



Appeal Decision

Site visit made on 20 October 2020

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH

an Inspector appointed by the Secretary of State

Decision date: 28 October 2020

Appeal Ref: APP/Y5420/C/20/3249780

192 Stroud Green Road, London N4 3RN

- 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 Yusuf Hadari (192 Stroud Green Road Ltd) against an enforcement notice issued by the Council of the London Borough of Haringey.
 - The enforcement notice was issued on 17 February 2020.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of a first floor rear extension.
 - The requirements of the notice are to:
 1. Demolish the first floor rear extension in its entirety OR modify the extension so that it accords with the approved drawings 984/01/02, 984/01/06 & 984/01/03 Rev C associated with planning permission HGY/2017/0202 granted by the Council on 6 July 2017.
 2. Remove from the land any debris resulting from carrying out step 1) above.
 - The period for compliance with the requirements is 4 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) and (g) of the Town and Country Planning Act 1990 as amended. As an appeal has been made 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 and the enforcement notice is quashed. 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 first floor rear extension on land at 192 Stroud Green Road, London N4 3RN referred to in the notice, subject to the following condition:
 - 1) The building operations hereby permitted shall be demolished and all materials resulting from the demolition shall be removed within 21 days of the date of failure to meet any one of the requirements set out in i) and ii) below:
 - i) Within 4 months the flank elevations of the ground and first-floor rear extensions which are visible externally are to be replaced by second-hand London Stock Brick, to match the brick work used in the original building.
 - ii) Within 4 months the rear elevations of the ground and first-floor rear extensions which are visible externally are to be covered by second-hand London Stock brick slips, to match the brick work used in the original building.

Upon implementation of these works, they shall thereafter be retained.

In the event of a legal challenge to this decision, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Preliminary matters

2. Step 1 of the notice requirements (section 5) provides alternative options for compliance: either the appeal extension is to be demolished or it is to be modified in accordance with specified approved drawings associated with planning permission HGY/2017/0202¹ ('the approved scheme', which includes a half-width first-floor rear extension projecting to a depth of 4.5 metres).
3. The development subject to the enforcement notice was refused retrospective permission by the Council on 2 December 2019², for the same reasons as set out in the enforcement notice.

Ground (a) and the deemed planning application

Main issue

4. The main issue in this appeal is the effect of the development on the character and appearance of the building and Stroud Green Conservation Area (CA).

Reasons

5. The appeal site lies within the CA. I have applied the statutory duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paid special attention to the desirability of preserving or enhancing the character or appearance of the CA by attaching considerable importance and weight to that desirability.
6. The appeal building is a 4 storey mid-terraced property situated on Stroud Green Road on one edge of the CA. While the commercial frontages of the properties within the terrace face the street, and are therefore highly visible, their lower rear elevations are significantly less so although views thereof are obtained from within the CA including from an alleyway and properties to the rear, and from Alfred Road/Alfred Mews.
7. While I accept that there is an element of architectural cohesion and symmetry resulting from modest pairs of adjoining rear extensions at first floor level spanning approximately half the widths of their host properties, the harmony of the design has significantly eroded over time. The appeal development, with its full width first floor extension and deeper projection than its neighbour, breaks the above broad pattern of development but other examples do too including a missing half-width extension where one might expect a pairing, and one element of a pairing which breaks form by extending significantly deeper than its partner over the full extent of the ground floor extension below.
8. Within this context, the scale and form of the appeal development is not incongruous or overly dominant.
9. However, while there is a broad array of materials utilised across the range of rear structures, the appeal development has not been constructed with the London Stock Brick of the original buildings of the terrace. This is visually

¹ "Conversion of 2no. bedsits to 1no. self-contained one bed flat." Granted on 6th July 2017.

² HGY/2019/2755

jarring when seen against the original brickwork experienced behind and above the extension. The bricks used in the development are of the same appearance, or similar to, those of the ground floor extension below but the contrast against the main building is significantly more pronounced due to its more prominent raised position. Further, the presence of the appeal development exacerbates the contrast of the ground floor brickwork with that of the original building.

10. I am satisfied, however, that the suggested conditions put forward by the appellant (consolidated into a single condition) would neutralise the visual harm caused by the otherwise contrasting materials and would make the development acceptable in utilising second-hand London Stock Brick. The overall effect would be a development that would preserve, and cause no harm to, the character and appearance of the building and CA. Therefore, with the condition, there would be no conflict with Policies 7.4, 7.6 and 7.8 of the London Plan (2016), Policies SP11 and SP12 of the Haringey Local Plan Strategic Policies 2013-2026 (2013) and Policies DM1, DM9 and DM12 of the Haringey Development Management Development Plan Document (2017) which together seek to ensure that proposals are of good design and protect the character and appearance of places, including conservation areas.
11. The condition is imposed to ensure that the necessary works are implemented so as to make the development acceptable in planning terms. There is a strict timetable for compliance because permission is being granted retrospectively, and it is not possible to use a negatively-worded condition to secure the implementation of the works before the development takes place. The condition will ensure that the development can be enforced against if the requirements are not met.
12. The conditioned development would accord with the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal succeeds under ground (a).

Conclusion

13. For the reasons given above I conclude that the appeal should succeed on ground (a) and planning permission will be granted. The appeal on ground (g) does not therefore need to be considered. I am quashing the enforcement notice.

Andrew Walker

INSPECTOR