

Appendix 6: Previous appeal decision



Appeal Decision

Site visit made on 17 June 2019

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 June 2019

Appeal Ref: APP/Y5420/W/18/3209344

26-28 Brownlow Road, Wood Green, London N11 2DE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr T Rawlins against the Council of the London Borough of Haringey.
 - The application Ref HGY/2018/0309¹, is dated 24 January 2018.
 - The development proposed is described as 'demolition of existing buildings; erection of a part-3 and part-4 storey building with inset top floor comprising 27 flats; erection of 3 detached dwellings to the rear with 4 parking spaces, provision of 3 disabled parking spaces at the front; cycle, refuse and recycling storage; provision of new access onto Brownlow Road and accessway to the rear'.
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Decision

1. The appeal is dismissed, and planning permission is refused.

Main Issues

2. The appellant submitted his appeal following the Council's failure to give notice of its decision within the prescribed period. The Council have provided an appeal statement expressing concerns with the design of the proposed flats and their impact on living conditions². This is an indication from the Council that, had it determined the application, it would have refused it on these grounds. I have framed my main issues accordingly.
3. The main issues in this appeal are: 1) The effect of the proposed flats on the character and appearance of the area; 2) The effect of the proposed flats on the living conditions of the occupants of neighbouring properties, with particular reference to outlook, privacy and day and sun light; and 3) Whether the appeal scheme would provide adequate living conditions for the future occupants of the proposed family housing at the rear of the site, with particular reference to outlook, privacy and day and sunlight.

Reasons

The effect of the proposed flats on the character and appearance of the area

4. The appeal site encompasses two dwellings positioned towards the front of their respective plots within a discernible building line along the eastern side of Brownlow Road. The dwellings occupy large plots with deep rear gardens. They

¹ In the absence of a decision notice I have taken the application number from the Council's appeal statement

² The Council has not objected to the family housing proposed at the rear of the appeal site

are also lower than the buildings either side - a detached three-storey 19th Century dwelling (30 Brownlow Road - No 30) and a compact four-storey block of flats dating from around the middle of the 20th Century ('Beaumaris'). Although four storeys tall Beaumaris is around the same height as No 30.

5. Bounds Green Underground Station is located at the southern end of Brownlow Road at the junction with the busy Bounds Green Road. The area around the junction of Bounds Green Road and Brownlow Road includes a number of commercial units with flats above. The buildings tend to be three to four storeys in height with the block of flats at Bounds Green Court being five storeys tall. This busy mixed-use character tends to tail off when moving north along Brownlow Road. In the vicinity of Maidstone Road, around a newly constructed block of flats, the road becomes more suburban with building heights broadly dropping to two and three storeys with houses mixed in with flats. Beyond the three storey Brownlow Court, the properties tend to be two-storey semi-detached houses exhibiting repeated house types.
6. My observations are consistent with the Council's Urban Character Study (UCS), which is summarised in the appellant's Townscape Assessment. The UCS explains that the appeal site is located in the Wood Green neighbourhood and identifies Brownlow Road as a 'local street' with a 'villa and townhouse' typology. Buildings tend to be below ten metres in height. The UCS does not suggest the area is characterised by tall blocks of flats and five storey buildings. Nevertheless, the UCS recommends development of approximately three to six storeys in height, although there are few situations where the latter could occur without appearing stark.
7. The appeal scheme proposes a development that would be five storeys tall. It would be notably taller than both No 30 and Beaumaris. In addition, the building would have considerable massing due to the depth and width. This would make it a comparatively large structure. The combined effect of the height and massing would result in a building that would appear out of place in this part of the street scene, which it would harm due to its dominant presence. This effect would be accentuated by the projection of the building forward of its flanking neighbours and the close proximity to No 30.
8. The appellant's architect has attempted to soften the impact of the height of the building by setting the upper floor back with a contrasting material finishing. The section of the building adjacent to No 30 would also step down in height to four floors. Nevertheless, the submitted visualisations demonstrate that the upper floor would not have the appearance of a roof and the setback would do little to mask the fact that the building, overall, would be notably taller than those around it when viewed from Brownlow Road. The relative overall height and massing would also be very apparent and somewhat discordant when seen from the properties in Queens Road.
9. The proposed building would not be without merit as the front elevation would be articulated with adequate vertical emphasis. Moreover, attempts have been made to reflect the New London Vernacular. The design process is also to be commended as it involved a design review, although the level of public objection would suggest community involvement could have been improved. The design panel provided generally supportive comments, which is a point in favour of the proposal. Nevertheless, I share the view of the Council and local

