



Appeal Decision

Site visit made on 30 May 2017

by Katie Peerless Dip Arch RIBA

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

Decision date: 15 June 2017

Appeal Ref: APP/Y5420/C/16/3164026

3 Beaconsfield Road, LONDON N15 4SH

- 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 Mr Toufik Serfag against an enforcement notice issued by the Council of the London Borough of Haringey.
 - The enforcement notice, numbered EXT/2014/00534, was issued on 24 October 2016.
 - The breach of planning control as alleged in the notice is the erection of a ground floor extension.
 - The requirements of the notice are 1. Remove the ground floor extension. 2. Remove all resultant debris.
 - The period for compliance with the requirements is three (3) months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (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.

Main Issues

2. I consider the main issues in this case are the effects of the development on the character and appearance of the Clyde Circus Conservation Area and the outlook of the adjoining occupiers.

Reasons

Ground (a)

3. The appeal property is a 2 storey terraced house in a row of similar properties within the Clyde Circus Conservation Area. Beaconsfield Road is lined with such terraces and although some individual houses have been altered, the overall impression is of uniformity and the area is characterised by this consistency.
4. The extension that has been enforced against is between the main rear elevation and the side wall of the rear outshot of the house. It has obscured the original ground floor windows in these walls and is set close to the boundary with the adjoining property at No. 5 Beaconsfield Road. The extension is single storey with a flat felt roof and painted rendered external walls. Internally it consists of a shower room to the rear and a kitchen/dining area leading from a bedroom in the main building.

5. The appellant submits that the design of the extension is of a high standard and that it respects and complements the host building and the character of the Conservation Area in which it is situated. I disagree however; in my view the addition is crudely detailed. The modern felt roof and its rendered elevations obscure the brickwork on the main rear elevation and the addition does not sit comfortably against the stock brickwork and pitched tiled roofs of the majority of the terrace.
6. I note that part of the rear outshot of No. 3 has already been rendered and there are other examples of this material elsewhere, but its use is not typical of, or original to the terrace as a whole and I consider that it detracts from the character of the host building.
7. The extension is also very poorly related to the adjacent building. It sits hard against the boundary for part of its length and, although it narrows towards the rear, it still leaves a gap of only about 300mm at its furthest distance from the fence. It is significantly higher than the boundary fence and takes up the open space between the outshot and the main house. It is therefore readily visible from the rear of No. 5 and I consider that it is an oppressive and intrusive presence that results in the outlook from the rear ground floor window of this property being unacceptably compromised.
8. Although not visible in the street scene, private views in conservation areas nevertheless contribute to the character of the surroundings and I consider that the extension fails to respect the design of the terrace as a whole and appears cramped and inappropriate in this location.
9. For these reasons, I conclude that the extension conflicts with saved policies UD3 and CSV5 of the Haringey Unitary Development Plan which require development to complement the character of the area, to have no significant impact on residential amenity and alterations and that extensions in Conservation Areas preserve or enhance its character.
10. These principles are also supported by policies 7.4: Local Character and 7.6: Architecture of the London Plan 2016 and reinforced by policies SP11: Design and SP12: Conservation from the Haringey Local Plan (March 2013) and policy DM1: Delivering High Quality Design from the Haringey Development Management Development Plan Document 2016.
11. I note that there are other instances of alterations to the rear of properties in Beaconsfield Road that might not comply with the above policies. However, I do not have details of the circumstances in which they were carried out and they do not, to my mind, reflect the characteristics for which the Conservation Area was designated, nor do they set a precedent for additional harmful development. To allow the appeal proposal would only further detract from the character of the area. The appeal on ground (a) therefore fails.

Ground (f)

12. This ground of appeal claims that the steps required by the enforcement notice exceed what is necessary to remedy the breach of planning control. However, the breach is the erection of the unauthorised structure and the removal of the extension would not do more than bring the building back to its authorised state. In addition, the appellant has not suggested any alternative lesser steps that would serve to remedy the breach. The appeal on ground (f) consequently fails.

Ground (g)

13. The appellant asks for 6 months rather than 3 to comply with the notice. The reasons given are the need to find a builder to carry out the work and to allow the occupants to find alternative accommodation whilst the work is carried out. It seems to me that 3 months would be sufficient time to make these arrangements but even if this proves not to be the case the Council has powers under s.173A.(1)(b) of the Town and Country Planning Act 1990 (as amended) to extend the period for compliance whether or not the enforcement notice has come into effect. The appeal on ground (g) therefore fails.

Conclusions

14. 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.

Katie Peerless

Inspector