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## Appeal Decision

Site visit made on 6 April 2021

**by P D Sedgwick BSc (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 28 April 2021**

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### **Appeal A Ref: APP/Y5420/D/20/3264077**

#### **6 Almond Road, London, N17 0PJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by Mr Ahmed Mansoor against the decision of the Council of the London Borough of Haringey.
  - The application Ref HGY/2020/1828, dated 2 August 2020, was refused by notice dated 10 September 2020.
  - The development proposed is single-storey rear extension with rooflights.
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### **Appeal B Ref: APP/Y5420/D/21/3267158**

#### **6 Almond Road, London, N17 0PJ**

- 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 Ahmed Mansoor against the decision of the Council of the London Borough of Haringey.
  - The application Ref HGY/2020/2545, dated 30 September 2020, was refused by notice dated 11 December 2020.
  - The development proposed is side extension ground floor and 1st floor and rear first floor extension for a bathroom.
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## **Decisions**

### **Appeal A Ref: APP/Y5420/D/20/3264077**

1. The appeal is dismissed.

### **Appeal B Ref: APP/Y5420/D/21/3267158**

2. The appeal is dismissed.

## **Preliminary Matters**

### **Appeal A**

3. Under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.
4. Where an application is made for a determination as to whether prior approval is required for development which exceeds the limits in paragraph A.1(f) but is

allowed by paragraph A.1(g) to Part 1, paragraph A.4(3) provides that the local planning authority may refuse the application where it considers that the proposed development does not comply, or that the developer has provided insufficient information to enable the authority to establish whether the proposed development complies, with the conditions, limitations or restrictions that are applicable to such permitted development.

## **Appeal B**

5. The Council's reason for refusing the application refers to policies 7.4 and 7.6 of the London Plan (2016), which relate to the quality of design and its contribution to local character. That plan has since been superseded by the London Plan 2021 (LP) which was published in March 2021. Policy D3 of the LP sets similar requirements for development with respect to the quality of design and how it responds to local character. I have therefore determined the appeal with regard to policy D3 and am satisfied that neither party will be caused an injustice by taking this approach.

## **Main Issues**

6. The main issue in respect of Appeal A is whether the proposed development would be granted planning permission by Article 3, Schedule 2, Part 1, Class A of the GPDO.
7. The main issues in respect of Appeal B are the effect of the proposed development upon:
  - the character and appearance of the building and surrounding area; and,
  - the living conditions of future occupants of the development, with particular regard to levels of daylight and sunlight, and outlook.

## **Reasons**

### **Appeal A**

8. Paragraph A.1 (b) of schedule 2 of the GPDO does not permit development where, as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse).
9. The Department for Communities and Local Government Permitted development rights for householders Technical Guidance (September 2019) (The Guidance) provides advice on assessing the 50% curtilage ground cover limit. It states that an assessment should include existing and proposed outbuildings and extensions as well as any proposed new extensions.
10. The Council has not explained the basis of its assessment that the proposed development exceeds the 50% curtilage limit. However, the Officer's Report notes that the plans submitted with the application are inaccurate, with particular regard to the garage, claiming its depth is over 4 metres whereas drawing no AL.06.BP shows it as 2.4 metres. It was clear from my visit that the original garage had been extended to the side and exceeded the depth shown on the plans.

11. Existing buildings at the appeal site cover a substantial part of the curtilage. Therefore, accurate plans are crucial to enable an assessment of whether the proposed development would be within the 50% limit for it to be permitted development. Notwithstanding the Council's assessment, in my view, the lack of accurate plans means that there is insufficient information to establish whether the proposal would be permitted development.

### **Other Matters**

12. The appellant claims that the garden is not used by the owner and that there were no objections to the proposal from neighbours. Also, representations were made regarding the levels of daylight and internal and external space affecting occupants of the proposed development. However, I have only to determine whether the proposed development would be permitted development under the provisions of the GDPO, rather than whether it would be an acceptable form of development in terms of the effect upon the living conditions of future occupants of the building.