residents that the building would appear overly large. This harmful impact would not be mitigated by the positive aspects of the scheme.

10. I therefore conclude that the proposed development would harm the character and appearance of the area placing it at odds with Policies 7.4, 7.5 and 7.6 of the London Plan (LP), Policy SP11 of the Haringey Local Plan Strategic Policies 2013 – 2026 consolidated 2017 (HLP) and Policies DM1 and DM6 of the Haringey Development Management Development Plan Document 2017 (DMP). These policies collectively seek to secure development that enhances the quality of local places and relates positively to the locality. These policies are consistent with Paragraph 127 of the National Planning Policy Framework (the 'Framework'), which requires development to be sympathetic to local character.

The effect on the living conditions of the occupants of neighbouring properties

11. 28 Brownlow Road is a two-storey dwelling set in line with No 30. The appeal scheme would replace this structure with a much taller building that would project further back into the site past the rear elevation of No 30. The magnitude of change upon the living conditions of the occupants of No 30 would be considerable. In particular, the height of the building taken with its depth and proximity to the boundary would result in an imposing structure that would harmfully loom over No 30 and dominate and enclose the outlook from it. The flats would be located far enough in from the boundary with Beaumaris to ensure no harmful effect upon the outlook from that building.
12. The new building would be set off the boundary by only around two metres at its closest point. The elevation facing No 30 would include several windows and the top floor would include terraces. In addition, projecting balconies would be constructed to the rear. Accordingly, there would be numerous opportunities for casual overlooking of the garden of No 30 to occur. The terraces and balconies of the upper floor flats would be particularly problematic given the elevated position. The combined effect on the privacy of the occupants of No 30 from the windows, terraces and balconies would be considerable. There would be some overlooking of the space to the rear of Beaumaris, but this is a communal garden enclosed by trees and therefore this effect would not harm the privacy of the occupants of Beaumaris.
13. The appellant has suggested that mitigation could be achieved in the form of obscured glazing to some of the windows facing No 30. This would prevent overlooking but would not eradicate the sense of being overlooked. The windows proposed to be obscured are secondary in nature so it seems they would be better removed altogether. The balconies would have obscured glass screens, but they would not be effective if the future occupants were standing on the balconies. This, taken with the number of projecting balconies, would seriously erode the privacy of the occupants of No 30. The cumulative loss of privacy that would occur from the balconies and terraces, compounded by the number of windows directly facing north, albeit finished in obscured glass, would harm the living conditions of the occupants of No 30.
14. The rear elevation of the proposed flats would be located approximately fifty metres from the rear elevations of the properties in Queens Road. Even when taking account of the elevated nature of the flats, this would be an adequate distance to ensure that a harmful loss of privacy would not occur. The extent of overlooking of Beaumaris would not be the same as that of No 30 because the

projecting balconies would not have as direct a field of view in this direction and the bedrooms would have an obscured outlook.

