



Appeal Decision

Site visit made on 2 November 2020

by Peter D Biggers BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 December 2020

Appeal Ref: APP/Y5420/W/20/3251364

66 (Flat 2), Northumberland Park, Tottenham, London N17 0TT.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr K Azarian against the decision of the London Borough of Haringey Council.
 - The application Ref HGY/2019/3072, is dated 7 November 2019,
 - The development proposed is 3 metre part first floor rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The submitted plans of the proposed rear elevation do not correspond with the proposed floor plan, shows the proposed first floor extension wrongly positioned and gives an inaccurate impression of the proposal. Nevertheless, from the floorplan submitted I have been able to understand the proposal and its effects.
3. The appeal results from the Council's failure to determine the planning application within the prescribed period. There is no formal decision on the application, as jurisdiction was taken away when the appeal was lodged. However, I note the assessment and conclusions submitted in the Council's statement which confirms that it has objections in terms of the impact on the character and appearance of the area and on living conditions for neighbouring occupants.

Main Issues

4. The main issues are therefore:
 - whether the proposed development would have an adverse impact on the living conditions of present and future occupants of flats in Nos 64 and 68 Northumberland Park in terms of light levels, proximity and outlook; and
 - the effect of the proposed development on the character and appearance of the host property and its surroundings.

Reasons

5. The appeal property forms Flat No 2 in No 66 Northumberland Park which is a
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large, semi-detached three storey property constructed in brick and stucco. The flat is contained in a side and rear offshoot to the main house and has a ground and first floor. The flat has the benefit of an extant permission (ref HGY/2019/1572) for a rear, ground floor, single storey extension extending across the width of the plot and the proposed first floor extension would extend over approximately half the width of this new extended ground floor.

Living Conditions

6. Although the houses in this section of the road are semi-detached and No 64 is not paired with No 66, nevertheless the side and rear offshoots to the two buildings immediately adjoin each other at the rear and are currently built to the same depth and height. The proposal would result in a 3 metre deep and approximately 3 metre high extension immediately adjacent to the first floor window and glazed door in the rear of No 64. The result would be enclosing and overbearing on the window to the detriment of the occupants of the adjoining flat. Moreover, as the extension would be on the east side it would result in loss of early morning sunlight to the window particularly during the winter when the sun is lower in the sky.
7. With respect to No 68, I acknowledge that there would be a separation distance between the proposed first floor extension and the rear offshoot to No 68. Whilst drawing 201910/66NP/FFR/04 shows that the extension would not conflict with the 45° rule applied to the first floor window in the rear offshoot of No 68 it does not assess the impact on the ground floor window in the rear elevation of the main house. The width and depth of the proposed extension would cross the 45° line drawn from the centre of that window and, although it is some distance from it, the extension would still have an enclosing and overbearing effect on the outlook from it. In addition to the effect on this window, the proposed extension would also be overbearing on the other ground floor windows in the 2 storey section of No 68's rear offshoot, the largest of which is certainly likely to be a habitable room and the outlook from it would be likely to be adversely affected.
8. The new extension would mean additional height on the west side of No 68 and it is likely that there would be a loss of evening sunlight and increased shadowing of the lower windows in No 68's rear offshoot to the detriment of living conditions for the occupants.
9. The effect of the proposed development, because of its height, depth and positioning would result in over-intensive development of the rear section of the property resulting in adverse impacts on the living conditions for present and future occupants of Nos 64 and 68 as described. As such the development would conflict with *The London Plan* Policy 7.6 and *Haringey Local Plan Development Management DPD* (HLPDMDPD) Policies DM1 and DM12 which seek to manage the impacts of development and protect the amenity of neighbouring occupiers.

Character and Appearance

10. I acknowledge that the rear elevations to the properties in this short section of Northumberland Park generally feature rear offshoots but by and large these are of a similar depth and width. No 66 is the exception where much of the ground adjacent to the offshoot has already been infilled with a single storey extension and a further single storey extension across the whole width of the plot extending further into the garden has already been approved. Whilst of itself the first storey

extension proposed would not be large, together with what already exists and what has been permitted, the cumulative effect of the extensions would be to dominate the rear elevation of No 66, unbalance its appearance with its semi-detached neighbour and would result in a disjointed and incohesive appearance to the property.

11. It has been put to me that the rear elevation would not be seen from the public realm. Whilst this is true, the incongruous scale and mass of the building would be apparent from the properties in Worcester Avenue, and in private views from the Prestwick Court flats to the south off Taylor Close. Whilst I accept these views would be at some distance and partially screened by garden planting the development would appear as obtrusive and out of character in the context of the host building and neighbouring Northumberland Park properties.
12. Taken as a whole, together with what has already been permitted at the property, the proposed extension would fail to comply with HLPDMDPD Policy DM1 which requires all developments to contribute to the distinctive character and amenity of the local area and relate positively to their locality and neighbouring structures. Policy DM12 sets out specific design requirements for housing including in respect of extensions and requires proposals to respect the form, setting, period, characteristics and detailing of the existing building. For the reasons above the scale, massing and extent of development proposed, together with that already permitted, would be over-intensive and would fail to achieve the policy objectives.

Other Matters

13. It has been put to me that no objections have been made to the proposal by neighbours and whilst this is true it is very often the case in rented properties. In any event I must determine the likely impact on living conditions for both present and future occupants and the fact that present occupiers have not objected does not mean the proposal would be acceptable to other residents in the future.
14. I have had regard to the Public Sector Equality Duty contained in the Equality Act 2010 and understand the appellant's wish to provide extended and improved bedroom accommodation and an improved quality of life for the occupants of Flat No 2. However Paragraph 127 of the *National Planning Policy Framework* requires that developments must be visually attractive, sympathetic to local character and provide a high standard of amenity for existing and future users amongst other things and in these respects the proposal fails. The benefit does not therefore outweigh the detrimental impact the proposal would have.

Conclusion

15. I have considered the matters before me but for the reasons given the appeal should be dismissed.

P. D. Biggers

INSPECTOR