
Appeal Decision

Site visit made on 22 February 2017

by John Morrison BA (Hons) MSc MRTPI

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

Decision date: 7th March 2017

Appeal Ref: APP/Y5420/W/16/3157797

43 Colney Hatch Lane, Hornsey, London N10 1LJ

- 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 Graham Roberts against the decision of the Council of the London Borough of Haringey.
 - The application Ref NGY/2015/3146, dated 4 October 2015, was refused by notice dated 15 August 2016.
 - The development proposed is the extension of existing roof terrace to whole area of existing roof and installation of wooden decking.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the description of development as it appears on the appeal form as it most accurately reflects the development to which the appeal relates. It is clear that the Council are content with this approach since the same description appears on their decision notice. I have proceeded on this basis.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of existing neighbouring occupiers with specific regard to privacy.

Reasons

4. The appeal site is the first floor of a terraced building which has been extended and converted into six self-contained flats. The proposed development would comprise the extension of an existing roof terrace which connects via patio style doors to the open plan living space of the flat it serves. The flat roof onto which the proposed development would be sited is partially enclosed with horizontal timber board screening and a low parapet wall.
 5. The existing roof terrace does offer views towards the windows in the flank elevation of Thirlestane Court as well as the gardens of both the immediate neighbour to the north and dwellings that front Greenham Road. These views are however, due to the extent of the terrace and the existing screening, oblique and interrupted.
 6. The extension of the roof terrace would offer more direct views into windows of Thirlestane Court as well as the aforementioned gardens. As a consequence,
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this would significantly reduce the privacy currently enjoyed by occupiers. The appellant has suggested extending the existing horizontal timber screen to assist in reducing the effect of overlooking. However, additional screens would add height to the existing extension on which the enlarged roof terrace would sit. As a result, I have concerns that users of what is a small garden to the rear of the dwelling immediately north would experience an overbearing effect.

7. I note that there are large mature trees between the appeal site and Thirlestane Court. I do accept that to some extent they would have a restrictive effect on views from the proposed development. However, due to their location they do not provide a complete screen and being deciduous are not in full leaf for the entirety of the year. I am not satisfied therefore that the trees would be sufficient to overcome my concerns with the proposed development.
8. I am therefore of the view that the proposed development would have an adverse effect on the living conditions of the occupiers of neighbouring dwellings. As such, it would conflict with Policies 7.4 and 7.6 of the London Plan 2015, saved Policy UD3 of the UDP¹ and emerging Policy DM1 of the Development Management DPD². These Policies, along with one of the core principles of the Framework³, seek to ensure, amongst other things, people feel comfortable with their surroundings and experience a good standard of amenity, having regard to both existing and future occupiers of land and buildings.
9. I note the Council's reference to Policy SP11 of the Local Plan⁴. However, this appears to be primarily concerned with matters of design quality and contextual appropriateness.

Other Matters

10. I note the appellant's comment that the proximity of trees to the appeal site means that leaves and water collect on the existing roof. Due to the extent of the existing roof terrace clearing can be difficult and accumulations can lead to nuisance smells and insects. Whilst I accept this is not an ideal situation, it would not be sufficient to justify the proposed development in light of my findings.

Conclusion

11. For the above reasons and having regard to all other matters raised, the appeal is dismissed.

John Morrison

INSPECTOR

¹ Haringey Unitary Development Plan (2006)

² Haringey London Development Management Development Plan Document Pre Submission Version (2016)

³ The National Planning Policy Framework 2012

⁴ Haringey's Local Plan Strategic Policies 2013-2026 (2013)