The Planning Inspectorate

Appeal Decision

Site visit made on 2 July 2019

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 July 2019

Appeal Ref: APP/Y5420/D/19/3231539
Heathways, Courtenay Avenue, London, N6 4LR.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) against a refusal to grant planning permission.
- The appeal is made by Mr M Rabinovich against the decision of the Council of the London Borough of Haringey.
- The application Ref. HGY/2019/0642, dated 18 February 2019, was refused by notice dated 16 April 2019.
- The development proposed is the enlargement of the existing first floor rear terrace with 1.1m high clear glazing balustrading to match existing on rear side and 1.7m high obscure glazed balustrading on north side.

Decision

1. The appeal is allowed and planning permission is granted for the enlargement of the existing first floor rear terrace with 1.1m high clear glazing balustrading to match existing on rear side and 1.7m high obscure glazed balustrading on north side, at Heathways, Courtenay Avenue, London, N6 4LR, in accordance with the application Ref. HGY/2019/0642 submitted on 18 February 2019, and subject to the following conditions:

    1) The development hereby permitted shall begin not later than three years from the date of this decision.

    2) The materials to be used in the external surfaces of the development hereby permitted shall match those used in the existing building.

    3) The development hereby permitted shall be carried out in accordance with the approved plans.

    4) The extended area of terrace shall not be used until the 1.7m high obscure glass balustrade to the north-facing flank of the terrace has been erected and this glass screen shall remain in place for so long as the terrace exists.

Preliminary matter

2. I have used the Council's description of the proposal rather than that set out in the application forms as it is more precise.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of the adjacent property Three Oaks.

Reasons

4. The appeal site comprises a large detached house which lies in a residential area of similar properties of varying architectural styles. The site lies in the Highgate Conservation Area. Although the front façade of the house retains its original appearance, the rear aspect has been much extended and remodelled with flat roofs at first and second floor level. These are in part used as terraces with enclosing balustrades although the terrace at first floor is limited to a central position of the flat roof. It is proposed to extend this terrace to the north facing flank of the building and to erect a 1.7m high obscure glass screen on this side elevation to restrict overlooking. The current scheme put forward changes to a previously refused application.

5. The adjoining property to the north, Three Oaks, is of a similar bulk and scale and it has terraces at lower ground, ground and first floor level.

6. There are two aspects to the effect on living conditions; whether there would be an overbearing sense of enclosure as the Council allege; and the owners/occupiers of Three Oaks also object on the grounds that the proposal would cause overlooking and a loss of privacy. Dealing with the latter first, at my site visit I looked at the relationship between the two properties from the first floor terrace of the appeal site property. I have also taken account of the presence of a mature tree and other vegetation along the boundary between the two properties. I am satisfied that the position of the enlarged terrace would not be likely to result in increased overlooking of the neighbouring property or its garden as the opaque screen would restrict such overlooking. Therefore, there would not be a loss of privacy.

7. Turning to whether the proposal would be overbearing, at my site visit I noted that the new elevations of the host property extend slightly further rearwards than those of Three Oaks. I also noted where similar glass screens have been used in different locations on each property. The rear environs of Three Oaks are already slightly enclosed by the projection of the flank wall of the host property. However, this is a solid wall although finished in a light colour. The enclosing effect of an additional glass screen would be materially different and largely transparent although opaque. In the context of the existing physical relationship between the two properties I am satisfied that the proposed screen would not be visually intrusive, nor would it materially increase the building bulk which exists or appear overbearing on the living conditions of the occupiers of Three Oaks.

8. Overall, I find that the proposal accords with the requirements of Policies DM1 and DM12 of the Haringey Development Management DPD and policy 7.6 of the London Plan as the proposed residential extension takes account of the privacy and amenity of neighbouring uses and ensures a high standard of privacy and amenity. I am also satisfied that the proposal would have a neutral effect on the character and the appearance of the Highgate Conservation Area and the statutory test set out in section 71 of the Acts has been met as the proposal would preserve and not harm the character or appearance of the area. The other considerations raised do not outweigh this conclusion, therefore I will allow the appeal.

9. In terms of conditions the Council recommends that the standard conditions are imposed regarding the implementation of the development, matching materials, and accord with the submitted plans. These are reasonable and

necessary and I will impose them. In addition, as I have taken account of the screening effects of the proposed opaque glass screen, I will also impose a condition to ensure that this is erected before the extended terrace is brought into use and the screen shall be retained thereafter.

Conclusion

10. For the reasons given above I conclude that the appeal should be allowed.

David Murray

INSPECTOR