

# Appeal Decision

Site visit made on 27 June 2017

**by Graham M Garnham BA BPhil MRTPI**

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

**Decision date: 04 July 2017**

---

**Appeal Ref: APP/Y5420/D/17/3173897**

**9 Harcourt Road, Wood Green, London, N22 7XW**

- 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 John Haslem against the decision of London Borough of Haringey Council.
  - The application Ref HGY/2017/0244, dated 23 December 2016, was refused by notice dated 14 February 2017.
  - The development proposed is single storey side extension and to replace the rear bay windows and door.
- 

## Decision

1. The appeal is dismissed.

## Procedural Matter

2. The appellant has commented on the way the Council handled his planning application. This matter is not within my remit, and I shall focus on the planning merits of his proposal.

## Main Issue

3. I consider that this is the effect of the proposal on the living conditions of the occupiers of no.11 Harcourt Road, with respect to loss of outlook and light.

## Reasons

4. The Council has not objected to the replacement rear bay windows and door. I have no reason to take a different view, so I focus my consideration on the proposed side extension.
  5. The appeal property is towards the middle of a short terrace of 2-3 storey houses dating from around 1900. To the rear are paired 2 storey offshoots that occupy about two thirds of the width of each property. The proposed side extension would infill the space between the offshoot and the common boundary with no.11 next door. It would extend for the full depth of the main side wall of the offshoot. It would be around 2.1 metres above ground level adjoining the boundary, stepping up to around 2.4 metres high for the greater part of its width.
-

6. The effect of the proposal on living conditions next door is materially affected by the drop in ground level (and internal floor levels) towards no.11. This adds about 0.3 metres to the height of the development as experienced next door. The appellant says that the height was reduced out of consideration for the neighbours.
7. The drawings show that, where it joins the main rear wall of the terrace, the top of the extension on the boundary would be at about the level of the top of the only window to the neighbours' rear living room. I consider that this would result in an undue sense of enclosure from within that room. In addition, there would be a noticeable loss of light, except perhaps when the sun is in a southwest direction, when it would shine into the narrow gap between the extension and the facing offshoot. These effects would be exacerbated by the depth of the extension from the rear window. This would be over 6 metres, creating something of a tunnel effect alongside no.11.
8. Outlook is already limited from the kitchen window in the offshoot, facing directly towards the appeal site. The extension would bring a high blank wall to within almost 1.5 metres from the window, giving a strong sense of confinement and a reduction in natural lighting. Occupants might feel that this outweighs the removal of overlooking from the kitchen at the appeal site (which, if it is an issue, could be addressed by raising the height of the boundary fence). Outlook and light levels would be reduced further in the toilet between the kitchen and the rear living room. However, these attributes are rarely material to the key functions of such a room, and I give this particular effect little weight.
9. The "courtyard" alongside would become a less pleasant outside space, owing to the increased sense of enclosure and reduced light levels. However, there is a spacious and open rear garden beyond, so I give this outcome relatively little weight also. The functioning of the gutter and other operational aspects would be likely to fall within the building regulations, and I find that they would not weigh against the proposal.
10. The appellant has drawn attention to 5 other instances in the vicinity where the Council has given planning permission for what are said to be similar types of rear extension, and seeks consistency of decision-making. The height of these various extensions at the boundary are recorded as ranging from 2.5 to 3.0 metres – all of them above that of this appeal proposal. The appellant draws attention to no.13 next door, where a similar type of extension was quite recently refused planning permission. I have only limited further information about these cases, and was not able to view any of them on site. They were cited in the appeal representations, which is after the time when the Council is normally able to comment on them. I can therefore give them only limited weight, instead relying on the particular merits of this case in the light of my site visit and prevailing planning policy.
11. Of the policies I have been referred to, Policy UD3 in the Haringey Unitary Development Plan (2006) is of most relevance. This says that, as a general principle, development proposals should have no significant adverse impact on residential amenity, in terms of such matters as loss of daylight and aspect. Policy DM1 in the emerging Haringey Development Management DPD expects development proposals to ensure a high standard of privacy and amenity, and

provide appropriate sunlight and open aspects. Policy 7.6 in the London Plan (2013) contains general provisions about the functional aspects of architecture, including overshadowing, but does not explicitly mention outlook or daylight.

12. The appellant has also claimed that his proposal would have less impact than what might occur as permitted development, including a higher boundary fence, and that the "more relaxed" spirit implicit in recent increases in such rights should also weigh in his favour. However, I am not aware of any fall-back scheme in this respect, nor have I been advised that a permitted development scheme would not be possible. Thus while these matters are a consideration, I find that they do not add significantly to the merits of the appeal proposal.
13. Overall and on balance, and having regard to the information before me, I conclude that the proposal would have a materially harmful effect on the living conditions of the occupiers of no.11 Harcourt Road, with respect to loss of outlook and light. Notwithstanding what might or might not be possible as permitted development, this outcome would be contrary to the tenor of adopted and emerging planning policies summarised in paragraph 11 above.
14. Planning permission should therefore be withheld and I dismiss the appeal.

*G Garnham*

INSPECTOR