
Appeal Decision

Site visit made on 14 January 2020

by Edwin Maund BA (Hons) MSc Dip UP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th February 2020

Appeal Ref: APP/Y5420/D/19/3243056

96 Vallance Road, Hornsey, London N22 7UG

- 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 and Mrs N Gosal against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2019/2218, dated 31 July 2019, was refused by notice dated 22 November 2019.
 - The development proposed is an Extension to existing basement; lower ground extension and part upper ground floor rear extensions; existing upper ground floor terrace / balcony; alterations to first floor balcony screening; alterations to western elevation external stairs; addition of a rear rooflight.
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Decision

1. The appeal is dismissed.

Preliminary Issues

2. The appellant has argued that a previous scheme considered to be permitted development at the time has commenced. I have no details of the previous scheme or what work may have commenced to implement such a scheme, although on my site visit, I did see that various works had been undertaken within the basement. It is not for me however, under a section 78 appeal, to determine whether that development has commenced. To that end it is open to the appellant to apply for a determination under s191/192 regardless of the outcome of this appeal.
3. In the interests of clarity, I have used the description from the Council's decision notice in the banner headline above.

Main Issues

4. The main issues are the effects of the development on:
 - The character and appearance of Vallance Road Conservation Area (VRCA); and
 - The living conditions of occupiers of 98 Vallance Road (No 98) with particular regard to overlooking.

Reasons

Character and Appearance

5. Being within the VRCA Section 72(1) of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas in the exercise of planning functions.
6. The VRCA derives much of its character from the many substantial detached properties set within spacious gardens. The host building is a substantial detached house larger than the immediate neighbours, making it a prominent property in the street. It makes a positive contribution to the character of the area with an attractive arts and crafts architectural style of red brick and render, with hipped tiled roof. This observation is not in dispute.
7. There are several elements to the proposed development, a two-storey orangery, lowering of the rear garden with creation of lower level patio accessed via folding glazed doors introduced across the rear of the proposed basement in place of the current basement/raised terrace, rear velux and glass balustrades above the proposed basement and outside the second floor study in place of the current balcony.
8. The proposed two storey orangery whilst to the rear also projects from the side of the current façade into the gap between the host property and No 98 Vallance Road. Due to the design, height and position extending beyond the side elevation this would be visible, all be it at a distance from the street.
9. Whilst the orangery would be set into the ground at the rear, it would be read as a two-storey structure from the side and front. Given the degree of visibility from the public domain and the orangery's overall scale and bulk it would be prominent in views from the streetscene despite the size of the host dwelling.
10. Moreover, its modern architectural treatment and extensive glazing would make this aspect of the proposed extension stand out from the current property. Its style would also be in stark contrast to the underlying building pattern.
11. The alteration to the basement, lowering of the rear garden level and introducing a fully glazed elevation would significantly change the rear elevation of this part of the property. I accept that this would not be readily visible from the public realm, however the design polices do require that proposals within conservation areas should complement the architectural style in materials and details.
12. Moreover, the development would detract from the appearance of the rear of the host dwelling. I agree with the Council that the introduction of such proposals would fail to accord with the principles of the adopted policies which emphasise the need for designs to be sensitive and sympathetic to the original period architectural characteristics of the host dwelling.
13. With the appropriate treatment secured by condition I do not consider this element of the proposal harmful to either the character of the property or the wider conservation area and could be facilitated to enhance both.
14. In conclusion the development would lead to harm to the character and appearance of the VRCA thereby fail to meet the tests set out in the

Framework, or the policy requirements of the London Plan Policy 7.6, Haringey Local Plan Policy SP11 or Development Management DPD Policy DM1 (B) as the design of the scheme would not complement the architectural style of the property or the area in form, scale or massing.

Living Conditions

15. The orangery is a two-storey structure elevated above what is an open boundary to the neighbour at No 98. This would introduce a large area of windows at both the basement level and ground floor which is set above the neighbour's garden level. These windows would allow for clear views into the neighbour's garden and rear patio area.
16. I accept that the current terrace also allows for unrestricted views but the orangery as proposed would exacerbate the degree of overlooking and reduce the privacy of the occupiers of the neighbour by both creating glazing on two sides and providing a stairway between rooms.
17. The scale and height of the orangery as well as the modest projection clear of the side wall of the current dwelling would make this part of the proposal particularly prominent when illuminated in the evenings and at night. This would cause a significant intrusion into the privacy of the occupiers of the neighbouring property.
18. The appellant has suggested using obscure glass up to 1.7m above floor level as a possible solution to concerns of overlooking. Using obscure glazing would not remove the perception of overlooking from such an extensive area of glazing in this elevated position adjacent to the shared boundary and sitting behind and alongside the rear garden of No 98 Vallance Road. In light of the adverse effect on privacy a condition requiring obscure glazing would not overcome the harm I have identified.
19. The other elements of the proposed development would not adversely affect the privacy of the neighbours either being replacements to existing elements already in place or looking down the garden of the host property.
20. I therefore consider the orangery does result in harm to the living conditions of the neighbour at No 98 and would not as a consequence accord with Policy DM1 (D) of the Development Management DPD 2017 which seeks to ensure that development proposals provide a high level of privacy and amenity for users and neighbours.

Conclusions

21. For the reasons given I conclude that the proposed development would be contrary to relevant local policies and national legislation and guidance. Therefore the appeal is dismissed.

Edwin Maund

INSPECTOR