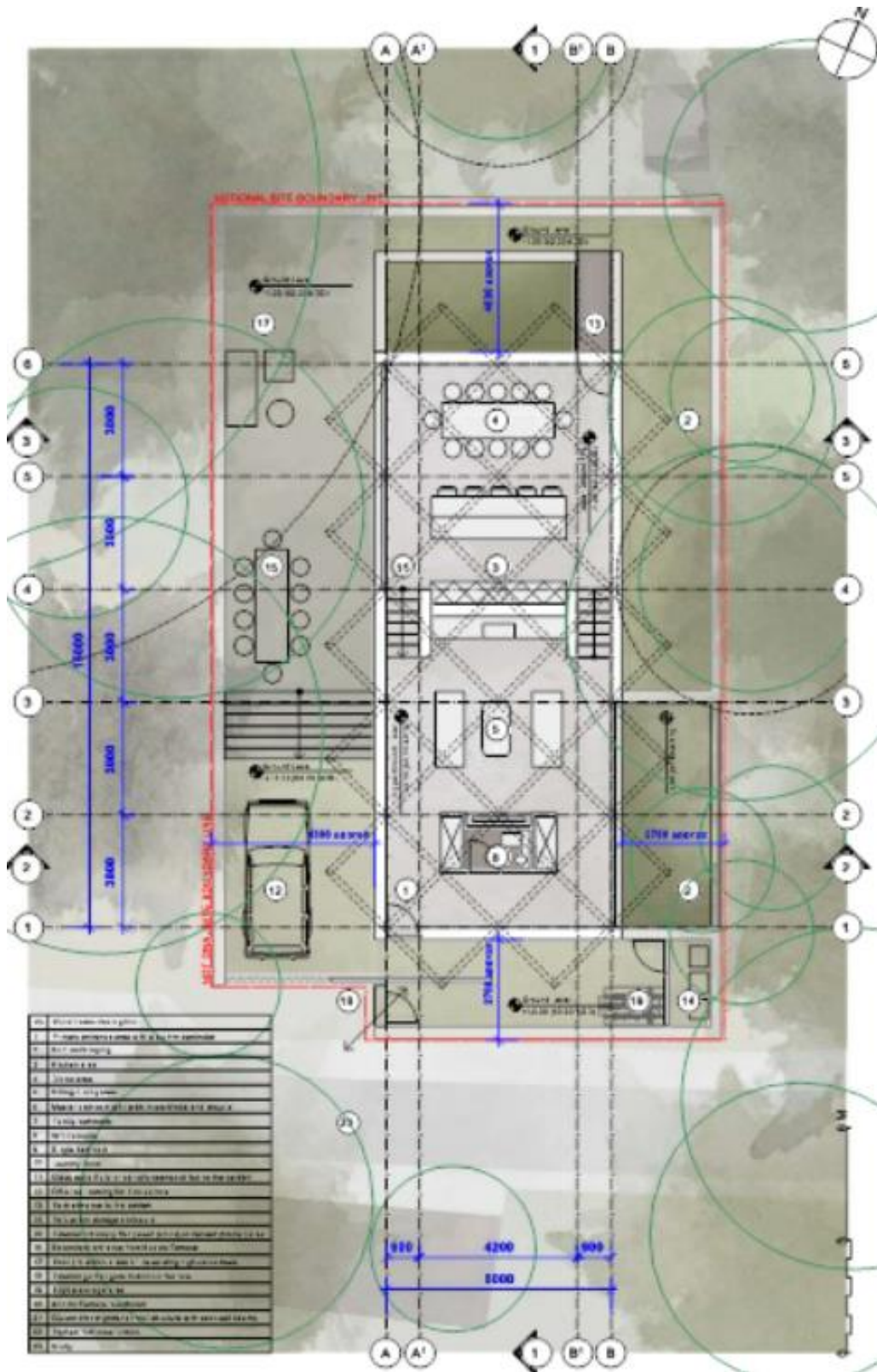
INFORMATIVE: This permission is subject to a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended). The agreement relates to re-surfacing works to Abbots Terrace / The Lane.

