



Appeal Decision

Site visit made on 6 November 2019 by C Brennan BAE (Hons) M.PLAN

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 December 2019

Appeal Ref: APP/Y5420/W/19/3235556

Flat D, 133 Stapleton Hall Road, Hornsey, London N4 4RB

- 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 Neal against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2019/0976, dated 12 March 2019, was refused by notice dated 19 July 2019.
 - The proposed development is steel framed timber decking for outdoor plants above existing 1F extension.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are:
 - i) the effect of the proposed development on the living conditions of the occupiers of No. 131 and the ground floor flat of No. 133 with regard to privacy, and
 - ii) the effect of the proposed development on the character and appearance of the site, the surrounding area and the Stroud Green Conservation Area.

Reasons for the Recommendation

4. The appeal site comprises a two-storey mid-terrace property with lower-ground floor level on the western side of Stapleton Hall Road. Additional accommodation is provided within the roofspace. The property is split into several flats. The property is situated within the Stroud Green Conservation Area.

Effect on Living Conditions of Neighbouring Occupants

5. Due to its proximity to the proposed decking area, it would be easily possible for someone on the decking to look directly into the adjacent bedroom window of No. 131. This would result in an unacceptable level of harm to the privacy of the occupants of No. 131. Furthermore, due to the rising slope of the ground
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level, the rear garden of the ground floor appears particularly close from the existing rear-facing window of the appeal property. At such close range, the proposed decking area would allow significant overlooking of the garden, and to a considerably greater degree than the window currently allows, to the detriment of the living conditions of the occupants of the ground floor flat. The proposal would therefore also result in an unacceptable increase in overlooking to the rear garden of the ground floor flat of No. 133.

6. In their statement of case, the appellant asserts that there is already significant overlooking between neighbouring occupants and that the proposal would not result in any significant increase in overlooking. While there may be some overlooking between neighbouring occupants, it is considered that the introduction of a balcony directly adjacent to the bedroom window of No. 131 and at such close range to the rear garden of the ground floor flat would result in an increased level of overlooking compared to the level of overlooking generally experienced in this area
7. For the reasons above, I conclude that the proposal would cause an unacceptable level of harm to the living conditions of the occupants of No. 131 and the ground floor flat of No. 133 with regard to their privacy. The proposal would therefore conflict with Policies DM1 of the Development Management DPD (2017), SP11 of Haringey's Local Plan Strategic Policies 2013-2026 (2017) and the National Planning Policy Framework (2019), which generally require that proposals should respect their context and not result in harm to the living conditions of neighbouring occupants. As the proposal conflicts with these policies, it also would conflict with Strategic Policy SP0, which requires proposals to accord with the other policies of the development plan.

Character and Appearance

8. The proposal would be confined to the rear of the property and would not be subject to public views. During my site visit, I observed that 12 Elyne Road to the northwest had patio doors and a Juliette balcony attached to its rear dormer extension, while 8 Elyne Road had patio doors and a large balcony at roof-level. I also observed that there was some variety in the rear elevational treatments and fenestration of adjoining and surrounding properties, including the sizes of the openings. Given this variety, the appearance of existing balconies to the west and the lack of any formal cohesion with adjoining properties at the rear, I consider that the proposal would have an acceptable effect on the character and appearance of the surrounding area and the Stroud Green Conservation Area which is largely characterised by the consistent appearance of the front elevations of its terraced dwellinghouses.
9. The Council states that the glazed finish of the balcony and its projection over the rear outrigger would be unsympathetic to the original design. However, as the balcony would only be 0.75m in depth and incorporate a transparent glass balustrade, it is considered that the proposed balcony would appear as a lightweight addition that would appear subservient to the proportions of the existing building and the wider terrace.
10. For the above reasons, I conclude that the proposal would not cause harm to the character and appearance of the site, the surrounding area or the Stroud Green Conservation Area. As such, I conclude that the proposal would comply with Policies SP11 and SP12 of Haringey's Local Plan Strategic Policies 2013-2026 (2017), Policies DM1 and DM9 of the Development Management DPD

(2017) and Policy 7.8 of the London Plan (2016), which all state that development should be designed to the highest standards and should preserve the special interest of heritage assets.

Planning balance, Conclusion and Recommendation

11. Although I have found that the proposed development would be acceptable in terms of character and appearance, and I recognise the benefit to the living accommodation to the appellant, these factors are outweighed by the unacceptable level of harm caused to the living conditions of the occupants of No. 131 and the ground floor flat of No. 133.
12. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

C Brennan

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR