
Appeal Decision

Site visit made on 28 September 2021

by C J Ford BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2021

Appeal Ref: APP/Y5420/W/21/3271480

33 Sirdar Road, Wood Green, London N22 6QP

- 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 Sami Fehmi against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2020/2029, dated 4 August 2020, was refused by notice dated 29 September 2020.
 - The development is described on the application form as 'Modification and installation of glazed balustrades and the creation of a roof terrace'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was made retrospectively and at the time of the appeal site visit timber decking had been laid across the roof of the outrigger and metal upright supports for a balustrade had been erected. The appellant seeks permission for a roof terrace, of a reduced size compared to the decked area, shown in the submitted plans. The appeal has been determined on the basis of the submitted plans.
3. Revised versions of the London Plan and the National Planning Policy Framework (the Framework) were published in March and July 2021 respectively, and the main parties were given the opportunity to submit comments. The 2021 versions of the London Plan and the Framework are referred to in the decision.

Main Issues

4. The main issues are:
 - the effect of the development on the character and appearance of the host property and the wider area; and
 - the effect of the development on the living conditions of neighbouring occupiers with particular regard to outlook and privacy.

Reasons

Character and appearance

5. The appeal site accommodates a two storey detached building which has a simple two storey flat roofed rear outrigger. It is a departure from the

character of the surrounding residential properties which predominantly comprise two storey terraces that have moderately shorter two storey rear outriggers with mono pitched roofs.

6. The building has been divided into two flats, with the first floor flat having additional accommodation in the roof derived from a loft conversion and rear dormer extension. There are properties in the terrace to the south west that similarly have rear dormer extensions, some of which project over the outriggers. However, in most cases, these stop short of the distinctive repetitive siting of the chimneys within the outriggers.
7. The proposed balustrade would be set back 2m from the end of the outrigger and 0.9m from its north eastern edge. Nevertheless, as it would extend across the majority of the outrigger's depth, it would not appear subordinate. The somewhat solid appearance of the balustrade's 1.8m high obscure glazing would also visually read as adding considerable bulk.
8. Therefore, as a whole, the proposal would unduly dominate the outrigger's simple two storey flat roof form. Furthermore, as it would project beyond the typical depth of the dormer extensions found in the neighbouring terrace, the roof of the outrigger would appear uncharacteristically bulky within the context of the wider roofscape. Although the scheme would largely be screened from the public realm, owing to its prominent high level position the incongruous relationship with the building and the roofscape would be discernible in private views from the rear of many of the surrounding residential properties, which amounts to a legitimate matter of public interest.
9. In light of the above, the development would have an unacceptably harmful effect on the character and appearance of the host property and the wider area. As such, it would conflict with Policy SP11 of the 2013 adopted Haringey Local Plan Strategic Policies 2013-2026 (SP), and Policies DM1 and DM12 of the Council's 2017 adopted Development Management DPD (DPD). Amongst other things, these policies seek to ensure development is of the highest standard of design, and that it respects the form of the building and relates positively to the locality having regard to form, scale and massing prevailing around the site. It would also conflict with Policies D4 and D6 of the London Plan (LP), insofar as they seek high quality design.

Living conditions

10. Given the proposed balustrade would be set further back than the existing two storey rear and flank walls of the outrigger, and it would be lower than the existing rear dormer, in itself it would not have an unacceptable overbearing impact when viewed from neighbouring residential properties.
11. Although the balustrade would feature obscure glazing 1.8m in height, there would be narrow vertical gaps between the glazed panels and the metal supports, such that neighbouring occupiers on Hawke Park Road, particularly those at Nos 26 and 28, would be aware of there being direct views available from the terrace towards their rear windows and rear garden areas. While the appellant has suggested erecting willow fencing in the relevant partitions, this would lack permanence and result in the scheme having a poor quality appearance. While it is recognised there is some existing overlooking of the properties on Hawke Park Road from the rear windows at the appeal site, this is of a less harmful oblique nature.

12. Accordingly, the development would have an unacceptably harmful effect on the living conditions of neighbouring occupiers with particular regard to privacy. As such, it would conflict with Policy SP11 of the SP and Policies DM1 and DM12 of the DPD. Amongst other things, these policies seek to ensure development is of the highest standard of design, and that it achieves a high standard of privacy for neighbours. It would also conflict with Policies D4 and D6 of the London Plan (LP), insofar as they seek high quality design.

Other Matters

13. The appellant has drawn attention to two other roof terraces in the borough that were permitted on appeal. Although they were more prominent in public views, the terrace at Park Avenue North¹ was relatively modest in size and considered in the context of other existing roof terraces nearby, while the terrace at Courcy Road² related to a roof terrace on top of a ground floor extension. Therefore, neither is directly comparable and the appeal scheme has been considered on its own merits and in light of its specific circumstances.
14. The flat is a four bedroom family sized unit which does not have any access to private outdoor space. Furthermore, Policy DM12 of the DPD specifies that family housing on upper floors should have access to a balcony and/or terrace, subject to acceptable amenity, privacy and design considerations, or to shared amenity space. At the time of the site visit, there was unfettered access to the rear garden area via the first floor external staircase. However, even if the flat does not have an agreement to use the rear garden as a shared amenity, the benefit of a private safely enclosed formal roof terrace would not outweigh the harms identified above that arise from the excessive scale of the scheme and the poor design of the balustrade. With this in mind, and given the terms in which the application has been put, conditions cannot legitimately be imposed that would render the development acceptable.

Conclusion

15. The development conflicts with the development plan as a whole and there are no material considerations, including relevant parts of the Framework, which indicate that the decision should be made otherwise than in accordance with it. The appeal is therefore dismissed.

C J Ford

INSPECTOR

¹ Appeal Ref: APP/Y5420/W/18/3199424

² Appeal Ref: APP/Y5420/D/18/3214754