Appendix 1: Plans and Images

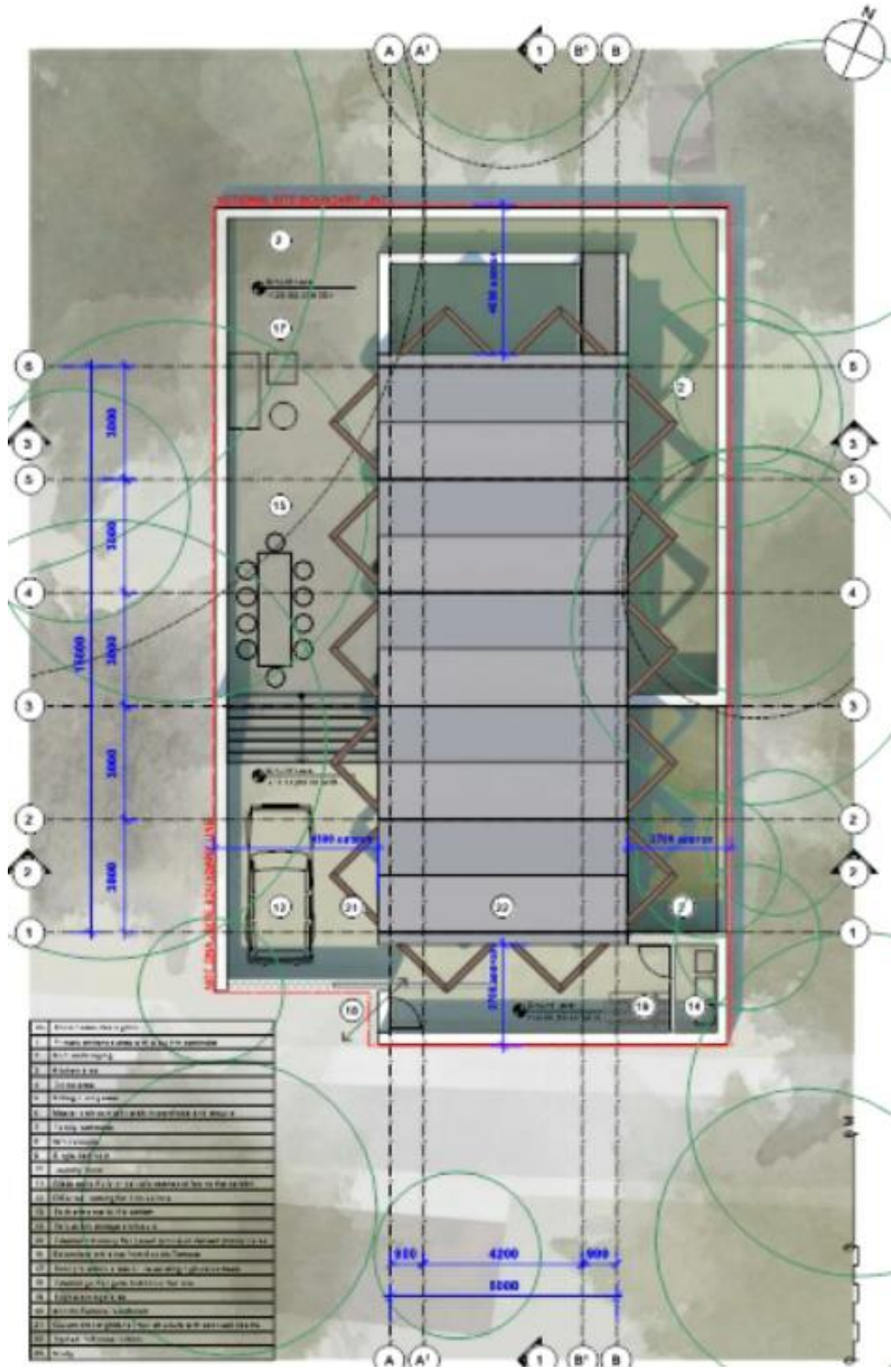
Site Location Plan



Ground Floor Plan



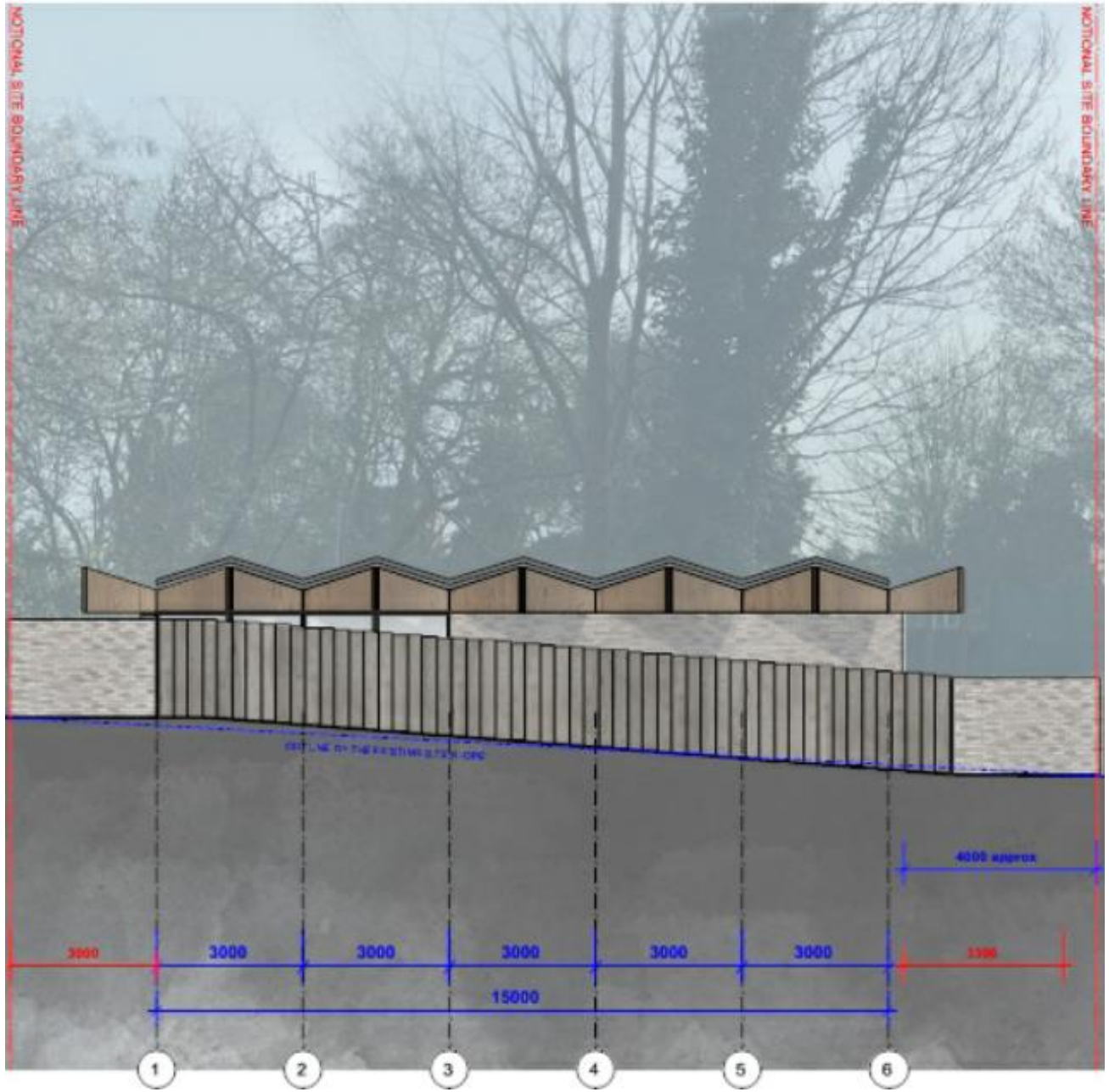
Roof Plan



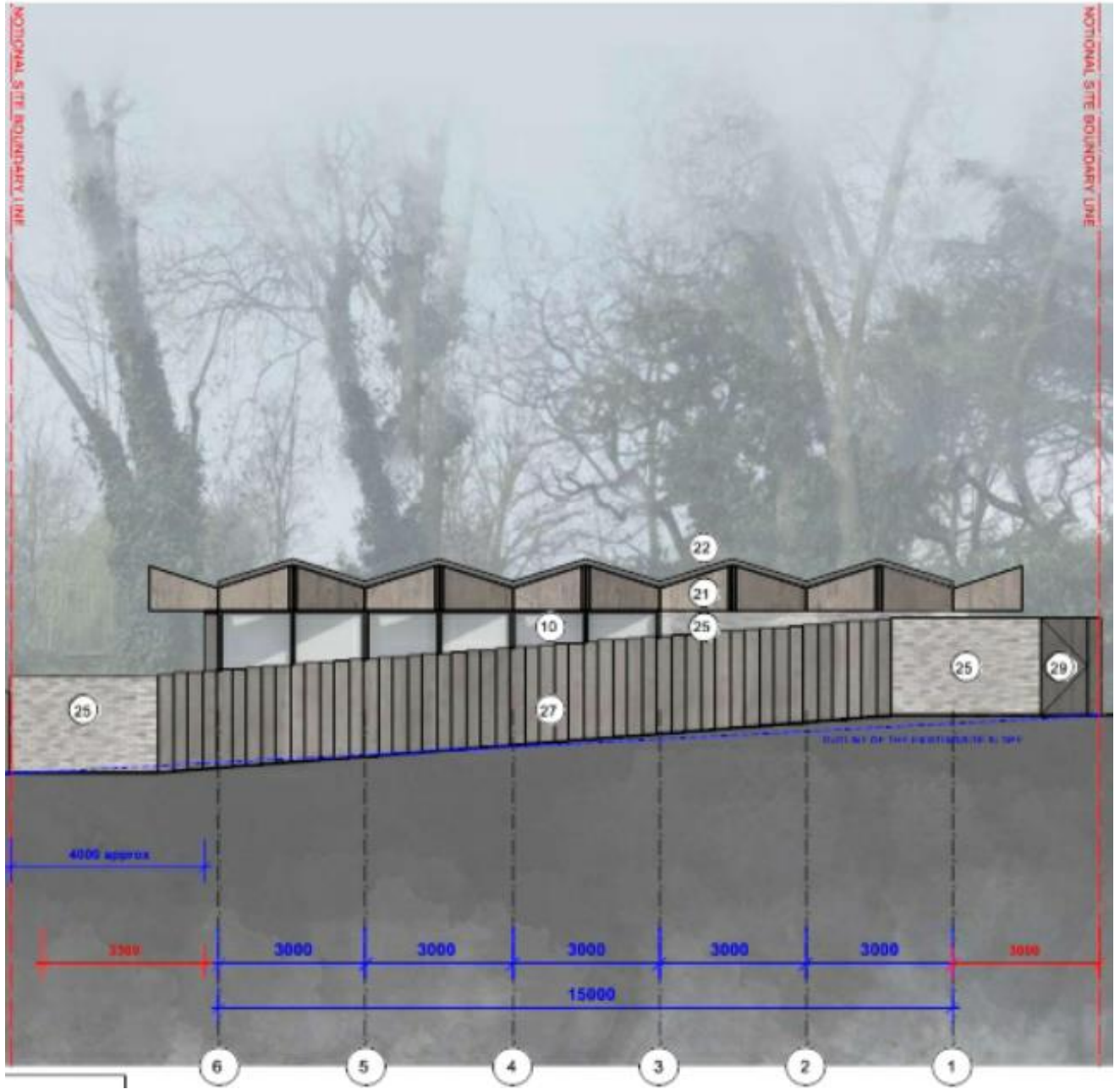
Section



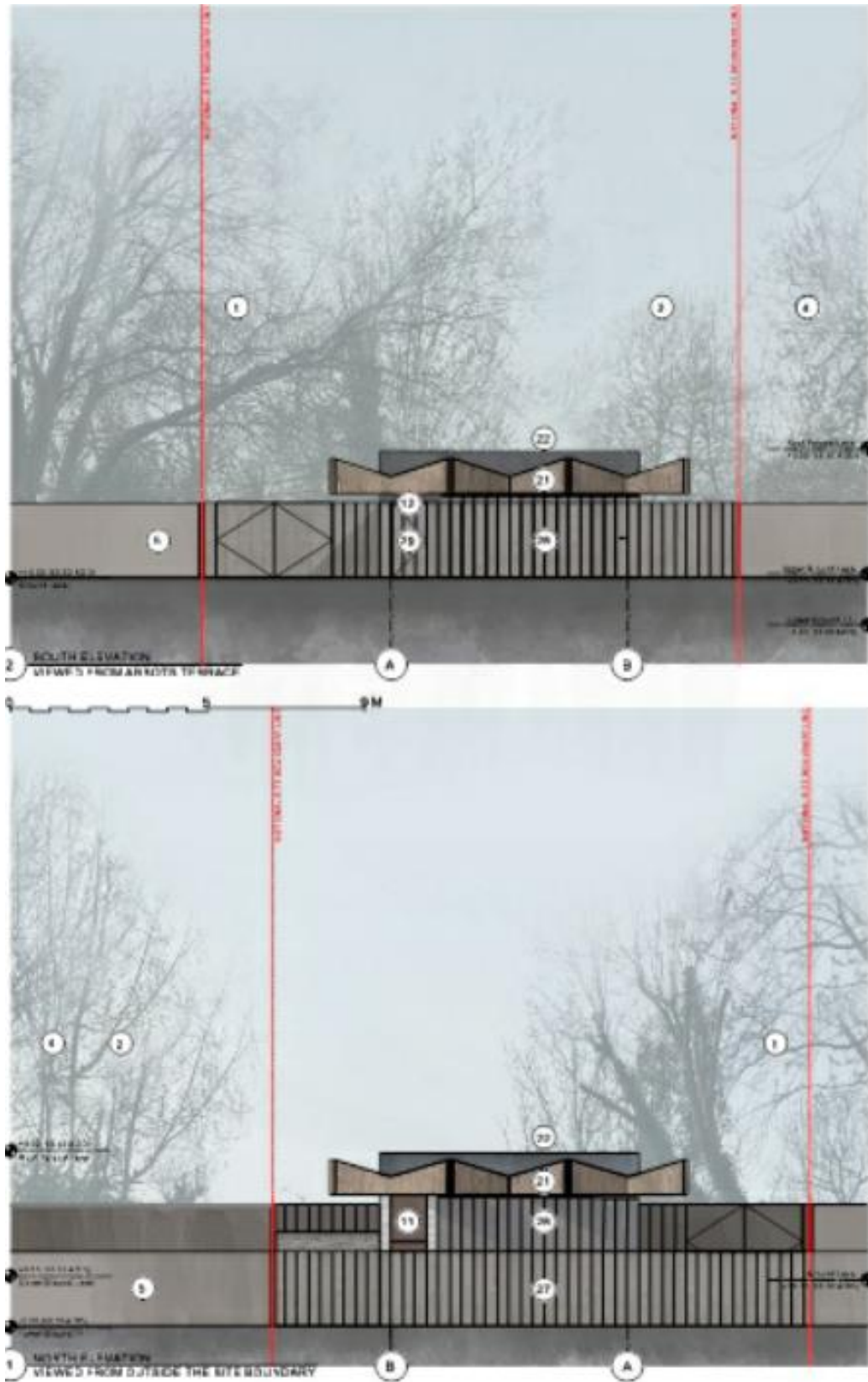
Front Elevation



Rear Elevation



Side Elevations



Appendix 2: Appeal Decision



Appeal Decision

Site visit made on 2 July 2019

by Christopher Miell MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th August 2019

Appeal Ref: APP/Y5420/W/19/3226826

Rear of No. 29 Haringey Park, London N8 9JD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Pierre & Ally Carboni against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2018/3670, dated 26 November 2018, was refused by notice dated 22 February 2019.
 - The development proposed is the construction of a 1 x 3 bedroom dwelling with associated works.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. As part of the appeal, the appellant has submitted a land resurfacing plan (dwg no: 1240-A-SP-03) which clarifies the extent of the proposed work to Abbots Terrace and the ownership of the various parts of the lane. As the submitted drawing does not evolve the scheme beyond which people's views were sought in respect of the planning application, I am satisfied that neither the Council nor any other appeal party would be prejudiced by my determination of the appeal on that basis.
3. The appellant's final comments seek to introduce additional information relating to a lack of reported vehicular and pedestrian accidents within the vicinity of the site over the last twenty years. The appeal process should not be used to evolve a scheme and it is important that I determine this appeal on the basis of what was considered by the local planning authority, and on which interested people's views were sought. Therefore, I have not had regard to this information as part of the determination of this appeal.

