

Appeal Decision

Site visit made on 21 March 2017

by David Murray BA (Hons) DMS MRTPI

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

Decision date: 29 March 2017

Appeal Ref: APP/Y5420/C/16/3155871

First floor flat, 54 Harringay Road, London, N15 3JD.

- 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 OWC Ltd. against an enforcement notice issued by the Council of the London Borough of Haringey.
- The enforcement notice, was issued on 27 June 2016.
- The breach of planning control as alleged in the notice is the erection of a rear dormer roof extension.
- The requirements of the notice are to: i) remove the rear dormer roof extension in its entirety; ii) remove all resultant materials; OR , iii) modify the rear dormer roof extension so that it accords with the drawing number 5d39/2 entitled 'Rear Elevation As Proposed' associated with Planning permission HYG/2016/0400 granted by the Council on 11 March 2016; iv) remove all resultant debris.
- The period for compliance with the requirements is four months.
- The appeal is proceeding on the grounds set out in section 174(2) (a) and (g) of the Town and Country Planning Act 1990 as amended.

Summary of the decision: the appeal is allowed, the notice is quashed and planning permission is granted.

Appeal on ground (a)

Main Issue

1. The main issue is the effect of the rear facing dormer window on the character and appearance of the host property and on the surrounding area.

Background

2. The appeal site comprises a mid-terrace house which lies in a mainly residential area. The house is of two storey form with an outrigger at the rear and appears to have been divided horizontally into two flats. The notice concerns a dormer window in the rear facing part of the main pitched roof. I note that planning permission was granted by the Council in 2015 for a dormer window under reference permission HYG/2016/0400 and the carrying out of works so as to accord with that approval is an alternative requirement of the notice.

Policy context

3. The Council advises that the development plan includes the Council's Local Plan adopted in March 2013 and the relevant saved policies in the Unitary Development Plan (2006), together with the provision of the London Plan (2016).
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Effect on character and appearance

4. Policy SP11 of the Local Plan indicates that, amongst other things, all development should be of the highest standard of design that respects its local character and context and is of an appropriate nature and scale. This is echoed in saved Policy UD3 and Policies 7.4 and 7.6 of the London Plan which require new development to make a positive contribution to the character of an area
5. At the site visit it was not possible to see all of the dormer window from ground level within the rear garden of the property. Therefore I looked at the nature of the dormer from the inside of the 2nd floor of the property. I have also had regard to the (undated) photograph, which has been referred to by both parties, and appears to have been taken from the roof of the outrigger.
6. From this source and my observations at my site visit, it appears to me that the main dormer window is set in from the low parapet walls in the roof of the terrace, which separate the individual properties, and the degree of 'set-in' of the dormer generally accords with the approved plan. The other proportions and materials of the dormer and the set back from the eaves and the set down from the ridge of the roof are consistent with the approved plan. The main difference of the scheme 'as built' compared to 'as approved' is the introduction of small flat roof 'cheeks' on either side which extend to the party walls.
7. However, I do not consider that these small additions make a material change to the external appearance of the dormer when assessed on its own merits and in comparison with the approved scheme. The overall slope of the main roof is still apparent and the dormer as built is largely screened by the outrigger and its higher parapet wall when seen from the local garden area. From further afield in the hinterland of private gardens away from the public realm, I judge that the enlarged dormer would be seen against the backdrop of the dark slated form of the main roof and would not be a prominent or incongruous feature in the townscape. The dormer remains ancillary in scale and appearance to the overall form of the property.
8. I have also had regard to the general context of the site and the other dormer windows on houses in Harringay Road and in Glenwood Road that were pointed out by the appellant's agent. However, I have not placed much weight on these comparisons as it is not clear to me whether such works have been expressly permitted by the Council; are 'permitted development'; are unauthorised or are lawful by the passage of time. Even so, I do not consider that the dormer as referred to in the notice is visually harmful to the host building or appears unduly out of place in the locality.
9. Overall, I find that the dormer as built has a design and appearance which respects the architectural form of the host building and the enlarged dormer does not appear out of place in surroundings. It therefore meets the requirements of the development plan, particularly Policy SP11 and accords with the emphasis placed on good design in the National Planning Policy Statement.
10. For the reasons given above I conclude that the appeal should succeed on ground (a) and planning permission will be granted. The appeal on ground (g) does not therefore need to be considered. I also agree with the Council that there no conditions that should be imposed on the permission.

Decision

11. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a rear dormer roof extension at the first floor flat, 54 Harringay Road, London, N15 3JD, as referred to in the notice.

David Murray

INSPECTOR