



Appeal Decision

Site Visit made on 8 June 2021

by A Caines BSc (Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 October 2021

Appeal Ref: APP/Y5420/W/21/3268380

57-59 West Green Road, Tottenham, London N15 5DA

- 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 Gulfraz Taj (Taj Partners LLP) against the decision of the Council of the London Borough of Haringey.
- The application Ref HGY/2020/2485, dated 11 August 2020, was refused by notice dated 25 January 2021.
- The development proposed is erection of a single-storey rear extension (retrospective).

Decision

1. The appeal is allowed and planning permission is granted for erection of a single-storey rear extension at 57-59 West Green Road, Tottenham, London N15 5DA in accordance with the terms of the application, Ref HGY/2020/2485, dated 11 August 2020, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; 255/01; 255/02.

Applications for costs

2. An application for costs was made by the appellant against the Council of the London Borough of Haringey. This application is the subject of a separate Decision.

Preliminary Matters

3. The appeal site address is taken from the planning application form, while the description of the development in the banner heading above is taken from the appeal form. However, in my formal decision I have removed reference to 'retrospective' as it is not an act of development.
4. At the time of my site visit it was evident that a single storey rear extension was already in situ, but it was not clear whether it has been constructed entirely in accordance with the appeal drawings. Therefore, for the avoidance of any doubt, my assessment of the appeal proposal is based on the submitted drawings before me.
5. I am advised that there is an ongoing enforcement case relating to the appeal property. However, this is not a matter for me to consider as part of this section 78 appeal, which I have considered on its own merits.
6. I am also dealing with another appeal on this site (Appeal reference: APP/Y5420/W/21/3267332), which will be the subject of a separate Decision.

7. Since the determination of the application that is now the subject of this appeal, the London Plan 2021 (LP2021) was published in March 2021. Further, a revised version of the National Planning Policy Framework was published in July 2021. The main parties to this appeal have had opportunities to comment upon any relevance of these occurrences to the outcome of this appeal.

Main Issue

8. The main issue is the effect of the development on the personal safety of occupiers of the residential accommodation on the upper floors of the building, with particular regard to means of fire escape.

Reasons

9. The appeal site is part of a terraced building containing a parade of ground floor shops with residential accommodation above. To the rear is the Brunswick Road car park. The proposed extension is to provide additional covered storage for the supermarket on the ground floor. The main entrance to the supermarket is on West Green Road, but there is also a small service door at the rear. The flats on the upper floors are accessed independently on West Green Road via a separate door and central internal staircase.
10. The Council contends that the proposal would result in the loss of a fire escape for the occupiers of the upper floor flats. However, there is no evidence that the flats have benefitted from fire escape access to the rear, either internally, or via any external staircase. Consequently, although the extension would cover the whole of the rear yard, there would be no material change to existing fire escape arrangements for occupiers of the upper floor flats.
11. The extension would remove the capacity to install an external staircase within the rear yard. Nevertheless, I have not been presented with any substantive evidence of the need for an external staircase for fire escape purposes. Neither the flats, nor their means of access would be altered by this proposal. I have noted the comments that have been provided from the Council's Principle Building Surveyor, dated 8 April 2021. However, they appear to relate to an entirely separate proposal for the creation of an additional flat, and in any event, do not make reference to the need for an external staircase. Furthermore, the appellant's subsequent and uncontested Fire Risk Assessment (dated 10 June 2021) did not identify any concerns with the means of fire escape in the building, or recommend an external staircase be provided. As such, the Council's stance on the need for capacity to install an external fire escape for the existing flats has not been justified.
12. I therefore conclude, on the evidence before me, that the development would not have harmful implications for the personal safety of occupiers of the residential accommodation on the upper floors of the building, with particular regard to means of fire escape. As such, the proposal complies with Policy D12 of the LP2021, and Policy DM2 of the Haringey Development Management DPD (2017), in so far as they seek to ensure the safety of all building users, including in respect of fire safety.

Other Matters

13. Although not cited in the Council's refusal reason, I have a statutory duty to consider the effect of the proposed extension on the character or appearance of the Clyde Circus Conservation Area (CA) within which the appeal site lies.

14. In so far as it relates to this appeal, this part of the CA derives some of its significance from its urban layout and relatively consistent terraces of two and three storey late Victorian properties with a diverse mix of retail units at ground floor level.
15. Views of the extension would be confined to the rear of the terrace, which is much altered, and includes other similar single-storey, flat-roof extensions that occupy the whole of the rear yard. Having regard to its limited height, the screening effect of the rear boundary wall, and the context of similar extensions, I am satisfied that the proposed extension would have a neutral effect, preserving the character and appearance of the CA. The proposal also complies with LP2021 Policy HC1 and Haringey DPD Policy DM9 in this regard.

Conditions

16. I have not imposed the standard time limit condition because development akin to the appeal scheme has already commenced. However, in this case an approved plans condition is necessary for certainty, and would allow the opportunity to make an application to amend the plans, if required.

Conclusion

17. For the reasons given, I conclude that the appeal should succeed.

A Caines

INSPECTOR