



Appeal Decision

Site visit made on 10 February 2022

by Peter White BA(Hons) MA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th March 2022

Appeal Ref: APP/Y5420/D/21/3285522

72 Devonshire Hill Lane, Tottenham, London N17 7NG

- 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 Constantin Cochior against the decision of London Borough of Haringey Council.
 - The application Ref HGY/2021/2461, dated 1 July 2021, was refused by notice dated 22 September 2021.
 - The development proposed was originally described as “retention use of canopy”.
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Decision

1. The appeal is allowed and planning permission is granted for rear canopy extension at 72 Devonshire Hill Lane, Tottenham, London N17 7NG in accordance with the terms of the application, Ref HGY/2021/2461, dated 1 July 2021, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 191103 L 010, 191103 L 011, 191103 L 012A, and 191103 L 015.
 - 2) The development hereby permitted shall be completed not later than three months from the date of this decision.

Preliminary Matters

2. I have used the description of development stated by the appellant in the appeal form and the Council in its decision notice in my decision above as it more clearly represents the development proposed.
3. A similar development that proposed has already been carried out. The proposed development, as shown on the submitted plans, is a flat roofed full-width canopy, with a lower flat-roofed canopy over an outdoor cooking area at the rear. Both elements of the proposal are different to the structure currently erected in that the existing full width canopy is a lean-to structure, and the canopy over the outdoor cooking area is higher than proposed. I have therefore determined the appeal on the basis of the plans submitted.
4. Two sets of plans were considered by the Council, those originally submitted which show the full height of the outdoor cooking area, and those showing a reduction in the height of the canopy over the outdoor cooking area. The Council referred to both sets of proposals in its decision. I have made my decision on the basis of the most recent plans, as shown on plan number 191103 L 015, rather than 191103 L 014A.

Main Issues

5. The main issues are the effects of the proposed development on: (i) the character and appearance of the area; and (ii) living conditions of neighbouring occupiers at 70 and 74 Devonshire Hill Lane, with particular regard to outlook and light.

Reasons

Character and appearance:

6. The appeal property is a terraced house with a rear single storey extension and garden. The proposed development sits to the rear of the existing extension. There is a similar rear extension of the same depth at 70 Devonshire Hill Lane, and at 74 Devonshire Hill Lane a slightly shorter single storey element of the ground floor projects from the rear elevation (the "rear projection").
7. A number of properties in the area have rear extensions, and some also have extensions beyond extensions. A similar, but slightly smaller, canopy structure has also been erected at No 70, although the Council state there is no record of planning permission for that development.
8. There would be no public visibility of the proposed canopies, and only limited visibility from other rear gardens, although the proposed development would be visible from the upper floors of houses on Devonshire Hill Lane and Mayfair Gardens.
9. The Council states that canopies of this nature are not a feature of this terrace but acknowledges examples of canopies, and longer rear extensions, on the two terraces to the east and at properties to the rear of Mayfair Gardens. Although I note that some dwellings on this particular terrace of eight houses have not been extended, there are examples of lean-to canopies in the vicinity of the appeal site in similar circumstances.
10. The proposed full-width canopy would be an open-sided lightweight structure with a translucent roof. Given its openness, and the use of white painted timber, not dissimilar to the barge boards of the host dwelling, it would appear subordinate to, and associated with, the dwelling. The structure would also be viewed in association with the neighbouring projection at No 74 and the extension at No 70, and would therefore not be seen as part of unduly long extensions beyond the rear of the main dwelling. In the context of the terrace as a whole, an open lightweight structure would have little impact on its architectural integrity. Neither would it be seen as excessive in the reasonably sized garden.
11. The proposed canopy over the outdoor cooking area would be lower than the part of the current structure in that location. At a height of 2m, it would appear as a moderate structure, separate from the main canopy. Although a translucent roof would be different from the felt roofs of other garden structures, the low height of the structure means it would have a very limited negative impact on the character of the area. Considering the Council's concerns about the longevity of the polycarbonate roof, neither roof would be so prominent as to be harmful to the character of the area.
12. In conclusion, the proposed development would not materially harm the character and appearance of the area and would accord with Haringey's Local

Plan Development Management Development Plan Document (2017) Policies DM1 and DM12, which relate to delivering high quality design and housing design and quality, and Haringey's Local Plan Strategic Policies 2013-2026 consolidated with alterations (2017) (HLPSP) policies SP11, which relates to design.

13. I have not found HLPSP policy SP12, which relates to conservation, relevant to this appeal as the parties have not referred to heritage assets. In the absence of specific London Plan policies, I have not been able to ascertain whether there would be any conflict.

Living conditions:

14. The proposed full-width canopy would extend beyond the rear extension providing a canopy over the rear patio area open to the sides and rear. Its lightweight design would not have the same massing effects as an extension, but it would be seen over boundary fences and from upper floor windows.
15. The effects of the proposed development on the occupiers of No 70 would be limited to those effects associated with the full-width canopy. The boundary fence between No 70 and the appeal site is a low fence, and the open sided canopy would have little effect on the living conditions of occupiers of No 70 in terms of scale, height or massing.
16. The effects on occupiers of No 74 would also include the separate rear structure over the outdoor cooking area. No 74's rear projection is only slightly shorter than the appeal dwelling's rear extension and has no windows facing the proposal; No 74's ground floor patio doors on the rear elevation are set further back and the proposed full-width canopy would be seen as a smaller feature beyond the rear projection from the appeal site. The proposed canopy over the outdoor cooking area would be only slightly higher than the adjacent fence, and would therefore have no material impact on occupiers of the neighbouring property at No 74.
17. The proposed development would therefore be visible but not unduly bulky or intrusive in the outlook from No 74's ground floor rear-facing windows. It would be seen above the boundary fence from the garden, but as an open sided structure with a low smaller element in only one part of the garden, it would not be overbearing or unduly bulky. The canopy roof would be seen from No 74's first floor rear windows, but it would not be intrusive in those views, being a small element in the wider context of views across gardens.
18. Loss of sunlight and overshadowing from the polycarbonate roof as it ages is not likely to be significant in relation to the structures located north of the appeal site and its neighbours. In relation to No 70, the occupiers have erected their own structure, providing continuous canopy cover across the two properties. There are no rear-facing windows on No 74's outshot, the structure is sited adjacent to only a small area of No 74's garden, and there are small trees along the boundary.
19. In conclusion on this issue, the proposed development would not harm the living conditions of the neighbouring occupiers at 70 and 74 Devonshire Hill Lane, with particular regard to outlook and light and would accord with the relevant aspects of Haringey's Local Plan Development Management

Development Plan Document (2017) Policy DM1, which requires developments to relate positively to their locality.

Conditions

20. Considering the Council's recommended conditions, I have set out the approved plans for certainty, and required the development to be completed in accordance with the plans within 3 months so that the proposed alterations are made to the existing structures within a reasonable timescale.

Conclusion

21. For the above reasons, having regard to the development plan as a whole, the approach in the Framework, and all other relevant considerations, the appeal is allowed.

Peter White

INSPECTOR