



Appeal Decision

Site Visit made on 20 August 2021

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th September 2021

Appeal Ref: APP/Y5420/W/21/3268647

First Floor Flat B, 97 Crowland Road, Tottenham, London N15 6UR

- 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 Y Khubani against the decision of London Borough of Haringey.
 - The application Ref HGY/2020/2779, dated 28 October 2020, was refused by notice dated 23 December 2020.
 - The development proposed is external alterations to outrigger roof to create amenity space including balcony and roof terrace.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the original decision The London Plan 2021 (LP) has been published by the Mayor of London. It comprises the spatial development strategy for London and is now part of the development plan. The policies contained in the LP replace those of The London Plan 2016 referred to in the Council's original decision.
3. In their statement, the Council have commented that Policies D1, D4 and D8 of The London Plan 2021, replace Policies 7.4 and 7.6 of The London Plan 2016 as referred to in the original Decision Notice.
4. On 20 July 2021, the Government published its revised National Planning Policy Framework ('the Framework'). It replaces the previous version published in February 2019. The Framework represents the Government's up-to-date planning policies for England and how they should be applied. Both main parties have had the opportunity to comment on any relevant implications for the appeal. I have had regard to the Framework in reaching my decision.

Main Issues

5. The main issues are the effect of the proposed development on 1) the character and appearance of the host property and the surrounding area, and 2) the living conditions of occupants of neighbouring properties with specific regard to privacy.

Reasons

Character and appearance

6. The appeal property is a first floor flat located on the northern side of Crowland Road. It is located on a terrace of other residential properties, many of which have been extended and altered. There is a two-storey residential development, Platinum Mews, to the rear of the terrace.
7. The proposed roof terrace would be located on top of the existing two storey outrigger, where the existing roof slope would be removed to create a flat roof onto which the terrace is proposed. An existing window would be replaced with a door to allow access. A balustrade would be positioned around the edge of the terrace.
8. The rear of the properties on the terrace on which the appeal property is located contain various extensions and outbuildings. There is also a wide range of external materials. For these reasons, I do not agree with the Council that the rear of the properties has an uncomplicated, traditional appearance. I also do not agree that there is a uniform fenestration, as I observed that many windows, including at the appeal property had been altered from their original position and proportion. Additionally, the window that is proposed to be replaced appears to be part of a more recent roof extension to the property. Nevertheless, the proposed door would be in the same position and of the same width.
9. The terrace and the balustrade, although being in an elevated position would not be prominent in the Crowland Road street-scene where the main public vantage points are located. The retained pitch of the roof of the adjoining outrigger, and the projection and scale of the adjacent outrigger would, for the most part, screen the terrace and the balustrade. Although it would be visible from the properties directly to the rear on Platinum Mews, in the context I have identified I do not consider that its appearance would cause unreasonable harm.
10. I therefore consider that the proposed roof terrace would not cause unreasonable harm to the character and appearance of the host property and the surrounding area. It would comply with Policy SP11 of Haringey's Local Plan – Strategic Policies (2013) and Policies DM1 and DM12 of Haringey's Local Plan – Development Management DPD (2017) which require, amongst other things, that development is of a high standard of design including for residential extensions.
11. The proposed development would also comply with Policies D1 and D4 of The London Plan (2021) which also require good design to be delivered in all developments. Policy D8 of The London Plan, which the Council consider to be relevant, refers to the creation of Public Realm which I do not find pertinent in the appeal.

Living conditions

12. The appeal property is situated in a relatively confined space with other residential properties, including those to either side, below and to the rear. The existing outrigger to 95 Crowland Road and the siting of properties in Platinum Mews give a particularly close relationship with the appeal property.
13. The proposed roof terrace would occupy an elevated position on top of the existing outrigger. This siting, when combined with the height and transparency of the balustrade would allow unobstructed views into

neighbouring gardens and properties. Such overlooking would have an unacceptable impact on the privacy enjoyed by occupants of surrounding residential properties.

14. I therefore consider that the proposed roof terrace would cause significant harm to the living conditions of occupants of neighbouring properties with specific regard to privacy. It would be contrary to Policies DM1 and DM12 of Haringey's Local Plan – Development Management DPD (2017) which require, amongst other things, that developments must ensure a high standard of privacy and amenity for neighbours and avoid overlooking.

Other Matters

15. I acknowledge the representation received from the occupier of the property, who has outlined their family need for an outdoor area. This is also reiterated by the appellant. Although this is a factor that carries some weight in favour of the appeal, it is nevertheless a matter of personal circumstance that seldom carries significant weight. I do not consider that it outweighs the harm I have identified in this case.

Conclusion

16. Although I do not consider that the proposed development would cause unreasonable harm to the character and appearance of the host property and the surrounding area, this does not overcome the harm I have found in terms of living conditions.
17. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR