

Appeal Decision

Site visit made on 31 January 2017

by I Radcliffe BSc(Hons) MRTPI MCIEH DMS

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

Decision date: 24 February 2017

Appeal Ref: APP/Y5420/W/16/3160407

Unit DA, 12 Victoria Terrace, London N4 4DA

- 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 Mr Daniel Abrahamovitch against the decision of the Council of the London Borough of Haringey.
 - The application Ref HYG/2016/1928, dated 13 June 2016, was refused by notice dated 9 August 2016.
 - The development proposed is a single storey roof extension with planted trellis cladding, set back with low eaves height along boundary, sloping up away from the boundary, skewed in plan to taper further away from boundary and allow for wider planting zone. Includes rooflights, roof maintenance access, obscured bathroom side window, and glazing set within a recessed screened bay facing towards the private courtyard. Green roof and plantings installed on the flat roof.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on the living conditions of neighbours, in particular The Hayloft, Unit 1, 12 Victoria Terrace, with especial regard to outlook and privacy.

Reasons

3. The appeal property is a single storey dwelling that along with its immediate neighbouring residential units to the rear of No 12 was created by conversion of an industrial building. The Hayloft is a two bedroom apartment and is the only first floor residential unit created as part of this conversion scheme. It is orientated so that it faces at right angles the open flat roof of neighbouring ground floor units, including Unit DA. The proposed first floor extension would sit on the flat roof and create a bedroom / living area.

Outlook

4. The sole outlook of all the windows in The Hayloft, with the exception of one of two windows serving the large open plan kitchen/ dining / living area, is to the north east, across the open flat roof described.
 5. The proposed extension would project forward of the front elevation of Unit DA and extend backwards to the rear wall of the property. As a result, it would completely enclose the outlook from the front elevation of The Hayloft. The green walls of the extension would soften its appearance, but would do little to reduce its physical extent and enclosing effect. Internal floor levels within The Hayloft are below the level of the flat roof which would increase the relative
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height of the proposed extension. In my judgement, given its proximity and that the sole windows to both bedrooms and the lounge area of the open plan kitchen / living / dining area would directly face the side of the proposed extension, it would result in a more enclosed and oppressive outlook from within The Hayloft than it is reasonable to expect.

6. The extension would be visible from the rear of many of the surrounding houses, particularly along Perth Road. However, given the separation distances that exist, its limited height and width, curved roof and skewed orientation away from Perth Road, it would not be overbearing or unduly enclose the outlook from surrounding houses.

Overlooking

The Hayloft

7. The sole private outdoor amenity space to The Hayloft is a roof terrace in front of the apartment. As part of the proposed development glazed double doors would be included in the facing flank wall of the extension. These doors would give access to a green roof that would be created as part of the scheme which would abut the roof terrace to The Hayloft.
8. The proposed extension would be sufficiently close to The Hayloft for its glazed double doors to provide clear views into all of its rooms. It would also result in direct, close overlooking of its roof terrace. Obscure glazing to these doors could be required by condition. However, this would not prevent overlooking when the doors are open and would not avoid the perception of overlooking which would occur when they are closed.
9. Although described as being for the purposes of maintenance of the green roof, the double doors would invite its use as an outdoor amenity space. Such use, directly facing The Hayloft and its roof terrace, would result in a considerable further loss of privacy. It has been suggested that use of the green roof as an amenity space could be prevented by condition. However, given that the double doors would serve a bedroom / living room and would open out onto the green roof, it is naive to expect that future occupiers would not take the opportunity to use these doors to utilise this space during the warmer months of the year. In my judgement, such a condition would therefore be unreasonable and fail the test for conditions contained within paragraph 206 of the National Planning Policy Framework (the Framework') and the advice in Planning Practice Guidance (PPG)¹.

