



Appeal Decision

Site visit made on 14 November 2019

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th December 2019

Appeal Ref: APP/Y5420/C/18/3218360

67 De Quincey Road, London N17 7DJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended.
 - The appeal is made by Mr Moe Younes against an enforcement notice issued by the Council of the London Borough of Haringey.
 - The enforcement notice was issued on 14 November 2018 under ref. UNW/2017/00837.
 - The breach of planning control as alleged in the notice is: *"Without planning permission, the erection of a rear dormer window."*
 - The requirements of the notice are to:
 - "1. Remove the rear dormer window in its entirety; and*
 - 2. Remove from the property all resultant debris."*
 - The period for compliance with these requirements is three months.
 - The appeal is proceeding on the ground set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a rear dormer window at 67 De Quincey Road, London N17 7DJ as shown on the plan attached to the notice.

Matters of clarification and background

2. The appeal property is divided horizontally so that there is a flat on the ground floor and a flat, with its own internal stairs, spread across the first floor and the roof space. The upper flat is currently unoccupied. The building works involved in the creation of the subject rear dormer window and the internal accommodation in the roof space have been substantially completed. Each of the flats is separate and self-contained. Upon the appellant providing confirmation that no. 67 has been in use as two flats since around 2008, an appeal on ground (c) – that there has not been a breach of planning control – was withdrawn by the appellant's agent by letter dated 8 March 2019.
3. No. 67 no longer stands at the end of a terrace as such. Planning permission was granted under ref. HGY/2016/4156 on 25 January 2017 for a new two-storey single residential dwelling to be attached to no. 67. The Council's

planning enforcement notice delegated report of 1 November 2018 indicated that this dwelling was then halfway through implementation.

4. However, this new dwelling, which now forms the north-western end of a terrace of five properties and is numbered 69, was not completed in accordance with the approved plans. There was a change to a gable end from a hipped end and a flat-roofed rear dormer was added. A retrospective planning application (ref. HGY/2019/0994) to retain these arrangements was refused on 24 May 2019. However, a subsequent section 78 planning appeal (ref. APP/Y5420/D/19/3234850) was allowed on 13 November 2019, as confirmed by the parties at the site visit.

The appeal on ground (a) and the deemed planning application

5. Reading the reasons given in the enforcement notice for its issue, I consider the main issue in deciding whether planning permission ought to be granted for the rear dormer window is its effect upon the character and appearance of the building, the street scene and the surrounding residential area.
6. When viewing from various public vantage points on De Quincey Road and Waltheof Gardens or close to the junction between those two roads, the rear dormer window cannot be seen as no. 67 is no longer located at the end of the terrace. It is screened from view by the development at no. 69 and it is important to record that this would also have been the case if the appellant had proceeded to complete the house at no. 69 in accordance with the plans originally approved under planning application ref. HGY/2016/4156. The subject dormer is restricted to the rear and the erection of it has not produced any visually harmful ancillary alterations to the front or any increase in the height of the roof ridge. The development has not therefore had any negative impacts on the De Quincey Road or Waltheof Gardens street scenes.
7. The rear dormer window can be seen from Smithson Road through the narrow gap between 24 Smithson Road and 18 Waltheof Gardens. However, the separation distance, which takes in several intervening back gardens, is such that the rear dormer cannot be said to materially affect the Smithson Road street scene. There is no view of it at all from Henningham Road.
8. The rear dormer window is visible in private views from the rear of nearby houses against the backdrop of the roof of the parent building and host terrace. Regardless of the similar nearby rear dormers at 69 De Quincey Road and 22 Waltheof Gardens (not no. 26 as suggested on the appellant's photograph), the rear dormer at the appeal property does not appear out of the ordinary for any reason. I have not been referred to any detailed design guidelines (for instance within a supplementary planning document) employed by the Council in relation to rear dormers in this location.
9. Given that the rear dormer is well set in from the party wall with no. 65, just below the roof ridge and most importantly well up from the eaves, it does not appear excessive in scale in relation to the roof and has not resulted in the rear of the building taking on an unduly top-heavy appearance. It also falls short of dominating the immediate surroundings. The use of slate-effect tiles and windows with good proportions and dark coloured frames helps to ensure that the development blends in reasonably well with the roofscape. I consider

that the scale, size, bulk, mass, location, materials and design of this roof dormer are such that it appears sufficiently subordinate on the roof and complementary to the form, character and setting of the host building.

10. The Council's "Pre-consideration findings" implied that the only reason that the rear dormer was not permitted development was because of the use of the building as two flats. I see nothing to point me to a different view. The appellant has submitted various photographs of other rear dormers in the wider locality, some of which are accompanied by lawful development certificates. I am aware that the owners or occupiers of flats do not enjoy permitted development rights and there is no fallback as such at no. 67, even though it has the outward appearance of a mid-terraced house. Nonetheless, I have found insufficient reasons related to planning and development management issues why the upper flat at no. 67 should not benefit from a dormer of the type that would usually be acceptable as permitted development on the rear roof slope of a conventional terraced house. In short, the additional space the dormer has provided would enhance the living conditions of the occupiers of the upper flat without having an unacceptable impact on the character and appearance of this building or its surroundings.
11. The sole third party respondent acts for the freehold owner of 32 Waltheof Gardens and he may well be confusing this case with the appeal case at 69 De Quincey Road decided on 13 November 2019 and referred to in paragraph 4 above. The genuine concerns that have been raised and are clearly of importance to him were dealt with under that previous appeal decision. In this area of relatively high density terraced residential development, I lay some importance on the absence of specific and clear-cut objections from neighbouring occupiers to the actual rear dormer window at no. 67. This confirms my view that the development is not objectionable in visual terms. For the avoidance of doubt, I did not gain the impression at my site visit that this rear extension at roof level has any significant adverse impacts on the living conditions of nearby residents for any reason.
12. Drawing these threads together, I find on the main issue that the rear dormer window does not have an adverse effect upon the character and appearance of the building, the street scene or the surrounding residential area. This outcome respects Policies 7.4 and 7.6 of the London Plan, Policy SP11 of Haringey's Local Plan Strategic Policies and Policies DM1 and DM12 of the Development Management Development Plan Document which, when read together, broadly seek to encourage high quality design, protect the quality of the built environment and respect local architectural character. The National Planning Policy Framework and relevant planning practice guidance do not pull me in a different direction.
13. The Council has not suggested any conditions in the event of the appeal on ground (a) succeeding and I see no need for any. My finding on the main issue determines the outcome of the ground (a) appeal. Having taken into account all other matters raised, I conclude that the appeal on ground (a) should succeed. I shall grant planning permission for the erection of a rear dormer window as described in the enforcement notice.

Andrew Dale

INSPECTOR