

Appeal Decision

Site visit made on 28 March 2017

by A A Phillips BA (Hons) DipTP MTP MRTPI

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

Decision date: 21 April 2017

Appeal Ref: APP/Y5420/W/16/3166126

Flat 2, 110 Beresford Road, Hornsey, London N8 0AH

- 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 Henry Atkinson against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2016/2886, dated 3 August 2016, was refused by notice dated 12 October 2016.
 - The development proposed is the erection of a roof terrace to the outrigger of the first floor flat.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the description of the proposal from the Council's decision letter and the appellant's appeal form rather than the original application form because it more accurately describes the proposal before me.

Main Issue

3. The main issue is the effect on the character and appearance of the area.

Reasons

4. The appeal site comprises a two storey mid-terrace dwelling which has been converted into two flats. The appeal relates to the split level first floor flat. Planning permission has recently been granted for a rear dormer roof extension to the property and the current proposal is for further alterations to the pitched slate roof of the rear two storey outrigger to create a roof terrace.
 5. The surrounding area is mainly residential and comprises terraced rows of two storey houses and flats with extensive verdant rear gardens between the rows of properties. Most properties in the vicinity of the appeal site have two storey pitched roof outriggers and although there is a clearly established form of development some properties have been altered and extended, including dormer roof alterations and roof terraces.
 6. The current proposal to create a roof terrace uses part of the outrigger and includes screening to the south and east with dormer style pitched roofs of approximately 1.8 metres high. It would have the appearance of a mansard style roof feature and would significantly alter the overall appearance of the property.
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7. The appellant contends that there is no development plan that specifically addresses roof terraces. However, it is quite clear to me that Policy SP11 of Haringey's Local Plan Strategic Policies 2013-2026 March 2013 (the LP) relates to the design of new development which should enhance and enrich the built environment and create buildings that are high quality and attractive, among other things. Furthermore, Policy UD3 of the Haringey Unitary Development Plan July 2006 (the UDP) requires development proposals to demonstrate that they would complement the character of the local area and be sensitive to their surroundings. Policies 7.4 and 7.6 of the London Plan (March 2015) require development to have regard to the structure of an area and surrounding buildings and should be of the highest architectural quality, among other things.
8. I have noted that in its reason for refusal the Council has also referred to Policy DM1 of the Development Management DPD Pre-Submission Version (January 2016). However, this policy does not yet form part of the development plan and therefore has limited weight in the determination of planning applications. Accordingly, even if there is conflict with the policy, that is not sufficient reason, on its own, to withhold planning permission in this instance.
9. In relation to the existing roof form the proposal would be bulky and its form would be at odds with the host property and others in the vicinity. Although I accept that there are some roof terraces and roof extensions in the area at my site visit I did not observe any similar to the current proposal. Such an addition to the rear of the relatively unaltered terrace would be incongruous in its current surroundings. Furthermore, it takes a very different form to the rear dormer extension which has been approved by the Council and would sit uncomfortably on the roof of the property.
10. I could find no evidence on site that the proposal has been designed with careful regard to the character and appearance of the host property and the surrounding area and the screening, in particular, would be prominent and a visually intrusive feature in the nearby locality from where it would be visible. Although the design of the proposal may be innovative this does not alone mean that it is acceptable. In this case the overall design and appearance and bulk of the proposal would be at odds with the existing roof form and would harm the architectural integrity of the existing property and its surroundings. I accept that the character of the roof may change if the rear dormer roof extension is implemented. However, the current proposal would not complement the approved dormer and would be incompatible with the property and its surroundings.
11. The roof terrace itself may not be prominent from the surrounding area due to the proposed screening. However, the screening would be visible from adjacent gardens and properties to the side and rear. Landscaping in the rear gardens may provide some additional screening. However, from those limited places from where it would be visible the extension would be visually intrusive and harmful to the visual character and appearance of the property and the terrace, more generally.
12. The proposed materials for the screening would give the impression of there being a large and bulky additional structure on the roof and would add to the degree of change to the roof form and further detract from the uniform character and appearance of the rear of the terraced properties.

13. My attention has been drawn to other examples of roof terraces in the locality. However, I understand that only one of these benefits from planning permission and in any case I have considered the appeal proposal on its own merits.
14. The appellant has also drawn my attention to permitted development rights for dormer extensions and other roof alterations and therefore the roof scape of other properties will change on the future. It has also been drawn to my attention that there is no Article 4 Direction in the area to remove permitted development rights for such extensions or alterations. Be that as it may, in my view that does not alter my opinion on the proposal before me.
15. There may be some benefits to the occupant of the property in terms of improving their accommodation and providing access to an outdoor amenity space. However, that does not outweigh the harm I have found with respect to the character and appearance of the area.
16. I conclude that the proposal would have an unacceptable harmful effect on the character and appearance of the area and would conflict with Policy UD3 of the UDP, Policy SP11 of the LP, Policies 7.4 and 7.6 of the London Plan and guidance in the Supplementary Planning Guidance Urban Design – SPG 1a Design Guidance 2006.

Conclusion

17. Therefore, for the reasons given above and taking into account other matters raised I conclude that the proposal conflicts with the development plan taken as a whole and that the appeal should be dismissed.

Alastair Phillips

INSPECTOR