Other properties

10. Unlike in the previous scheme that was refused permission, fully opening glazed doors to the front of the extension have been replaced by a window. This window would be orientated so that it faces towards the access to Victoria Terrace. A screened bay around the window would help focus views in this direction and reduce the scope for overlooking of the nearest rear gardens on Oxford Road. Whilst the acute angle of view would prevent overlooking of activity within Unit 2, there would still be views of its roof terrace and parts of the rear gardens to the houses along Oxford Road. However, given that first floor windows in houses along Oxford Road provide similar views at a similar distance of the roof terrace to Unit 2, the levels of overlooking that would occur of this Unit would not be materially greater than that which occurs at present.

¹ ID 21a-004-20140306

Daylight and overshadowing

11. In terms of daylight, owing to the fact that the proposed extension would occupy a limited proportion of the width of the flat roof, its skewed position and the distances separating it from neighbouring houses on the surrounding roads, levels within nearby dwellings and their gardens would not be materially reduced. For the same reasons, there would be no material overshadowing of neighbouring properties or their gardens.

Conclusion on living conditions

12. Taking all these matters into account, I therefore conclude that the proposed development would result in an oppressive outlook from The Hayloft and would result in a significant loss of privacy that would demonstrably harm the living conditions of its occupiers. This would be contrary to policy 7.6 of the London Plan and saved policy UD3 of the Haringey Unitary Development Plan which seek to prevent such harm and a core planning principle of the National Planning Policy Framework ('the Framework'). It would also be contrary to policy DM1 of the emerging Development Management Development Plan Document, which also seeks to prevent harm of this type. This policy is consistent with the Framework. However, as I have not been informed of whether this development plan document has been examined I attach only some weight to it.

Other matters

Character and appearance

13. The appeal site is located within the Stroud Green Conservation Area. In the exercising of planning functions, the statutory test in relation to Conservation Areas is that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. The Conservation Area covers those parts of Stroud Green that contain well designed older buildings. Typically, these buildings date from the latter part of the nineteenth century, are brick built with slated roofs and have attractive detailing. The significance of the Conservation Area therefore is architectural and historical.
14. The proposed first floor extension measuring 6.8m in width would have a curved roof and would be skewed away from the rear boundary with 56 Perth Road. These design features, in conjunction with its planted walls and roof, in views from the rear of houses on Oxford Road and Perth Road would limit its scale and bulk whilst softening its appearance. As a result, I find, on balance, that it would not be a dominant or unduly prominent feature in private views from nearby houses.
15. The appeal site is enclosed by the houses and rear gardens along Victoria Terrace, Oxford Road and Perth Road. As a consequence, existing development on the site, which is predominantly single storey, is not visible from public vantage points. As a result, and for the reasons given above, the proposed development would not adversely affect the character and appearance of the Conservation Area. The statutory test of preservation would therefore be passed.

Personal circumstances

16. In the Design and Access Statement it is stated that the proposed extension is needed to provide additional accommodation for the appellant's family. Whilst

I have given these personal circumstances careful consideration, I am mindful of the advice contained in PPG² that in general planning is concerned with land use in the public interest. It is also probable that the proposed development would remain long after the current personal circumstances cease to be material. For these reasons, I therefore find that this factor is not sufficient to outweigh the harm that I have identified which would occur in relation to living conditions, contrary to the development plan.

Other development

17. Reference has been made to permission that has been granted for a two storey dwelling at 88 Woodstock Road, which the appellant states is closer to neighbouring properties than the extension in this appeal. The circumstances in each proposal are likely to be different, and in any event the fact that development of a similar scale has been granted permission is not a reason, on its own, to allow development that would cause demonstrable harm. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.

Conclusion

18. A presumption in favour of sustainable development is at the heart of the Framework. The extension would have an energy efficient construction and its green walls and roofs would encourage biodiversity. However, the proposal would cause demonstrable harm to the living conditions at The Hayloft, contrary to the development plan and a core planning principle of the Framework which seeks a good standard of residential amenity.
19. Having regard to all of the matters raised, I conclude that any presumption in favour of the development is clearly outweighed by the harm that I have identified the proposal would cause to living conditions and the resulting non-compliance with the development plan and the Framework. As a result, the proposal would not constitute a sustainable development. The appeal should therefore be dismissed.

Ian Radcliffe

Inspector

² ID 21b-008-20140306 – 'What is a material planning consideration?'