
Appeal Decisions

Site visit made on 26 August 2020

by Elaine Gray MA(Hons) MSc IHBC

an Inspector appointed by the Secretary of State

Decision date: 15 September 2020

Appeal A - Appeal Ref: APP/Y5420/C/19/3241866

Flat A, 38 Alexandra Road, Wood Green, London N8 0PP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Veseli against an enforcement notice issued by the Council of the London Borough of Haringey.
 - The enforcement notice was issued on 6 November 2019.
 - The breach of planning control as alleged in the notice is: Without planning permission, the erection of an outbuilding in the rear garden.
 - The requirements of the notice are: 1. Demolish the outbuilding in the rear garden in its entirety. 2. Remove from the land any debris arising from carrying out the above step.
 - The period for compliance with the requirements is two months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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Appeal B - Appeal Ref: APP/Y5420/W/19/3241861

Flat A, 38 Alexandra Road, Wood Green, London N8 0PP

- 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 Veseli against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2019/2324, dated 15 August 2019, was refused by notice dated 9 October 2019.
 - The development is described as 'retention of rear garden shed'.
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Decisions

1. Appeal A and Appeal B are dismissed, planning permission is refused, and the enforcement notice is upheld.

Main Issues

2. The main issues are the effect of the development on:
 - the character and appearance of the surrounding area; and
 - the living conditions of nearby residents, with particular regard to outlook.

Reasons

3. The development comprises a single storey outbuilding located in the rear plot of 38 Alexandra Road. No 38 is a two storey dwelling that has been converted into flats. The rear garden plot has been subdivided, with the area nearest to

the house dedicated to the ground floor flat, and the section farthest from the house used by the upper floor flat.

Character and appearance

4. From the submitted block plan, it appears that the grain in the surrounding area tends to follow the traditional layout of terraced or semi-detached dwellings facing the road, with relatively long, narrow plots to the rear. Behind No 38 there was a strip of land separating the backs of Alexandra Road from the properties on Burghley Road. This has since been redeveloped to provide two single storey houses¹. Nevertheless, due to that gap, the plot of No 38 has been somewhat more truncated than those plots further to the north on the same side. Aside from this factor, it reflects a fairly typical plot layout for the area.
5. Within this context, the Council indicate that they are not opposed to the principle of an outbuilding at the appeal property. It is the case that outbuildings within the rear plots may not be uniform in terms of their siting or layout. However, Policy DM1 of the Haringey Development Management DPD (DPD) sets out design principles and requires that development should relate positively to its locality. Specifically, it should have regard to the form, scale and massing prevailing around the site, and also the urban grain of the area.
6. In this case, the outbuilding splits the plot in two, and so the sense of volume and spaciousness, which is important in a tightly built up area, has been lost. Traditionally, outbuildings are subservient in scale to the main building they are associated with. Although the development is not excessive in height at around 2.2m, it spans the width of the plot, thus visually dominating it. To that extent, it is not a subservient feature. Although sufficient space is left for the flat in terms of amenity requirements, it does not follow that the development is visually acceptable in terms of its character and appearance.
7. The appellant argues that the pattern of outbuildings in the locality is relatively random. On my site visit, it was difficult to see the layouts of the neighbouring gardens due to the heights of the boundary treatments. However, the appellant has provided Google Earth images that show the rear plots. My attention has been drawn to approximately four examples of single storey outbuildings that, in the appellant's view, characterise the local area.
8. It is clear that the rear plots have been developed in an ad hoc manner over the years. Nevertheless, the images show just as many, if not more garden spaces that remain relatively open and undeveloped. It is certainly difficult to discern any other examples where plots have been split in two by garden buildings, as is the case at the appeal site. I can therefore conclude that the siting of the unauthorised outbuilding within its plot departs from the typical form of development in the area.
9. The appellant also describes the 2011 scheme as following an unconventional siting within the garden setting. However, the houses are not in gardens but in a piece of land in between the gardens. They are also principle dwellings, and so do not have the same functional relationship to the surrounding terraced houses. Whether or not they may be regarded as a positive addition to the

¹ Planning ref: HGY/2011/0568, 'the 2011 scheme'

area, they do not justify the departure from policy that the development gives rise to.

