

Appeal Decision

Site visit made on 19 April 2021

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 May 2021

Appeal Ref: APP/Y5420/D/20/3263608

7 Church Road, London N6 4QH

- 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 Lehel against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2020/2299, dated 2 September 2020, was refused by notice dated 4 November 2020.
 - The development proposed is a new first floor providing additional living space including a shower room and terrace.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposal would preserve or enhance the character or appearance of the conservation area; and the effect on the living conditions of neighbouring residents.

Reasons

3. The property is a modern dwelling of contemporary design. The dwelling has been carefully designed to utilise the limited space available whilst minimising the impact on adjacent properties.

Character and appearance

4. The property lies within the Highgate Conservation Area. It has only a limited wider impact due to its height and position away from the highway. The proposed alterations would reflect the modern appearance of the existing structures. The greater articulation and variety of materials and forms would complement the dwelling and remain of limited wider prominence within the conservation area.
 5. Given the carefully considered design, the altered property would not result in any additional harm to the character or appearance of the conservation area and would represent complementary design. It would not conflict with the heritage requirements or design aspirations of the policies of the newly adopted London Plan 2021; Haringey's Local Plan Strategic Policies 2013 (Consolidated
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with alterations since 2017)(LP); the Development Management DPD 2017 (DPD); or the Highgate Neighbourhood Plan 2017 (NP).

Living conditions of neighbouring residents

6. The existing building, although designed to limit its impact on neighbouring properties, is already a dominant feature when viewed from the gardens and rear facing rooms within 5 and 3 Church Road but also the closest neighbouring property in Bramalea Court, number 7. Although set back, the proposed new element would add to its prominence when in the rear facing rooms of 5 Church Road in particular. It would also reduce the outlook from the rear facing rooms of number 3 and be more overbearing when in its garden, particularly the area immediately to the rear of the conservatory. It would also increase shading during the afternoons. In addition, it would reduce the outlook from the rear facing windows of 7 Bramalea Court and be more overbearing when in that garden. Although the raised deck has been designed to minimise the outlook from it, it would increase the potential for overlooking into the neighbouring gardens.
7. Overall, the impact on the living conditions of the residents within the ground and first floor levels of 5 and 3 Church Road; and 7 Bramalea Court, would be unacceptable with regard to the reduction in outlook from within these properties. The reduction in outlook from the gardens of 3 Church Road and 7 Bramalea Court; the greater shading of the garden of 3 Church Road; and the potential for overlooking of that garden and that of 7 Bramalea Court, adds to my concerns. I am not satisfied that the measures proposed to prevent overlooking would be adequate. In any event, the reduction in outlook alone would be unacceptably harmful and would result in conflict with the amenity requirements of DPD policies DM1(D) and DM12(A). As these policies accord with the amenity aspirations of the National Planning Policy Framework, I afford them full weight. Whilst the decision and submissions relate to the former London Plan, the policies within the London Plan 2021 do not differ significantly in this respect; and do not offer support for the proposal.

Conclusions

8. Whilst care has been taken to complement the existing design and detailing of this property, it already has a significant impact on the living conditions of the neighbouring residents. The original development resulted in a new dwelling and an efficient use of space within this urban area. The benefits of the proposed additional floorspace are more limited. It would provide improved living accommodation for the applicant and additional outdoor amenity provision, both of which provide some weight in its favour. I am satisfied that the appearance of the extended property would not result in harm to the conservation area and would represent complementary design but this is a neutral rather than a positive consideration in the planning balance.
9. The benefits of the proposal are not sufficient to outweigh the reduction in amenity that would result because of the proximity of this new higher element to neighbouring properties. I therefore dismiss the appeal.

Peter Eggleton
INSPECTOR