15. The appellant has submitted a daylight and sunlight assessment³ that has methodically considered the impact of the flats on the surrounding properties. The Council has not challenged the methodology used within the document, which follows that set out by the Building Research Establishment (BRE). Therefore, I am content to rely upon its findings.
16. The assessment concludes that the reduction in daylight to the windows of neighbouring buildings would be less than the value that is considered to represent a notable impact. In respect of sunlight, the assessment states that neighbouring buildings would experience a reduction, but this would be within the limits prescribed in BRE Guidelines. I have nothing of substance before me to counter the findings of this technical assessment. Accordingly, I am satisfied the available evidence demonstrates the appeal scheme would not harmfully reduce the extent of day and sun light entering neighbouring properties.
17. The appeal scheme would not have a harmful impact upon day and sunlight or the privacy of the occupants of Beaumaris and Queens Road. The absence of harm is a neutral matter. Alternatively, the proposal would harm the outlook and privacy of the occupants of No 30. Accordingly, the proposal as a whole would be contrary to Policy 7.6 of the LP and Policy DM1 of the DMP. These policies seek to protect the living conditions of neighbours. An aim consistent with the Framework's requirement in Paragraph 127 to create high standards of amenity.

Whether the appeal scheme would provide adequate living conditions for the future occupants of the proposed family housing at the rear of the site with particular reference to outlook, privacy and day and sunlight.

18. The appeal scheme would include the erection of three detached dwellings to the rear of the flats. The front elevation of these properties would be around twenty-five metres from the rear elevation of the flats. This would be a sufficient distance to ensure there would be no harmful impact on outlook and privacy, even when accounting for the height of the building and number of windows. Moreover, the layout ensures the more intensively used rooms would be to the rear and thus away from the flats. The three dwellings would be tall enough to screen their respective rear gardens from the proposed flats. The distance between the proposed flats and the proposed family homes would also ensure there was no harmful loss of day and sunlight. Technical evidence has not been submitted to suggest otherwise.
19. Accordingly, the appeal scheme would provide adequate living conditions for the future occupants of the proposed family housing and therefore a conflict with Policy 7.6 of the LP and Policy DM1 of the DMP, in so far as they relate to this matter, would not occur.

Other Matters

20. During the course of the appeal the appellant has submitted a planning obligation in the form of a unilateral undertaking. This would apparently address the matters listed 1) - 6) in Paragraph 8.17 of the Council's Statement

³ Daylight and Sunlight Assessment for the Proposed Development at Brownlow Road – Herrington Consulting Ltd - January 2018

of Case. The obligation was submitted very late in the appeal process and it seems that the Council has not had an opportunity to comment upon its drafting. However, given my overall conclusion it has not been necessary to seek the views of the Council as the appeal has failed for other reasons.

21. Various concerns have been raised by interested parties including reservations over parking and the loss of greenery and historic buildings, which I have noted. However, given my overall conclusion it has not been necessary for me to address these matters further as the appeal has failed. The proposal was subject to detailed pre application discussions which were apparently positive. However, I have come to my own conclusions for the reasons given.

Planning Balance

22. The appeal scheme would deliver a number of benefits. It would be a windfall development that would support the local economy through construction jobs and the circulation of funds. The appellant has demonstrated that the contribution in this regard would be notable.
23. The appeal scheme would also facilitate the construction of dwellings in a location close to public transport and local facilities. Additionally, it would boost housing land supply and choice. However, in respect of the latter point the Council is currently able to demonstrate a five-year housing land supply, and this tempers that benefit. On the assumption the planning obligation is appropriately drafted, it would deliver a financial contribution towards affordable housing. This is a benefit of only moderate weight in the absence of information suggesting how this would precisely be used and how significant it would be in delivering affordable housing. Cumulatively, the benefits are matters of significant weight in favour of the proposal.
24. Nevertheless, the appeal scheme would harm the character and appearance of the area and the living conditions of the occupants of No 30. This would be at odds with the development plan, a point I afford determinative weight in this instance, particularly as many of the foregoing benefits could be achieved with a more sensitively designed redevelopment and Paragraph 12 of the Framework states that development which conflicts with the development plan should not usually be approved.

Conclusion

25. The proposed development would provide adequate living conditions for the occupants of the proposed family homes at the rear of the site and would preserve the living conditions of the occupants of the properties in Queen's Road and Beaumaris. However, this would be outweighed by the harm that would occur to the character and appearance of the area and the occupants of No 30. Therefore, the proposal would not accord with the development plan taken as a whole. There are no other considerations, including the benefits of the scheme, which would outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Graham Chamberlain
INSPECTOR