The Planning Inspectorate

Appeal Decision

Site visit made on 9 February 2017

by AJ Steen BA (Hons) DipTP MRTPI

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

Decision date: 7 March 2017

Appeal Ref: APP/Y5420/D/16/3165267
133 Sherringham Avenue, London N17 9RU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval 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 Mrs Sabeya Naher against the decision of the Council of the London Borough of Haringey.
- The application Ref HGY/2016/3634, dated 31 October 2016, was refused by notice dated 13 December 2016.
- The development proposed is a single storey rear extension which extends 4m beyond the original rear wall.

Decision

1. The appeal is dismissed.

Procedural Matters

2. I have used the description of development contained within the appeal forms rather than the application as this more precisely describes the proposals.

3. The provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) 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.

Main Issue

4. The main issue is the effect of the proposed single storey extension on the living conditions of neighbouring occupiers at 131 and 135 Sherringham Avenue with particular regard to outlook and light.

Reasons

5. Schedule 2, Part 1, Class A of the GPDO allows for the enlargement, improvement or other alteration of a dwellinghouse. Until 30 May 2019, Paragraph (g) of that Class makes provision, subject to conditions, for single storey extensions up to 6m in depth from a house other than a detached house and up to 4m in height. The Council have confirmed that the proposed extension would meet those restrictions, but the conditions include that neighbouring occupiers should be notified of the proposed development and, if

they object to the proposed development, the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of any adjoining premises. In this case, an objection from neighbouring occupiers has resulted in refusal of prior approval as the Council consider that the height and depth of the proposed extension would be detrimental to the outlook of neighbouring properties and daylight to those properties, such that it would harm the living conditions of occupiers of neighbouring houses.

6. The appeal proposals would extend the property to the rear by 4m, with an eaves height of up to 3m and maximum height of 4m. The width of the extension would be up to the boundary with neighbouring properties, both of which have rear flat roofed extensions that project approximately 2.5m from the original rear walls of their properties. The proposed extension would project significantly further than either of those neighbouring extensions, taking account of the limited depth of the gardens. Should the eaves be constructed up to 3m and ridge up to 4m in height as suggested, the proposed extension would be significantly higher than the roof of the neighbouring extensions and fences dividing the properties, such that the proposed extension would dominate the small rear gardens of those neighbouring dwellings.

7. The height and depth of the proposed extension is likely to result in overshadowing of parts of the rear gardens of neighbouring dwellings, taking account of the orientation of the properties. This would have some effect on the amount of sunlight to the rear gardens of those neighbouring dwellings at some times of the day, but is unlikely to affect levels of daylight to either the neighbouring gardens or windows to the rear of those properties. As a result, the limited loss of light to those neighbouring properties would not be sufficient to cause material harm the living conditions of occupiers of those houses.

8. For these reasons, I conclude that the proposed single storey extension, given the combination of its depth and height, would have an adverse effect on the living conditions of neighbouring occupiers at 131 and 135 Sherringham Avenue with particular regard to outlook. As such, it would not comply with Policies 7.4 and 7.6 of the London Plan, Policy SP11 of the Haringey Local Plan, Policy UD3 of the Haringey Unitary Development Plan and Policies DM1 and DM12 of the draft Haringey Development Management Development Plan Document insofar as they are relevant in seeking to provide high quality design that does not cause unacceptable harm to the living conditions of neighbouring occupiers.

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

AJ Steen

INSPECTOR