

Appeal Decision

Site visit made on 14 February 2017

by Daniel Hartley BA Hons MTP MBA MRTPI

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

Decision date: 22 February 2017

Appeal Ref: APP/Y5420/D/16/3164764

2 Torrington Gardens, Wood Green, London N11 2AB

- 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 Dr Trudie Rossouw against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2016/2795, dated 27 July 2016, was refused by notice dated 5 October 2016.
 - The development proposed is the erection of a staircase to the flat roof extension and a glass balustrade.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. I have used the description of development from the Council's refusal notice as this more succinctly describes the appeal proposal. However, and for the avoidance of doubt, my assessment of the appeal also includes a consideration of the use of the flat roof as a roof terrace. This is because planning permission Ref HGY/2008/2086 for the flat roof extension included a planning condition which prevented the roof area from being used as a terrace.
3. The staircase and glass balustrade have already been erected and the roof is being used as an outside terrace.

Main Issues

4. The main issues are the effect of the proposal upon (i) the living conditions of the occupiers of the neighbouring residential properties in respect of privacy and outlook and (ii) the character and appearance of the area.

Reasons

Site and proposal

5. The appeal site comprises an end of terrace dwelling within a predominantly residential area. The proposal is for use of the roof of a basement extension as a terrace including the installation of a glass balustrade and the erection of a staircase leading down to the rear garden.
-

Living conditions

6. The roof terrace is positioned immediately adjacent to the rear garden of No 4 Torrington Gardens which belongs to the neighbouring mid terraced dwelling. Given the projection of the basement extension, and its overall height when the glass balustrade is taken into account, I consider that the development has an unacceptably enclosing impact when viewed from the rear garden of No 4 Torrington Gardens. Furthermore, owing to the close proximity of the terrace to the rear garden area and the two rear windows of No 4 Torrington Gardens, the proposal has resulted in a significant amount of overlooking thereby adversely affecting the privacy enjoyed by the occupiers of this property. There are very similar impacts in respect of No 2a Torrington Gardens which is the neighbouring detached dwelling, although I accept that the effects are not quite as severe (albeit still unacceptable) owing to the separation distances involved.
7. The appellant has suggested that they would accept a planning condition which required a 1.7 metre high artificial hedge privacy screen to be formed around the perimeter of the roof terrace, or that the existing glass balustrade is replaced with opaque glass. I do not consider that replacing the existing glass balustrade with opaque glass would sufficiently address my privacy concerns as the height of this development is such that there would still be significant overlooking when people were standing up. Furthermore, and in any event, the erection of either a 1.7 metre high artificial hedge, or perhaps a higher opaque glass screen, would have the effect of further increasing the overall height of the basement extension. Whilst this may address overlooking concerns, it would not be acceptable in so far that in its current form the height of the glass balustrade (which is lower than the suggested 1.7 metre high artificial hedge) has an unacceptably dominating and enclosing impact.
8. I acknowledge that the occupiers of residential properties can currently overlook neighbouring rear gardens from existing first floor windows. However, the proposal would result in further overlooking, and at close distance, and the development would appear dominant and intrusive when viewed from the neighbouring properties. I acknowledge the appellant's comment that people do not spend as much time in rear gardens when compared to the inside of their dwellings. However, this does not overcome my finding that the proposal would cause significant harm to the enjoyment of the rear gardens of No 2a and No 4 Torrington Gardens, and that there would be some overlooking of the rear windows (albeit at an angle) of these properties.
9. For the collective reasons outlined above, I conclude that the proposal does not accord with the amenity and sustainability aims of saved Policy UD3 of the Haringey Unitary Development Plan 2006 (UDP); Policy SP0 of the Haringey Local Plan 2013 (Local Plan) and Policy DM1 of the Pre-submission Development Management DPD 2016 (DM DPD). I do not consider that Policy SP11 of the Local Plan is strictly relevant to this issue as this policy relates to design matters.

Character and appearance

10. I acknowledge that there are other roof terraces and balconies in the immediate area. However, these developments are much smaller than the appeal proposal and are generally positioned close to the original rear walls of

the dwellings. In contrast, the proposed roof terrace projects above the basement extension and projects significantly beyond other balconies/terraces within the terrace and at No 2a Torrington Gardens. When viewed from the other rear gardens in the area, the proposed development appears out of proportion with the host dwelling and visually dominant in the wider landscape. The steps leading from the terrace to the rear garden add to the overall scale and bulk of the development and, overall, the proposal does not appear as a subservient and in keeping form of development.

11. For the reasons outlined above, I conclude that the proposal causes significant harm to the character and appearance of the host dwelling and the area. Therefore, the proposal does not accord with the design aims of saved Policy UD3 of the UDP; Policy SP11 of the Local Plan; Policies 7.4 and 7.6 of the London Plan 2016, Policy DM1 of the DM DPD and Supplementary Planning Guidance 1a (Design Guidance) 2006.

Conclusion

12. For the reasons outlined above, and taking into account all other matters raised, I conclude that the proposal would not accord with the development plan for the area. Therefore, the appeal should be dismissed.

Daniel Hartley

INSPECTOR