
Appeal Decision

Site visit made on 28 February 2017

by Mike Hayden BSc DipTP MRTPI

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

Decision date: 07 March 2017

Appeal Ref: APP/Y5420/W/16/3161657

44-50 Coleridge Road, Hornsey, London N8 8ED

- 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 Avi Dodi (Takoma Estates Ltd) against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2016/2425, dated 13 July 2016, was refused by notice dated 15 September 2016.
 - The development comprises alterations to fenestration, access and internal layout in relation to HGY/2012/1465.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I was unable to gain access to the appeal property at the site visit as the appellant was not present. However, I was able to view the first floor roof area, the front of the appeal property and the properties surrounding it, from a number of adjoining properties, where I had received written requests from neighbouring occupiers to view the site from. Therefore, I am satisfied that I was able to make an adequate assessment of issues in order to reach a decision on the appeal.
3. At the time of my site visit the alterations to the fenestration and access had already taken place. Whilst I could not view the internal layout, the external alterations would appear to have been completed in accordance with the submitted plans. I have determined the appeal on the basis that it seeks permission for the alterations as built. Accordingly, I have used description of the development contained in the application form rather than the decision notice, because 'retention' as referred to in the decision notice does not constitute an act of development.

Main Issue

4. The main issue in this appeal is the effect of the development on the living conditions of the occupiers of surrounding residential properties, with particular regard to privacy.

Reasons

5. The appeal property is a 3-storey building comprising two maisonettes, accessed from Coleridge Lane. It is located to the rear of Takoma House, a 3-

storey block with 9 flats at first and second floor levels above commercial units at ground floor level with pedestrian access from Coleridge Road. There is a parking courtyard at ground floor level, which is served off Coleridge Lane to the east. Above the car park is a flat roof deck which serves as a hard landscaped area offering visual amenity and outlook for the two residential blocks. The flats at Takoma House have their main aspect over the flat roofed area, with lounge windows and balconies facing onto it. Likewise the maisonettes in the appeal property contain lounge, kitchen and bedroom windows overlooking the roof area.

6. Surrounding properties at Frederick Place and 40 and 42 Coleridge Road also have habitable room windows overlooking the flat roofed area, albeit at more oblique angles. However, 3 and 4 Frederick Place closest to the appeal property have rear facing bedroom windows and balconies within a few metres of the flat roof.
7. The plans approved as part of the planning permission for the appeal property (Ref. HGY/2012/1465) show pedestrian access to the two maisonettes gained via an internal staircase from Coleridge Lane. The alterations the subject of this appeal now provide the main front door access to the maisonettes directly off the flat roof. I note that the approved plans for the appeal property appear to show a staircase from the ground floor side entrance from Coleridge Lane, leading onto the flat roofed area. However, it is evident from the same plans that the main entrance to the maisonettes was intended to be taken at ground floor level via an internal staircase. The Council officer's report confirms that this was designed to mitigate the impacts on the living conditions of occupiers of surrounding residential properties.
8. Providing the main pedestrian access to the maisonettes via the flat roofed area, introduces a level and type of activity which results in harmful impacts on the surrounding residential occupiers. All visitors to the two appeal dwellings can look directly into the lounge windows of the properties in Takoma House, just a few metres away. There are also oblique views into the rear bedroom windows and private balconies of the nearest properties in Frederick Place. The occupiers of these surrounding properties will experience an unacceptable loss of privacy as a result.
9. I acknowledge that privacy is already compromised by the proximity of the appeal property and Takoma House, affording a limited separation distance between habitable room windows. Evidently this has been deemed to be an acceptable relationship between neighbours in a densely developed urban context. However, this is very different to the loss of privacy that has resulted from the introduction front door access within this private space.
10. I recognise that the flat roof has been decked and laid out for use as a roof terrace, which the appellant claims is not unlawful. The use of the flat roof as such is not a matter before me in this appeal. However, I note that it is the subject of an ongoing enforcement investigation. For these reasons the current use and layout of the roof area is not a matter that offers any weight in favour of or against this appeal.
11. Accordingly, I conclude that the appeal development causes unacceptable harm to the living conditions of the occupiers of surrounding residential properties, as a result of the loss of privacy which it brings about. Therefore, it is contrary to saved Policy UD3 of the Haringey Unitary Development Plan (2006) and Policy

DM1 of the emerging Haringey Development Management DPD (2016), to which I attach significant weight given its advanced stage in the examination process and the absence of further proposed modifications to the policy. Both of these policies seek to ensure that no significant adverse impacts on privacy result from development. Consequently, the alterations to the appeal property also conflict with paragraph 17 of the National Planning Policy Framework, which seeks a good standard of amenity for all existing and future occupants of buildings.

Conclusion

12. For the reasons given above, and taking account of all other matters raised, I conclude that the appeal should be dismissed.

M Hayden

INSPECTOR