



Appeal Decision

Site visit made on 14 November 2017

by Beverley Wilders BA (Hons) PgDurp MRTPI

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

Decision date: 13 December 2017

Appeal Ref: APP/Y5420/D/17/3181542

3 Harvey Mews, Hornsey, London N8 9PA

- 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 Jason Geen against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2017/1525, dated 5 May 2017, was refused by notice dated 30 June 2017.
 - The development proposed is described as a single storey extension to the rear of the existing building at 3 Harvey Mews. The proposal is 2.72m in length and is 1.26m back from the boundary condition. The proposal is for a stucco rendered extension to be used as a new dining room, accessed from the existing kitchen. All materials are to match the existing.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's decision notice refers to various policies including ones which form part of Haringey's Local Plan (March 2013) (HLP) and the Haringey Unitary Development Plan 2006 (UDP). However the Council has advised that its Development Management DPD (DMPD) has now been adopted and has replaced the HLP and UDP. Therefore in reaching my decision I have not had regard to the HLP and UDP policies referred to in the Council's decision notice.

Main Issues

3. The main issue are the effect of the proposal on:
 - the living conditions of the occupiers of neighbouring properties having regard to outlook;
 - the character and appearance of the host building and the surrounding area.

Reasons

Living conditions

4. The proposed rear extension would extend partly across an existing rear terrace. It would be set back from the common rear boundary with the rear gardens of properties on Oakley Gardens but would be adjacent to the common side boundary with the adjoining property at 2 Harvey Mews. No 2 has patio

doors in the rear elevation near to the common side boundary with the appeal site and these provide access to a modest sized rear terrace. The height of the proposal would be higher than the existing boundary treatment along the side and rear boundaries of the terrace and higher than the top of the patio doors at No 2.

5. Though the extension would not extend the full length of the terrace it would nevertheless result in the construction of a solid side wall higher than the existing boundary treatment for the majority of the length of one side of the rear terrace at No 2 and close to the rear patio doors. It would consequently be overbearing, would result in an increased sense of enclosure and would have a significant adverse effect on the outlook from both the patio doors and the modest sized terrace at No 2. This would be harmful to the living conditions of the occupiers of No 2.
6. Although the proposed rear extension would be taller than the existing rear boundary wall/screen and would add bulk to the host building, having regard to its height and set back position from the rear boundary, I do not consider that the proposal would be unduly dominant or overbearing when viewed from the rear gardens of properties on Oakley Gardens.
7. Whilst the Council raised no concerns regarding any loss of light or privacy resulting from the proposal, and whilst it appears that the proposal complies with the Council's guidance regarding the depth of rear extensions, this does not outweigh the harm to living conditions that I have identified or justify granting permission for the proposal.
8. Taking the above matters into consideration, I conclude that the proposal would have a significant adverse effect on the living conditions of the occupiers of 2 Harvey Mews having regard to outlook. It is therefore contrary to Policy 7.6 of the London Plan (LP) which states that buildings and structures should, amongst other things, not cause unacceptable harm to the amenity of surrounding land and buildings. It is also contrary to one of the core principles of the National Planning Policy Framework as set out within paragraph 17. Though the Council's reason for refusal also refers to Policy 7.4 of the LP, this relates to local character and does not therefore appear to be relevant to living conditions.

Character and appearance

9. The appeal site comprises a modern mid-terraced dwelling located centrally within a small terrace of five dwellings of the same design and appearance. The rear elevations of the host building and its neighbours in Harvey Mews are rendered and have part width single storey projections at the lower ground floor with terraces above. The terraces have raised boundary walls with the rear wall of the terraces forming the common rear boundary between the dwellings in Harvey Mews and the rear gardens of dwellings to the rear on Oakley Gardens. The rear elevation of the host building is not prominent or visible except from surrounding buildings.
10. The proposed rear extension would be sited on the existing terrace and would not extend the full width of the rear elevation of the host building. In addition it would be set in from the rear boundary and its height would be well below the height of the bottom of the first floor windows. The extension would be flat roofed and would be finished in painted render to match the host building with

windows and doors to be constructed from matching materials. Consequently the scale of the extension would be subservient and it would not be unsympathetic or overly dominant in relation to the host building or the wider terrace. In addition though I note the restricted nature of the site and though the extension would be the first of its kind within the terrace, it would not be prominent and would be viewed from surrounding properties against the backdrop of the much larger and higher terrace.

11. Taking the above matters into consideration, I conclude that the proposal would not have a significant adverse effect on the character and appearance of the host building and the surrounding area. It therefore complies with policies 7.4 and 7.6 of the LP and policies DM1 and DM12 of the DMDPD. These policies seek, amongst other things, to ensure that development proposals including residential extensions are of a high design quality that respects and complements the form of the host building and relate positively to their locality.

Conclusion

12. The proposal would not have a significant adverse effect on the character and appearance of the host building and the surrounding area. However it would have a significant adverse effect on the living conditions of the occupiers of 2 Harvey Mews having regard to outlook. The proposal is therefore contrary to the development plan when taken as a whole.
13. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

Beverley Wilders

INSPECTOR