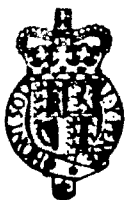


APPENDIX 3

APPENDIX 3 - Inspectors decision on 1996 planning application appeal.

Appendix 3



The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

Room 1404
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0117-987-8927
Switchboard 0117-987-8000
Fax No 0117-987-8769
GTN 1374-

Mr P & Mrs L Burgess
17 Cromwell Place
Highgate
LONDON
N6 5HR

Your reference

Our references

T/APP/Y5420/A/96/273305/P8

T/APP/Y5420/E/96/812995/P8

Date

12 MAR 1997

97/27

Dear Sir and Madam

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
(APPLICATION NO HGY/050848)

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990,
SECTION 20 AND SCHEDULE 3 (APPLICATION NO HGY/051070)

1. I have been appointed by the Secretary of State for the Environment to determine your appeals. These appeals are against the decisions of the London Borough of Haringey Council to :

- i) refuse planning permission for the creation of a drive in a front garden, involving removal of one wall section and rebuilding a second wall section (application No HGY/050848, appeal No T/APP/Y5420/A/96/273305/P8), and
- ii) refuse conservation area consent for the rebuilding of a boundary wall section in association with the formation of a vehicular drive in the front garden (application No HGY/051070, appeal No T/APP/Y5420/E/96/812995/P8)

at 17 Cromwell Place, Highgate. I have considered the written representations made by you and by the Council and also those made by interested persons. I have also considered those representations made directly by other interested persons to the Council which have been forwarded to me. I inspected the site on 6 February 1997.

2. From my inspection of the site and its surroundings and from the representations made I consider that the main issue is whether the proposed development would fail to preserve the character or appearance of Cromwell Place.

3. Policy 1.10h in the Haringey Development Plan says that the Council will conserve buildings and areas of historic and architectural importance. Policy DES 2.2 in the deposit draft of the Unitary Development Plan (UDP) declares an intention to preserve and enhance the character and appearance of conservation areas. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a rather more flexible duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. I am also referred to draft UDP policy 2.4. The site is within the Highgate Conservation Area.

4. The appeal property is at one end of a row of substantial well-proportioned semi-detached houses on the east side of Cromwell Place, a cul-de-sac running south off Cromwell Avenue. The houses have small front gardens which, other than that belonging to No 17, are elevated above the road. The gardens are fronted by a substantial brick wall about 1.7m high when seen from the road. Apart from relatively narrow pedestrian accesses the wall is unbroken so that it acts as a strong unifying element in the street picture. There is a detached house facing Nos 15 and 17 but there are no other dwellings on the west side of the road.

5. To my mind the creation of a substantial gap in the wall in front of the houses would damage the appearance of the cul-de-sac. I consider that the wall, the houses and the predominantly green strip formed by the front gardens are three strong horizontal components in a harmonious street scene. In my judgement the formation of a gap wide enough to form a vehicular access would weaken the visual identity of the wall and of this side of Cromwell Place as a whole.

6. I acknowledge that the wall in front of your house is subsiding and is in need of repair or rebuilding. In addition I agree that a vehicular access at the south end of the road would have less impact than one in the middle in the row of houses. Nevertheless I consider that the removal of the southernmost section would have some harmful impact on the continuity of the wall as a whole. This is particularly important in a conservation area where there is a statutory obligation to have regard to preserving or enhancing character or appearance. Moreover allowing your appeal would make it more difficult for the Council to resist subsequent proposals to breach the wall in other parts of the street.

7. You say that other houses are set well above the road so that no other drive could be constructed without considerable excavation. You consider that the Council would be right to oppose such excavation. I agree that vehicular accesses on other parts of Cromwell Place might do greater visual damage, but this does not overcome or justify the damage which would be caused by your proposal. I note your additional argument that allowing you to keep your car off the street would help alleviate a chronic parking shortage. However it seems to me that the need to keep the access clear would entail a compensatory decrease in on-street space, with the result that there would be little or no net improvement in parking conditions.

8. I have taken account of all the other matters raised in the written representations but find that they do not outweigh the considerations which lead me to my decision.

Appendix 3

9. For the above reasons and in exercise of powers transferred to me, I hereby dismiss your appeals.

Yours faithfully

A handwritten signature in black ink, appearing to read 'G Arrowsmith', written over the typed name.

G Arrowsmith BA MCD MRTPI
Inspector