Main Issue

4. The main issue is whether the use of Abbots Terrace provides an appropriate means of access to the proposed development, with particular regard to pedestrian safety, refuse collection and emergency access for a fire tender.

Reasons

5. The appeal site is a rectangular parcel of land to the rear of No 29 Haringey Park and is located within the Crouch End Conservation Area (CECA). It is understood that the site was formerly used as a builders yard and featured a

<https://www.gov.uk/planning-inspectorate>

workshop building. The use ceased in 2010 when the former workshop building burnt down. The site has subsequently been cleared and fenced off.

6. The site is accessed via Abbots Terrace (also referred to as 'Back Lane' by the Council), which is an unmade track served from Crouch Hill. The track is about 250 metres long and provides a public right of way to enable access to Nos 1-6 Abbots Terrace and the rear gardens of properties on Haringey Park and Cecile Park, many of which have garages and parking areas accessed from the track. In addition, Abbots Terrace is also used by pedestrians as a through route between Crouch Hill and Haringey Park, via an existing pedestrian access to Ivy Gardens.
7. It is proposed to erect a three-bedroom single storey, split-level dwelling at the site, which would include a basement. As part of the development, it is also proposed to resurface the section of Abbots Lane, which runs from the appeal site to just beyond the pedestrian link with Ivy Gardens, with Grasscrete. In addition, the scheme proposes to install street lighting on this section of the track.
8. A material consideration in this case are the two appeal decisions¹ of 28 February 2018, both of which relate to the erection of a single dwelling on the same site. The only meaningful difference between the two schemes was the inclusion of a pedestrian access to/from Haringey Park in respect of the second appeal (Appeal B). The first appeal (Appeal A) was dismissed with the Inspector concluding that "*the use of Abbots Terrace by future occupiers of the development would be prejudicial to pedestrian safety*". However, the second appeal, which included the pedestrian access to/from Haringey Park was allowed. In respect of the effect of the development upon the character and appearance of the CECA, the Inspector found that both proposals would not result in unacceptable harm or conflict with the development plan or the Framework.
9. The layout and form of the proposed dwelling is similar between the current proposal and the previous schemes, albeit that a basement is now proposed. However, there is a material difference in respect of the proposed access arrangements. Under the current proposal, the pedestrian access to/from Haringey Park has been removed and access would be provided from Abbots Terrace, which is proposed to be partially resurfaced and lit with new street lighting. Whilst it is an important planning principle that like cases should be determined in a like manner, this appeal needs to be determined on its own merits.
10. Vehicular and pedestrian access to the proposed dwelling would be taken from Abbots Terrace. The lane benefits from good forward visibility along its length and a traffic survey put forward by the appellant, suggests that the lane experiences low traffic volumes and vehicle speeds throughout a typical day. A matter which has not been disputed by the Council.
11. On my site visit, I noted that the track was narrow, unlit and lacked dedicated pedestrian footways. The first section of the track, which runs from Crouch Hill to the front of No 6 Abbots Terrace, was particularly narrow and of an insufficient width to allow two vehicles to pass each other. The proposed

¹ Appeal Ref: APP/Y5420/W/17/3186303 (Appeal A) and APP/Y5420/W/17/3186301 (Appeal B)

resurfacing and street lighting works would extend just beyond the existing pedestrian access to Ivy Gardens and exclude the first section of the track.

