The Planning Inspectorate

Appeal Decision

Site visit made on 30 November 2016

by Karen L Baker DipTP MA DipMP MRTPI

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

Decision date: 9th December 2016

Appeal Ref: APP/Y5420/D/16/3163174
38 Clifton Gardens, Tottenham, London N15 6AP

- 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 Clifton Estates Limited against the decision of the Council of the London Borough of Haringey.
- The application Ref. HGY/2015/0259, dated 23 January 2015, was refused by notice dated 23 August 2016.
- The development proposed is extension to the rear of the first floor, extending 3m over the existing ground floor extension.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effect of the proposed development on:

   a) the character and appearance of the existing property and the local area; and,

   b) the living conditions of the occupiers of Nos. 36 and 40 Clifton Gardens, with particular reference to daylight/sunlight and outlook.

Reasons

Character and Appearance

3. The appeal site is located on the southern side of Clifton Gardens in a predominantly residential area. No. 38 Clifton Gardens is a 2 storey terraced property with an existing single storey extension to the rear. To the east of the appeal site, No. 40 Clifton Gardens benefits from front and rear box dormers, along with a part single, part 2 storey rear extension, with the 2 storey element set back from the boundary with No. 38.

4. The proposed development would include the erection of a first floor rear extension which would project around 3m over the existing ground floor extension, across the full width of the appeal property with a height of around 2.8m, to enable the reconfiguration of the first floor to accommodate an additional bedroom, enlarged bathroom and a storage room. The proposal would incorporate a flat roof, which would sit just below the eaves level of the host dwelling.

5. Policy SP11 of Haringey's Local Plan: Strategic Policies 2013 – 2026, adopted in March 2013, says that all development shall be of the highest standard of design that respects its local context and character and historic significance, to contribute to the creation and enhancement of Haringey's sense of place and identity. Policy UD3 of the Haringey Unitary Development Plan (UDP), adopted in July 2006, says that development proposals will be required to demonstrate that the proposal complements the character of the local area and is of a nature and scale that is sensitive to the surrounding area. This is reflected in Policies 7.4 and 7.6 of The London Plan (2016) and in Policy DM1 of the emerging Development Management Development Plan Document (DPD).

6. The proposed extension would not be visible in the streetscene along Clifton Gardens, given its siting to the rear of a terrace of properties. However, the proposed extension would relate poorly to the host dwelling and the terrace as a whole, given its flat roof design which would not reflect the pitched roofs of the original dwellings. Indeed, the proposed extension would appear as a bulky and incongruous addition to the host building. As such, it would not be subservient to the host property and would be out of keeping with the character and appearance of the terrace.

7. I acknowledge that there are examples of other flat roof rear extensions nearby, including the 2 storey rear extension at No. 40 Clifton Gardens, for which the Council states it has no record of planning permission having been granted, within the same terrace as the appeal property. Nevertheless, examples of poor design do not justify the development of similar extensions which would further erode the character and appearance of the area.

8. I conclude, therefore, that the proposed development would harm the character and appearance of the existing property and the local area. As such, it would be contrary to Local Plan Policy SP11, Policy UD3 of the UDP and Policies 7.4 and 7.6 of The London Plan and would not accord with Policy DM1 of the emerging Development Management DPD.

Living Conditions of Neighbouring Occupiers

9. Policy UD3 of the UDP says that development proposals will be required to demonstrate that there is no significant adverse impact on residential amenity or other surrounding uses in terms of loss of daylight or sunlight and aspect, amongst other things. This is reflected in Policy 7.6 of The London Plan and in Policy DM1 of the emerging Development Management DPD.

10. It was apparent from my site visit that the rear elevation of No. 36 Clifton Gardens contains a window and patio doors at ground floor level and 2 first floor windows, one of which contains obscure glazing. This neighbouring dwelling has not been extended to the rear, unlike its neighbours at Nos. 34 and 38. The proposed extension at first floor level at No. 38 would, given its scale, height and siting, immediately adjacent to the boundary with No. 36, appear overbearing and dominant when viewed from within this neighbouring property and its narrow rear garden and increase the sense of enclosure to these occupiers within their dwelling. Furthermore, given its scale and orientation, it would reduce the available sunlight and daylight to this dwelling. This would be detrimental to the living conditions of the occupiers of No. 36 in respect of outlook and sunlight/daylight.

11. The rear elevation of the original dwelling at No. 40 Clifton Gardens includes a first floor window sited close to the boundary with No. 38. The proposed first floor extension at No. 38 would, given its scale, height, orientation and siting, immediately adjacent to the boundary with No. 40, reduce the amount of sunlight and daylight to this neighbouring property's first floor window and would appear visually intrusive and prominent when viewed from within this dwelling. Indeed, given the existing first floor extension to No. 40, the proposal would result in this rear window being 'boxed in'. This would be detrimental to the living conditions of the occupiers of No. 40 in respect of daylight/sunlight and outlook.

12. I conclude, therefore, that the proposed development would harm the living conditions of the occupiers of Nos. 36 and 40 Clifton Gardens, with particular reference to daylight/sunlight and outlook. As such, it would be contrary to UDP Policy UD3 and Policy 7.6 of The London Plan and would not accord with Policy DM1 of the emerging Development Management DPD.

13. I have considered all the other matters raised by the appellant including the references to the National Planning Policy Framework; and, the current permitted development rights; but none changes my overall conclusion that the appeal should be dismissed.

Karen L Baker

INSPECTOR