
Appeal Decisions

Site visit made on 21 July 2021

by Diane Lewis BA(Hons) MCD MA LLM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 July 2021

Appeal A Ref: APP/Y5420/C/20/3260490

Appeal B Ref: APP/Y5420/C/20/3260492

Land at 66 Plevna Crescent, London N15 6DW

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeals are made by Mr Joseph Gottesfield (Appeal A) and Mrs Esther Rosenberg (Appeal B) against an enforcement notice issued by the Council of the London Borough of Haringey.
 - The enforcement notice was issued on 26 August 2020.
 - The breach of planning control as alleged in the notice is: Without planning permission, the erection of a metallic shed on top of a single storey rear extension.
 - The requirements of the notice are:
 1. Remove the metallic shed that has been erected on top of a single storey rear extension in its entirety.
 2. Remove from the land any debris resulting from carrying out step 1) above.
 - The period for compliance with the requirements is Two (2) months.
 - Appeal A is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a) an application for planning permission is deemed to have been made under section 177(5) of the Act as amended.
 - Appeal B is proceeding on the grounds set out in section 174(2)(f) and (g) of the Act as amended.
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DECISIONS

Appeal A

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal B

2. The appeal is dismissed and the enforcement notice is upheld.

REASONS

Planning Policy

3. Since the enforcement notice was issued the London Plan 2016 has been superseded by the London Plan 2021 and Policies 7.4 and 7.6 have been replaced by Policies D3 and D4. In addition, a revised National Planning Policy Framework has been published, taking effect from 20 July 2021. I am satisfied

that the updates in policy raise no new relevant matters in the determination of this appeal.

Appeal A: ground (a)

4. The main issue is the effect of the shed on the appearance of the property and the local residential area.
5. Plevna Crescent is a small area of housing to the north of St Anne's Road. The housing layout comprises terraces fronting onto Plevna Crescent as well as small housing courts. The terraces are quite densely developed but there are also amenity spaces. The area has an identity through the coherence in the layout and design of the dwellings and use of materials.
6. The appeal site at No 66 is a three storey end of terrace dwelling, built of brick with a pitched slate roof. At the back is a single storey flat roofed extension and a garden. At the side of the property is a passage that gives access between the terrace houses. The metallic shed is sited on top of the rear extension and is very visible from the passage and surrounding houses. Because of its siting, size, elevated position and materials it looks very out of place against the backdrop of the residential terrace. The structure is visually intrusive and harmful to residential amenity.
7. For these reasons the metallic shed does not relate positively to its locality and therefore is contrary to Policy DM11 of the Haringey Development Management Plan Document 2017. There is also conflict with Policy SP11 of the Haringey Local Plan which requires high standards of design that enhance the built environment. Similarly, Policies D3 and D4 of the London Plan aim to secure good design.
8. The appellant has stated that the shed houses freezers, a fridge and shelving units and if permission is not granted he would replace the shed with a plastic cover. I doubt very much whether this would be a workable, weather proof or safe solution. The probability is that other more conventional solutions would be found for domestic storage for the needs of the family.
9. The shed is incongruous and detrimental to the appearance of the property and surrounding residential environment. The harm is primarily caused by the presence of a structure sited on top of the rear extension. Cladding the shed or the erection of screening as forms of mitigation would not be appropriate solutions and could make matters worse.
10. In conclusion, the erection of a shed on the top of the extension at the back of the house is not in accordance with the development plan. The other considerations put forward by the appellant do not have sufficient weight to overcome this conflict. The harm is not able to be resolved through planning conditions. The development is unacceptable and the appeal on ground (a) does not succeed.

Appeal A and Appeal B: ground (f)

11. The issue is whether the requirements of the notice are excessive to achieve the purpose of the notice.

12. The breach of planning control is the erection of the metallic shed and the remedy of removing the shed is not excessive in order to return to the position before the unauthorised development took place.
13. The representations of the appellants to a large extent repeat those used in ground (a) and which I have considered above. The representations acknowledge that the use of a plastic sheet would be more harmful to amenity, not an improvement and therefore is not an appropriate alternative lesser step. In any event the proposal is based on the removal of the shed. Additional works to clad or screen the shed are not specified in any detail whereas it is important that requirements are precise and specific, so it is clear what is to be done. Furthermore ground (f) is not the way to gain planning permission for new building works.
14. In light of these considerations, the appeals on ground (f) do not succeed.

Appeal A and Appeal B: ground (g)

15. The issue on this ground of appeal is whether the compliance period of two months is reasonable.
16. The appellants have asked for four months to take account of the stress and financial difficulties associated with the pandemic.
17. Balanced against these considerations, effective enforcement is important to maintain public confidence in the planning system. The development is causing harm to the local residential environment and should be removed as soon as possible. No physical constraints in arranging removal have been identified. I consider two months is reasonable. The appeals on ground (g) fail.

Conclusion

18. For the reasons given above I conclude that the appeals should not succeed. I shall uphold the enforcement notice and in respect of Appeal A I refuse to grant planning permission on the deemed application.

Diane Lewis

Inspector