



Appeal Decision

Site visit made on 8 September 2021

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2021.

Appeal Ref: APP/Y5420/D/21/3275504

102 Victoria Road, London, N22 7XF

- 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 Ms Kerri Darn (Rooftop Rooms Ltd) against the decision of London Borough of Haringey.
 - The application Ref HGY/2021/0574, dated 11 February 2021, was refused by notice dated 22 April 2021.
 - The development proposed is erection of a roof terrace with one french door, enclosed with railings to the rear of the first floor outrigger.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have adopted the description of the proposed development on the Council's decision notice as it more accurately describes the proposal.
3. On 20 July 2021 the Government published a revised version of the National Planning Policy Framework (July 2021) (Framework). However, the policies that are relevant to this appeal have not changed and there was no need, therefore, to invite the parties to make further submissions in response to the revised Framework.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and
 - the living conditions of neighbouring occupiers, with particular regard to overlooking.

Reasons

Character and appearance

5. The appeal site forms part of a terrace of two storey properties on the northern side of Victoria Road. As with the host property, a number of neighbouring properties have been extended to provide accommodation at roof level facilitated by the construction of rear dormer extensions. As I observed on my site visit, there are also numerous examples of roof terraces within the surrounding area.

6. The proposed roof terrace would be sited on the rearmost part of the existing first floor outrigger to the host property and would be accessed via the extensions built under permitted development. My understanding from the Certificate of Lawfulness granted for the latter (Ref. HGY/2020/1682), is that these extensions were built on part of the existing outrigger. The proposed terrace would effectively result, therefore, in most of the remaining pitched roof element to the original outrigger being removed.
7. Within the above context, the appeal proposal would, in my judgement, result in the loss of an important and integral design feature of the outrigger to the host property. Whilst I accept that part of the pitched roof to the outrigger has already been lost, the rearmost part of this remains intact and its replacement by the proposed terrace would result in an awkward and disjointed relationship with the other half of the outrigger on the adjoining property, 104 Victoria Road (No.104).
8. Overall, the poor design and siting of the proposed terrace would be harmful to the character and appearance of the host property and the wider terrace. It would result in an incongruous addition to the host property. Even though the proposal is at the rear, as I observed on my site visit, it would still be visible from certain public vantage points and from surrounding properties.
9. The Appellant has referred to examples of other terraces in the locality. However, those that I observed on my site visit did not appear to be similar in terms of their siting or visual impact on existing outriggers. Moreover, whilst various aerial images have been provided by the Appellant of some of these roof terraces, in the absence of full details of the planning background to these cases it is not clear to me whether any involved similar circumstances or are directly comparable to the appeal proposal. Even so, the image provided of the terrace, which includes the appeal site, appears to show that all the existing outriggers largely remain intact, and as such remain a positive feature of the character and appearance of the area.
10. The Appellant also contends that not all of the existing pitched roof to the outrigger on the host property would be lost. Whilst I note that the proposed terrace would be set back from the boundary edge to the outrigger, the submitted plans show that the majority of the pitched roof and associated brickwork would be lost, upsetting the built rhythm of the existing terrace. The fact that the appeal site is not located within a Conservation Area and that there would be no impact on other heritage assets, does not affect the findings I have reached.
11. Accordingly, I find that the proposed terrace would introduce a discordant addition on the rear elevation that would be harmful to the character and appearance of the host property and wider terrace contrary to policy D6 of the London Plan 2021, policy SP11 of the Haringey Local Plan 2013 and policies DM1 and DM12 of the Haringey Development Management Development Plan Document 2017 (DMP). These policies seek to ensure, amongst other requirements, that new development is of a high quality that respects its local context and character and, for extensions, secures a sensitive design that complements the form and architectural detailing of the original building.

Proposed terrace – living conditions of neighbouring occupiers

12. The proposed terrace would face onto the rear elevations and gardens of the properties in Clyde Road. However, given the distance involved, existing landscaping and their orientation relative to the appeal site, I am satisfied that the proposal would not give rise to any material overlooking of those properties.
13. The proposed terrace would provide views into the rear gardens of the adjoining properties, 100 Victoria Road (No.100) and No.104. Whilst the presence of existing scaffolding on the host property during my site visit made viewing of these relationships difficult, the proposed terrace would also appear to afford oblique views of the side windows to the outrigger of No.100.
14. The Appellant contends that the small size of the proposed terrace is such that it would not be sufficient to accommodate a table and chairs. That may be so, but it would be large enough for someone to sit out or stand on and the proposed railings would not provide any meaningful screening in that respect. Even so, as the proposed terrace would be set back from the boundary edge to the outrigger and bearing in mind the level of overlooking that is an inherent characteristic of closely knit terraces, as well as the examples of existing terraces in the surrounding area, I am not convinced that the level of overlooking would be sufficiently harmful to justify on its own the refusal of planning permission.
15. Given the above, on balance, I find that the proposed terrace would not give rise to an unacceptable level of overlooking and would thus not be contrary to the relevant requirements of policies DM1 and DM12 of the DMP.

Conclusions

16. For the reasons given above and having taken all other matters into account, I conclude that the appeal should be dismissed.

G Roberts

INSPECTOR