
Appeal Decision

Site visit made on 20 April 2021

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 May 2021

Appeal Ref: APP/Y5420/D/20/3263336

32 Wellington Avenue, Tottenham, London N15 6AS

- 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, 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 M Bindinger against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2020/2529, dated 1 October 2020, was refused by notice dated 16 November 2020.
 - The development proposed is erection of 1.68m deep single storey rear extension.
-

Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3, Schedule 2, Part 1, Class A, paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the Order) for the erection of a single storey extension which extends beyond the rear wall of the original house by 6 metres, for which the maximum height would be 3 metres and for which the height of the eaves would be 3 metres at 32 Wellington Avenue, Tottenham, London N15 6AS in accordance with the terms of the application, Ref HGY/2020/2529, dated 1 October 2020, the plans submitted with it and subject to the relevant conditions and limitations as set out in Schedule 2, Part 1, Class A of the Order.

Procedural Matters and Main Issue

2. The description of development in the heading above is taken from the application form. However, in my decision, I have taken the description of development from the Council's decision notice since this more accurately describes the proposal.
3. The application submitted by the appellant was made to determine whether prior approval was required for a single storey rear extension under Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended. The proposed development exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g). Thus, as required by Paragraph A.4(5), the Council notified adjoining owners or occupiers about the proposed development.
4. Given the objection from the occupier of an adjoining property, the prior approval of the Council was required as to the impact of the proposed development on the amenity of any adjoining premises. The Council refused to grant prior approval.

5. The main issue is the effect of the proposed development on the living conditions of the occupiers of Nos 30 & 34 Wellington Avenue, with particular regard to daylight, sunlight and outlook.

Reasons

6. The appeal property is a mid-terrace dwelling, which has an existing single storey rear extension. The proposed single storey rear extension would project 1.68 metres from the existing extension, and the overall depth of the enlargement would extend 6 metres beyond the rear wall of the original dwelling.
7. No 34 Wellington Avenue has an existing single storey rear extension, which is positioned adjacent to the boundary with the appeal site. This includes patio doors in the rear elevation. The proposed single storey rear extension would project a small distance of around 1.68 metres beyond the rear extension at No 34, and the proposed ground floor plan shows that it would not infringe a 45 degree line measured from the centre of No 34's patio doors. Whilst the proposal would be taller than the neighbouring extension, having regard to the small projection beyond the rear patio doors, it would not cause a significant loss of daylight, sunlight, or outlook to the habitable rooms of No 34. Furthermore, the proposed extension would not cause an unacceptable sense of enclosure or excessive overshadowing of No 34's garden.
8. The projection of the proposal beyond No 30's rear extension would be quite modest. Taken together with the single storey height of the proposed extension, I do not consider that it would cause a significant loss of daylight, sunlight or outlook to the habitable rooms or garden of the neighbouring property.
9. For these reasons, I conclude that the proposed development would not cause significant harm to the living conditions of the occupiers of Nos 30 & 34 Wellington Avenue, with particular regard to daylight, sunlight and outlook. The proposal would therefore comply with Policy DM12 of the Haringey Development Management Development Plan Document 2017 and Policy SP11 of the Haringey Local Plan Strategic Policies 2013-2026 Consolidated with Alterations 2017, which, amongst other things, state that all residential extensions must be of a high quality, taking account of the privacy and amenity of neighbouring uses.
10. I have had regard to a letter of objection from a local resident. In addition to the above matters, it raises concerns relating to loss of privacy, and noise and dust caused by construction works. The appeal site is located in a built-up residential area where there is already mutual overlooking of rear gardens. The ground floor position of the rear windows would ensure that the proposal would not cause a material loss of privacy to neighbouring occupiers. Furthermore, due to the small-scale nature of the proposal, construction works would be likely to be short-lived in duration. There are also legislative controls outside the planning system to protect residential amenities during construction works.

Conclusion

11. For the reasons given above, I conclude that the appeal should be allowed.

C Osgathorp INSPECTOR