12. At the time of my visit, the weather was dry and sunny and the track was in moderate condition with a limited amount of pot holes. However, due to the loose surface of the section of track which is proposed to remain unaltered, I am mindful that more severe weather, such as heavy rainfall, could render the unmade surfacing difficult to use by pedestrians, especially those with mobility issues such as wheelchair and pushchair users.
13. I note that the section of the lane, which is proposed to be resurfaced and lit, would provide a good quality surface for future occupiers of the proposed dwelling to walk over to the pedestrian link with Ivy Gardens. This in turn, would also be beneficial to other users of the public footpath. However, on my site visit, I noted that the link between Abbots Terrace and Ivy Gardens was stepped and therefore it would be difficult to use for future occupiers with mobility issues, which may force such users to continue their journey along Abbots Terrace beyond the resurfaced track and onto the unmade and unlit part of the track which goes to Crouch Hill. Despite the relatively low traffic volumes and vehicle speeds, given the poor quality of the unsurfaced section of the lane which would remain, in addition to the lack of street lighting and a lack of a designated pedestrian footway, I consider that this would be prejudicial to pedestrian safety.
14. In addition to the above, I note that the pedestrian access to the site from Ivy Gardens is about 100 metres away from the development. Therefore, I consider that there would be no certainty that future occupiers of the proposed development would use this access, rather than the access onto Abbots Terrace from Crouch Hill, especially if they were approaching from a southerly direction, whereby choosing to walk to Ivy Gardens, as opposed to turning right onto the entrance of Abbots Terrace, would cause a longer journey for pedestrians.
15. In terms of emergency access by a fire tender, the main parties agree that whilst a large vehicle could drive to the site, it would be very difficult for them to turn due to the limited width of the track. To overcome this issue, the appellant has stated that the proposed dwelling will be fitted with a domestic sprinkler system, which would accord with British Standard 9251. Prior to the submission of the appeal, the appellant consulted with the London Fire Brigade who stated *"from the fire authorities' perspective a domestic sprinkler system would compensate for the inadequate fire service access."* Given the above, I am satisfied that the development could be appropriately serviced by the fire authority. If I were minded to allow the appeal, it would not be necessary to impose a condition relating to the sprinkler system, because this would be controlled as part of the Building Regulations process.
16. In terms of refuse collection, the appellant has stated that refuse and recycling would be carried out regularly by a private waste management services provider, which would be secured through a formal agreement. As part of this agreement, it is anticipated that the refuse vehicle would wait on either Crouch Hill or Ivy Gardens, and the operatives would carry (or wheel) the refuse and recycling along the lane. This would overcome the need for a refuse vehicle to travel along Abbots Terrace, thus avoiding potential conflicts with pedestrians using the lane. As such, I am satisfied that the refuse and recycling needs of

the development could be appropriately met. If I were minded to allow the appeal, such details could be secured through a planning condition.

17. For the collective reasons outlined above, I conclude that the use of Abbots Terrace by future occupiers of the proposed development would be prejudicial to pedestrian safety. As such, and notwithstanding my conclusions in respect of emergency access and refuse collection, when considered as a whole, the proposal does not accord with Policies 3.5, 7.3, 7.4 and 7.6 of the London Plan (March 2016), Policies SP11 and SP12 of the Haringey Local Plan Strategic Policies 2013-2026 (Consolidated with alterations since 2017) and Policies DM1, DM2, DM7 and DM9 of the Development Management DPD (July 2017), insofar as they seek to promote accessible, legible and safe environments.

Other Matters

18. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that in the exercise of planning powers in conservation areas, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. In determining the application, the Council concluded that the proposal would preserve the character and appearance of the CECA. Based on my site visit, which also included a consideration of the effect of the development upon the character and appearance of the CECA, I have no reason to disagree with the Council in respect of this matter.
19. The appellant has drawn my attention to the protracted planning history of the site and refers to several planning applications, which were determined prior to the determination of the most recent appeals on 28 February 2018. However, as no plans relating to those schemes have been submitted, I am unable to assess their relevance in respect of the the current appeal. In any event, whilst I have had regard to the most recent appeal decisions, I have determined the appeal before me on its own merits, in the light of the particular circumstances which apply in this case.
20. I note the letter of support from the occupier of No 32 Haringey Park. However, my concerns in respect of pedestrian safety, outweigh the matters raised in favour of the proposal.

Conclusion

21. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Christopher Miell

Inspector