

Appeal Decision

Site visit made on 7 November 2016

by Richard Schofield BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2nd December 2016

Appeal Ref: APP/Y5420/D/16/3159959

168 Gladesmore Road, London N15 6TH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order required under Schedule 2, Part 1, Paragraph A.4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Joseph Green against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2016/2316, dated 18 July 2016, was refused by notice dated 26 August 2016.
 - The development proposed is described as '6 metres long, 3 metres high'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. My determination of this appeal has been made in the same manner.

Reasons

3. 168 Gladesmore Road (No 168) is part of a terrace of two storey houses. No 168 and its immediate neighbours have reasonably sized rear gardens, which are both wide and deep. The outlook from the ground floor of these dwellings and their gardens is over the gardens of neighbouring dwellings, including those on Wargrave Avenue. As such, the outlook is, generally speaking, relatively open, albeit that the looming presence of the apartment block on Grovelands Road is somewhat oppressive upon it.
 4. Given the distances between the rear elevations of dwellings on Gladesmore Road and Wargrave Road, I am not persuaded that the proposed single storey extension would have any significant adverse impact upon the living conditions of the occupiers of dwellings on Wargrave Road.
 5. The same cannot be said, however, for impacts upon 166 and 170 Gladesmore Road (No 166 and No 170). The appeal proposal would extend the full width of the rear of No 168, being flush with the boundaries of both neighbouring dwellings.
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6. Extending out for 6 metres, and at 3 metres tall, it would be a dominant and oppressive feature in extremely close proximity to the large ground floor rear window to No 170, rising well above a 2 metre boundary fence. It would also result in the almost complete boxing in of No 170's remaining area of open rear garden, which is already constrained by its own outbuildings and the impacts of the apartment block noted above.
7. The outlook from the ground floor of No 166 is already compromised to some degree by the short single storey extension against the boundary with No 168. Nonetheless, the presence of a 6 metre high blank brick wall extending out beyond this, along the side boundary, would be oppressive upon the outlook from the rear garden of No 166.
8. I note the appellant's Daylight Analysis submitted with the appeal, which concludes that there should be no objection with regard to the effect upon either No 166 or No 170 with regard to daylight/sunlight. This seems to me to be reasonable with regard to No 166, given its situation to the west of No 168 and the presence of the extant extension. I am less convinced, however, that this would be the case with regard to No 170. Given the orientation of the dwellings and the juxtaposition of the ground floor window of No 170 with the proposed extension, some impact upon daylight/sunlight would, in my judgment, be inevitable.
9. It may be that the resultant effect would accord with the cited '*Site Layout planning for daylight and sunlight: A guide to good practice*', but this is a purely technical exercise and it seems to me that one must have some understanding of what is commonly experienced by the occupiers of No 170 and what would be experienced post-development. Just because the impacts upon daylight/sunlight may not breach the recommendations of a technical good practice guide (which is not before me), does not mean that they would not be adverse in the context of the current situation. I am also mindful that the Daylight Analysis does not appear to have been submitted with the original application and, as such, is not something that the Council, or other interested parties, have had an opportunity to comment upon or to scrutinise.
10. Notwithstanding this, even were it concluded that there would be no adverse impact upon daylight/sunlight, this would not alter my decision in relation to outlook. I am certainly not persuaded that just because the quantum of daylight/sunlight reaching a window may be satisfactory that there is a *de facto* correlation to a satisfactory outlook.
11. It is suggested that the appeal proposal would be similar to many other extensions in the street and would allow the dwelling to be extended for the benefit of occupiers. No such extensions were readily apparent from my site visit, but even assuming that this is the case it does not alter my view as to the harm that would arise from the appeal scheme.
12. The Government has sought to allow householders to create large single storey rear extensions under revisions to permitted development orders. Nonetheless, this does not mean that all extensions are appropriate and the prior approval regime has deliberate safeguards to ensure that inappropriate rear extensions are prevented.
13. The appellant references London Plan policy 7.6 and Haringey Unitary Development Plan policy UD3. For the reasons given in paragraph 2 above,

development plan policies do not have to be applied to the appeal scheme. Nonetheless, these are material considerations, and I find that the appeal scheme would conflict with both being, respectively, unacceptably harmful to the amenity of surrounding land and buildings, and causing significant adverse impacts upon residential amenity.

Conclusion

14. For the reasons given above I conclude that the appeal should be dismissed.

Richard Schofield

INSPECTOR