The Planning Inspectorate

Appeal Decision

Site Visit made on 19 May 2021

by S J Lee BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 June 2021

Appeal Ref: APP/Y5420/W/20/3262412
2E Newton Road, London N15 4PJ

- 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 and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).
- The appeal is made by Llondon Ltd against the decision of London Borough of Haringey.
- The application Ref HGY/2020/2314, dated 14 September 2020, was refused by notice dated 29 October 2020.The development proposed is an application to determine if prior approval is required for a proposed enlargement of a dwellinghouse by construction of an additional storey which extends 2.62m above the existing roof height.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO) allows for up to two additional storeys to a dwellinghouse, subject to limitations and conditions set out under Class AA.1 and Class AA.2. The Council's concerns relate only to conditions of paragraph AA.2(3)(a)(i) and (ii). The first of these requires consideration of the impact of the development on the amenity of any adjoining premises, including overlooking and the loss of light. The second factor requires consideration of the external appearance of the dwellinghouse, including the principal elevation and any side elevation that fronts a highway.

3. Since the original decision was made, the new London Plan (LP) (2021) has been adopted. The Council has identified which policies in the new LP are relevant and I have had regard to these in my decision where appropriate. The appellant had the opportunity to address these issues in their final comments.

Main Issues

4. Having regard to the above, the main issues are the effect of the development on (i) the character and appearance of the area, and (ii) the living conditions of neighbouring occupants, with particular regard to privacy.

Reasons

Character and appearance

5. The appeal relates to a terraced two-storey dwelling. It is within a row of dwellings which have largely retained their original form and character and any visual differences that might exist are not significant or prominent. While the

terrace is not listed or in a conservation area, the retention of its original uniform character is notable.

6. The development would significantly disrupt the homogenous character and appearance of the terrace. Regardless of the use of matching materials, the sudden and jarring increase in height within the terrace would appear as a wholly incongruous addition to the street scene. The flank walls and eaves would also project obtrusively above those of the neighbours and become an unduly dominant feature. The result would not constitute a good standard of design or awareness of the character of the surrounding area.

7. There are buildings in the vicinity of the site which are taller. However, these are all purpose-built blocks of flats. These differ considerably in appearance to what is proposed here and do not justify an unsympathetic extension that would have an unacceptably harmful impact on the character and appearance of the host dwelling and the wider area.

8. In coming to my decision, I have had regard to the resulting conflict with LP policies D3, D4, D5 and D6, Haringey Local Plan (HLP) (2017) Policy SP11 and Haringey Development Management Development Plan Document (DMDPD) (2017) Policy DM12. Amongst other things, these policies collectively seek to ensure extensions are of a high quality of design and respond to local distinctiveness.

Living conditions

9. Views into neighbouring gardens will already be possible from existing rear bedroom windows. I acknowledge that the elevated position of the windows might give rise to some increase in the perception of being overlooked. However, it is unlikely that the additional height of the windows would provide opportunities to see into areas that cannot currently be seen. It is clearly not unusual for gardens to be overlooked in a residential area such as this. In my view, it is unlikely that the development would alter the existing situation to any significant degree.

10. In coming to this conclusion, I have had regard to the relative floor to ceiling heights of the host property. However, I am also conscious that the new windows would be no closer to neighbouring properties than at present. This would help to mitigate any potential impacts from the development.

11. I am therefore satisfied that there would be no conflict in this regard with LP Policy D3, HLP Policy SP11 or DMDPD Policy DM1. Amongst other things, these seek to ensure that development delivers appropriate levels of privacy.

12. The Council's reason for refusal also refers to the overbearing impact of the development and the visual amenity of residents. However, these factors are not referred to in paragraph AA.2.(3)(a)(i) and thus are outside the scope of the appeal.

Other Matters

13. There is nothing in the GPDO to suggest that the Council's approach to the assessment of the external appearance of the dwelling was incorrect. In having to consider a range of factors under paragraph AA.2.(3), it is clear that approval for additional storeys should not be seen as a foregone conclusion. I therefore find no merit in the appellant's argument in this respect.

14. The Council drew my attention to two appeal decisions[1]. While clearly related to different cases and authorities, I took these to be examples of how other Inspectors had addressed issues of character and appearance, rather than an attempt to draw any direct comparisons to this proposal. I have had regard to these decisions in this context only.

15. The appellant has drawn my attention to a Supplementary Planning Document (SPD) for House Extensions in South Tottenham (2013). This document does not apply to the appeal site and is thus of little relevance. I note that the document does not rule out additional storeys, including within terraces. However, each proposal must be considered on its own merits having regard to the specific characteristics of the site and area. In this case, I have found that the increase in height would not be acceptable in the context of the appearance of the host dwelling or the surrounding built form. As such, the SPD adds no weight in favour of the proposal.

16. The appellant has also suggested that market forces may result in all dwellings in the row having additional storeys. There is no evidence to support this assertion and it does not justify approving an individual alteration that would be harmful in its own right. It would also not be appropriate to speculate on the likelihood of other owners in the row seeking to extend their homes in the same way.

17. Finally, the appellant suggests the development would be ensuring more homes in an area where a 5-year supply of deliverable housing land cannot be demonstrated. Consideration of the development is limited to the requirements of the GPDO only. This does not provide scope for any other factors to be considered in balancing out the impact of development. Nevertheless, the proposal is for an additional storey to an existing dwelling. As such, it would not contribute to any shortfall in the overall housing land supply. This factor would not therefore weigh in favour of the development in any event.

Conclusion

18. For the reasons given above I conclude that the appeal should be dismissed.

S J Lee

INSPECTOR

[1] Appeal references: APP/E2734/D/21/3266993; APP/N4720/D/20/3265607