



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: 22 March 2022

Appeal Ref: APP/Y5420/D/21/3280616

62 Elmar Road, Tottenham, London N15 5DJ

- 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 Weiss against the decision of London Borough of Haringey.
 - The application Ref HGY/2021/1709, dated 28 May 2021, was refused by notice dated 26 July 2021.
 - The development proposed is first floor extension.
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Decision

1. The appeal is allowed and planning permission is granted for first floor extension at 62 Elmar Road, Tottenham, London N15 5DJ in accordance with the terms of the application, Ref HGY/2021/1709, dated 28 May 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PR-L001, PR-P001, PR-P002, PR-P003, PR-E001, PR-E002, PR-E003, PR-S001.

Preliminary Matters

2. The development had commenced, but had not been completed, at the time of my visit.
3. The application was refused by the Council with reference to the effect of the proposed development on character and appearance of the area and on living conditions of occupiers of 64 Elmar Road, with particular regard to outlook.
4. Having seen the appellant's statement, the Council confirms that outlook for the occupiers of No 64 is no longer considered to be relevant due to the location of the existing first floor rear extension at No 64. However, the Council considers that the proposed development would have an adverse effect on the privacy of neighbouring occupiers of residential properties on West Green Road. I have therefore considered the appeal on the basis of both outlook and privacy. Given my overall decision, it has not been necessary in this instance to allow the appellant the opportunity to respond to the Council's statement.

Main Issues

5. The main issues are therefore the effect of the proposed development on:
 - (i) the character and appearance of the area; and

- (ii) the living conditions of neighbouring occupiers, with particular regard to outlook and privacy.

Reasons

Character and appearance:

6. The appeal site is a mid-terraced dwelling with a small rear yard. The Council advise that the ground floor extension on the appeal site, which would support the proposed first floor extension, was erected without planning permission. However, the ground floor extension is not a recent development. I have therefore considered it as an existing development, as shown on the submitted plans. Beyond to the rear is a terrace of dwellings on West Green Road, where many of the dwellings and their gardens have been significantly developed.
7. Most dwellings in the terrace have partial-width first floor extensions, abutting one neighbouring extension and retaining a gap with the next. 64 Elmar Road has a partial width extension abutting the appeal site. 60 Elmar Road has infilled the gap between its first-floor extension and the appeal site in an ad-hoc manner, effectively developing across the full width of that property; and which the Council advise was carried out without planning permission, but is now immune from enforcement action through the passage of time.
8. The Council also state that planning permission has recently been granted for a rear dormer roof extension and a partial width first floor extension at the property. The partial width extension would be an alternative to the appeal proposal. While I note these permissions, I have not been provided with plans of the proposals and can therefore afford them only limited weight.
9. The proposed development is a full-width first floor extension of the same depth as the existing developments either side. It would not be visible from public vantage points, but would be seen from other dwellings and their gardens. Although it appears the proposed development would only be the second dwelling on Elmar Road to extend the full width of the first floor, after No 60, it would not appear excessive in size or bulk. Neither would it reduce the size of the small yard at the rear of the dwelling.
10. In the event that both a dormer roof extension and the proposed development were carried out, the cumulative impact of these extensions on the dwelling would not be unacceptable in the context of the extensive developments which have already occurred in the vicinity on West Green Road.
11. Within this section of Elmar Road, the appeal building is the only building with existing development either side at first floor level, and the circumstances of this case are therefore specific to this appeal. Any proposals for similar developments will need to be considered on their own merits.
12. In terms of amenity space, the appeal site would contain an enlarged dwelling with a small yard to the rear. However, some other dwellings on Elmar Road also have small yards, including No 64. I also note the proximity of two local parks, one of which is only a five minute walk from the appeal site.
13. In conclusion, the proposed development would not harm the character and appearance of the area and would accord with Haringey's Local Plan Development Management Development Plan Document (2017) (DMDPD) Policies DM1 and DM12, which seek to deliver high quality design, Haringey's

Local Plan Strategic Policies 2013-2026 consolidated with alterations (2017) (HLPSP) policy SP11, which relates to design, and London Plan (2021) Policy D6, which relates to housing quality and standards.

Living conditions:

14. The development would infill a gap at first floor between existing neighbouring structures, and the Council acknowledges that the proposed extension would not reduce outlook from No 64's rear first floor windows. I see no reason to disagree with this view.
15. The Council state that the proposed first floor extension would project further back than the prevailing depth of others in the street. However, the plans show the development aligns with No 70's rear extension and it was clear at my visit that it would align with development on both sides. The proposed depth of development is therefore established in this location, even if there are shallower extensions on other buildings.
16. As the development would infill a gap between neighbouring first floor extensions, it would not be closer to dwellings and their gardens than is already the case immediately adjoining the development on both sides. Although the amount of development at this depth would increase, it would remain set back from the rear of the plot and would not result in unacceptable overbearing impacts on neighbouring properties beyond to the rear. Dwellings to the rear have also been substantially extended, and the scale, height and location of this proposal is unlikely to be harmful in terms of outlook in this densely developed urban area where a degree of enclosure and intervisibility are inevitable.
17. The development would bring two bedroom windows closer to the rear of extended dwellings and their gardens on West Green Road. However, during my site visit, I noted that the closest windows on the extensions to properties on West Green Road were obscure glazed and the proposed development would not therefore introduce overlooking into those properties or gardens not already overlooked. I therefore consider there would not be loss of privacy to occupiers of dwellings to the rear.
18. I conclude the development would not harm the living conditions of neighbouring occupiers and would accord with DMDPD Policies DM1 and DM12, which seek to deliver a high standard of privacy and amenity, HLPSP policy SP11, which seeks to enhance and enrich the built environment, and London Plan (2021) Policy D6, which relates to housing quality and standards.

Conditions

19. I have set out the standard time limit for implementation and the approved plans for certainty.

Conclusion

20. 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