10. Drawing these factors together, I conclude that the development unacceptably harms the character and appearance of the surrounding area, contrary to the requirements of DPD Policy DM1. It further fails to accord with Policy 7.4 of the London Plan (LP), which relates to local character, and LP Policy 7.6, insofar as it seeks to secure design that is appropriate to its context.
11. Within the planning officer's report, the Council also raise objection to the appearance of the double doors which allow access to the development from the side lane. This is on the grounds that the side lane cannot be accessed by vehicles, and that the doors reflect a commercial aesthetic that is out of keeping in a residential context. However, it is not uncommon to find double doors of this kind in domestic outbuildings. On my visit, it seemed to me that the doors were only a little wider than the adjacent door serving the yard and were not dissimilar to it in terms of appearance. Therefore, notwithstanding my conclusion on the visual impact of the building as a whole, I find this element of the design to be acceptable.

Living conditions

12. To the rear of No 38 is a single storey extension to the ground floor flat. The submitted ground floor plan shows that the rear windows of the extension serve a bedroom and a bathroom, which is a non-habitable room. The bedroom window looks directly towards the new outbuilding.
13. I have taken into account the fact that the bedroom is dual aspect. However, the second window looks into the side lane, meaning that the outlook is even more curtailed by the narrow width. There is also a lack of privacy as the lane appears to be the only point of access for the occupants of the rear dwellings. Therefore, the rear window is the more important of the two in terms of the living conditions of occupants using the bedroom.
14. At a distance of approximately 4.8m from the rear bedroom window, the outbuilding gives rise to a markedly increased sense of enclosure for those occupants using the bedroom. Previously, views from this room would have been available along the length of the plot, but the creation of the outbuilding has substantially reduced this outlook. This in turn has caused the views from the bedroom to be significantly more confined, and the sense of spaciousness reduced. These effects are more acute given the lack of outlook and privacy afforded by the side window.
15. I therefore find that the development unacceptably harms the living conditions of nearby residents, contrary to DPD Policy DM1, insofar as it requires development to provide appropriate open aspects to adjacent buildings, and LP Policy SP11, which amongst other things, seeks to create places and building that are high quality, attractive and sustainable. Conflict would also arise with LP Policy 7.4, which seeks to ensure that people feel comfortable with their surroundings, and LP Policy 7.6, which seeks to avoid unacceptable harm to the amenity of surrounding buildings.
16. The Council also refer to the effect of the development on a rear bedroom window at 40 Alexandra Road, which adjoins the appeal property and overlooks

the development. However, little further detail is given as to the location of this window.

17. I accept that a 2m fence could be erected along the boundary with No 40 without planning permission. There is no information to confirm the height of the boundary treatments as they existed prior to the construction of the unauthorised development. On the one hand, 2.2m may be a significant increase within an already confined space. Conversely, the main outlook from the rear of No 40 is directly along their own plot, and the development has not altered that situation.
18. In short, there is insufficient evidence for me to be certain that the living conditions of occupants at No 40 have been materially worsened by the new outbuilding. However, in view of the harm I have identified above, this matter is not determinative in the outcome of the appeals. Although the appellant makes reference to planning permission HGY/2018/1855, there is insufficient detail of that case for me to be certain that it directly parallels the circumstances of these appeals.
19. As the appellant points out, the property has been subdivided and does not have the permitted development rights for outbuildings that would be afforded to a single dwelling house. However, whether or not this is a coincidence can have little bearing on my consideration of the case.

Conclusion

20. For the reasons given above, Appeals A and B are dismissed, planning permission is refused, and the enforcement notice is upheld.

Elaine Gray

INSPECTOR