### **Conclusion**

13. For the reasons given above, I conclude that appeal A should be dismissed.

### **Appeal B**

#### *Character and Appearance*

14. The appeal site is an end of terrace house on the corner of Commonwealth Road and Almond Road. The gap between the appeal property and the nearest house on Commonwealth Road is enough to allow views across the rear of the terrace, such that the rear elevation of the houses form part of the street scene.
15. The rear of the houses are similar in terms of their bulk and form sharing 3 common elements: the main house, a stepped down and stepped in 2 storey rear projecting wing, which steps down again to a single storey projection. The roof on the main part of the houses is V shaped. Both the 2 storey and single storey projections join those of neighbouring properties and are the same depth, sharing a pitched roof and gable end.
16. The stepped profile and matching adjoining rear wings are key features of houses within the terrace that are visible from Commonwealth Road, and therefore form part of the character of the area. The differences in height and the stepping in of the 2 storey rear wings from the main houses create a sense of subservience between each element, and along with the consistent design of the houses provide rhythm and symmetry.
17. The side and rear elevations of the appeal property are clearly visible from the street because of the site's prominent corner plot location. As the first house in the terrace, it sets the context to views along the rear of it, and to the components that I have identified as contributing to the character of the street close to the junction of Commonwealth Road and Almond Road.
18. The proposed development would include a first floor extension to the rear of the 2 storey projecting wing. It would project substantially beyond that of the adjoining neighbours 2 storey rear wing. Consequently, it would break up the existing symmetry and appear out of proportion with other houses in the terrace. The side extension, by filling in the inset, would remove a component

of the existing design that contributes to the appearance of subservience between the main house and 2 storey rear wing. Unlike other properties in the terrace, it would extend across the full width of the house. This would further break up the symmetry that houses currently share and appear bulky and out of proportion harming the appearance of the host dwelling and the terrace of which it is a part.

19. To conclude on this main issue the proposed development would harm the character and appearance of the building and area and conflict with LP Policy D3, Policy SP 11 of Haringey's Local Plan Strategic Policies 2013 to 2026 (2013) and Policy DM1 of Haringey Development Management Document 2017 (DPD) which require all new development to positively respond to local distinctiveness and character.

#### *Living Conditions*

20. Bedroom 2 on the proposed plans would have a relatively narrow window. The proposed second floor extension projecting out to the side of it would block direct sunlight, mainly in the afternoon, and reduce the outlook from it to some extent. However, 2 skylights would provide additional light, and views would be available looking north across the garden and down Commonwealth Street. Overall, I do not consider that the living conditions of occupants would be significantly harmed by sunlight to a bedroom being limited in the afternoons and evenings, or because the outlook from its window would be slightly restricted.
21. The existing dining room has one side window which looks out onto the side passage and boundary wall. Consequently, outlook is already poor and would not be significantly affected by replacing it with a smaller window looking down the passage rather than across it. The boundary wall already restricts access to daylight and sunlight, but the smaller window would further reduce it. However, given that occupants would have a choice of using the kitchen/dining room or front reception room instead, both of which have reasonable access to natural light, I do not consider that the lower levels of natural light available in the dining room would be a reason to withhold planning permission.
22. Overall, on this main issue I do not consider the proposed development would result in unacceptable harm to the living conditions of existing or future occupants. There would therefore be no conflict with Policy DM12 of The DPD which seeks to ensure extensions provide acceptable amenity standards.

#### **Other Matters**

23. The appellant notes that a previous application for a similar proposal was approved by the Council in 2008 and claims that policies have not changed much since then. Nevertheless, I have to assess the application against current policies and come to my own view regarding the development, rather than relying on the approach the Council may have taken on a previous application.
24. A representation raised concerns regarding overlooking, loss of amenity space and the potential loss of a family home through sub-division of the property. However, as I am dismissing the appeal for the proposal's effect on the character and appearance of the street scene, I have not pursued these matters further.

#### **Conclusion**

25. For the reasons above I conclude appeal B should be dismissed.

*P D Sedgwick*

INSPECTOR