
Appeal Decision

Site visit made on 28 February 2017

by Andrew R Hammond MSc MA CEng MRTPI

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

Decision date: 21 March 2017

Appeal Ref: APP/Y5420/C/16/3155555
130 Fairview Road, London N15 6TR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mrs Dolly Scharf against an enforcement notice issued by the Council of the London Borough of Haringey.
 - The enforcement notice, numbered APP/2014/00213, was issued on 27 June 2016.
 - The breach of planning control as alleged in the notice is the unauthorised erection of a rear garden outbuilding.
 - The requirements of the notice are
 - i. Remove the outbuilding in its entirety.
 - ii. Remove all resultant debris.
 - The period for compliance with the requirements is two months after the notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f) & (g) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The Ground (a) Appeal

Main Issue

2. The main issue in this appeal is the effect of the development on the living conditions of the occupiers of the neighbouring properties, with particular regard to outlook.

Reasons

3. The outbuilding has been constructed in the rear courtyard/garden of 130 Fairview Road, an end terrace property on the corner of Ferndale Road.
4. The appellant does not dispute that the building measures some 4.2m wide by 4m deep with a height of some 3.2m along most of the shared boundary with 132 Fairview Road. It covers in excess of 50% of the garden area with only a small area remaining between the rear elevation of the house and the 'front' elevation of the outbuilding.
5. At the time of the site visit the building was stacked from floor to ceiling with furniture, boxes and other items such that a detailed inspection was not

- possible. However there was a doorway leading into a separate walled off area with an obscure glazed window facing the main rear elevation of the house.
6. It is noted that there are a number of other outbuildings to the rear of similar corner properties in the immediate area. However the circumstances of the construction of those buildings, their planning status and their effect on neighbouring premises are not known. Each case must be considered on its individual merits.
 7. By virtue of its height and occupation of most of the shared boundary with No. 132, the development will have a substantial detrimental effect on the occupiers of that property in respect of outlook and enclosure. It forms an inappropriate and dominant form of development contrary to saved Policy UD3 of the Haringey Unitary Development Plan 2006 which sets out general principles for development, including that there should be no significant adverse impact on residential amenity; and that the proposal should complement the character of the local area.
 8. For the above reasons, and taking account of all material planning issues, the appeal on ground (a) therefore fails.

The Ground (f) Appeal

9. Under ground (f) the appellant pleads that the requirements of the notice are excessive in that there was a pre-existing outbuilding on the site and the appeal building could be reduced in size so as to accord with the previous outbuilding.
10. However, the appellant has provided neither evidence that a building existed nor details of its dimensions. There is photographic evidence that the garage type door in the wall facing Ferndale Road was present in 2012 but that photograph is inconclusive as to whether there was some form of garage behind or whether the door gave access to an open parking area.
11. With no conclusive evidence that there was a building on site prior to the construction of the outbuilding enforced against and no details of its dimensions it would not be possible to allow a ground (f) appeal in the terms suggested in that the requirements of the notice could not be precisely defined.
12. For the above reasons, the appeal on ground (f) fails.

The Ground (g) Appeal

13. Under ground (g) the appellant pleads that two months is insufficient time to source and instruct suitable building professionals to carry out the works. The appellant suggests that four months would be appropriate and would also allow time to negotiate a more acceptable scheme with the Council.
14. However, two months would be sufficient time to instruct builders and for the demolition of a building of this scale. Furthermore, the Council have indicated that they have discretionary power to extend the period for compliance should it be appropriate so to do in the event that the appellant puts forward a proposal which might be acceptable.
15. For the above reasons, the appeal on ground (g) fails.

Overall Conclusion.

16. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Andrew Hammond

Inspector