



Appeal Decision

Site Visit made on 13 September 2021

by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 September 2021

Appeal Ref: APP/Y5420/D/21/3274503

41 Wellington Avenue, LONDON, N15 6AX

- 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 Meir Taub against the decision of London Borough of Haringey.
 - The application Ref HGY/2021/0785, dated 9 March 2021, was refused by notice dated 4 May 2021.
 - The development proposed is the erection of an additional storey ('Type 3' extension) and a three-storey side extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed extension on the character and appearance of the host dwelling and surrounding area, and
 - The effect of the proposal on the living conditions of occupiers of 30-36 Elm Park Avenue (Nos 30-36) with particular regard to sunlight, daylight and outlook.

Reasons

Character and appearance

3. Wellington Avenue predominately consists of two-storey terraced dwellings within a medium density residential environment. The appeal site consists of an end terrace dwelling within a row of seven similar style dwellings. Some of this row have large front dormer windows. Nevertheless, the row maintains a two-storey character. The appeal site is largely consistent in scale and design with the surrounding buildings. It also contributes towards the useful gap between the host dwelling and houses on Elm Park Avenue, providing some relief from built form. Due to its complementary scale, and in contributing to the gap to its side, the site makes a positive contribution to the character and appearance of the area.
4. The wider area includes dwellings that have been extended vertically with second floors that replicate the volume of the first-floor. The Council's design guidance for House Extensions (2013) supports the principle of this type of extension and defines it as a 'type 3' extension. The guidance is relatively prescriptive. This relates to development that would only extend above the

original dwelling and sets a maximum scale of development. The proposed side extension element of the proposal would exceed the prescribed guidance.

5. The proposed side extension would add a relatively small width of extension to the host dwelling. However, due to its associated volume, the proposal would be substantial in combination with the proposed roof extension element. The proposal in total would be disproportionate to the current scale of the host dwelling. The materials and overall design of the roof extension element would seem to complement design features of the host dwelling. However, the amalgamation of the proposed roof and side extension would result in an obtrusive form of development that would be out of keeping with the host dwelling.
6. The proposed side extension would therefore not be innocuously absorbed into the mass of a 'type 3' extension. Instead, the proposal would have a significantly greater mass, beyond its original footprint, and would be wider than neighbouring dwellings. This would be especially overt being a prominent site at the end of the two-storey terraced block. Furthermore, the side extension would remove the space to the side of the dwelling and erode the gap between the host dwelling and Nos 30-36. The reduction of this gap would further emphasise the harmful effect of the proposal. The proposed extension would therefore have a substantial and harmful effect on the streetscene. In contrast, the single-storey extension (approved under the Certificate of Lawfulness in 2019) has had only a minimal impact on the streetscene with no discernible effect on the existing gap.
7. As a result, the proposed development would be harmful to the character and appearance of the host dwelling and surrounding area. Consequently, the proposal would be contrary to policy SP11 of the Haringey Local Plan (2017)(LP), policy D6 of the London Plan (2021), and policies DM1 and DM12 of the Haringey Development Management Plan (2017)(DMD) and the Council's House Extension Guidance (2013) with respect to character considerations. These policies, among other matters, seek development that would respect the local context and character, relate positively to neighbouring structures and complement the form and setting of original buildings.

Living conditions

8. The appeal site is adjacent to the corner properties of Nos 30-36. As a result, the side elevation of the appeal property is overlooked by rear windows of terraced housing on the corner, over a relatively short separation distance. The housing at Nos 30-36 is a combination of two and three storey houses, some of which have been extended vertically.
9. This neighbouring row is to the west of the appeal site. The existing terrace would therefore already effect access to morning sunlight for occupiers of Nos 30-36. However, the proposed development, being substantially taller and closer than the existing block, would have a significantly greater effect on neighbour's access to sunlight and daylight.
10. The gable end of the proposed side extension would be directly in line with the principal rear windows of 32 Elm Park Avenue. The outlook from these rear windows, serving habitable rooms, would be harmed due to the overall height, width and proximity of the proposal.

11. Consequently, the proposal would result in significant harm to the living conditions of occupiers of Nos 30-36 through loss of sunlight, daylight and outlook. Accordingly, the proposal would fail to satisfy, policy D6 of the London Plan, policies DM1 and DM12 of the DMD and the Council's House Extension Guidance in regard to the effect on living conditions. These policies, inter alia, seek development that would provide sufficient daylight and sunlight for new and surrounding housing and takes account of the amenity of neighbouring uses.
12. However, policy SP11 of the LP does not relate to the impact of development on living conditions and is therefore not relevant to this matter.

Other Matters

13. Planning permission was granted in 2017 for an extension similar to the scheme the subject of this appeal, absent a side extension. The evidence suggests that the appellant intends to implement such a scheme if the appeal is unsuccessful. However, this does not present a fall-back position as it is not in evidence that extant approval for such a scheme exists. As such, the proposal can only be considered on its own merits.
14. I acknowledge that the proposal has gained a letter of support. However, this does not explain why support is given and is of limited weight in favour of the proposal.

Conclusion

15. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal does not succeed.

B Plenty

INSPECTOR