
Appeal Decisions

Site visit made on 16 August 2022

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 August 2022

Appeal A Ref: APP/Y5420/W/22/3298209

73 Upper Tollington Park, Hornsey, London N4 4DD

- 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 Harry Vazanias against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2022/0474, dated 11 February 2022, was refused by notice dated 07 April 2022.
 - The development proposed is the 'Retention of rear dormer roof extension and satellite dish (retrospective)'.
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Appeal B Ref: APP/Y5420/C/22/3297444

73 Upper Tollington Park, London N4 4DD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Harry Vazanias against an enforcement notice issued by the Council of the London Borough of Haringey.
 - The enforcement notice was issued on 4 March 2022.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of a rear dormer roof extension and the installation of a satellite dish on the roof of the rear dormer roof extension.
 - The requirements of the notice are:
 1. Remove the rear dormer roof extension in its entirety
 2. Remove the satellite dish that has been installed on top of the roof of the rear dormer roof extension in its entirety
 3. Remove from the land any debris resulting from carrying out steps (1) and (2) above.
 - The period for compliance with the requirements is 4 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act as amended have lapsed.
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Decisions

Appeal A:

1. The appeal is allowed and planning permission is granted for the retention of rear dormer roof extension and satellite dish at 73 Upper Tollington Park, Hornsey, London N4 4DD in accordance with the terms of the application, Ref HGY/2022/0474, dated 11 February 2022.

Appeal B:

2. The appeal is dismissed, and the enforcement notice is upheld.

Procedural Matter

3. The rear dormer and satellite dish have been erected and therefore I am considering appeal A retrospectively.

Appeal A

Main Issue

4. The main issue is whether the developments preserve or enhance the character or appearance of the Stroud Green Conservation Area (CA).

Reasons

5. The appeal property is a mid terrace 3-storey property and is located in the CA. The appeal site has recently been extended with a rear dormer roof extension and the installation of a satellite dish on the flat roof of the dormer (the subject of this appeal). Both the rear dormer and the satellite dish are visible from public vantage points on Florence Road.
6. With regards to the effect on designated heritage assets, Section 72(1) of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
7. The National Planning Policy Framework, 2021 (the Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 199 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Paragraph 200 of the Framework states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
8. The appeal property dates from the Victorian period and is part of a terrace, characterised by similar 3-storey Victorian properties with ground floor front bay windows, decorative recessed front entrances, timber framed windows and prominent chimney stacks. The appeal property shares many of these common characteristics and features and makes a positive contribution to the significance of the CA. I also observed that the relatively consistent building heights, layout, and style of the properties in the terrace provides a rhythm and harmony to the street scene.
9. The appeal dormer is set in from the party walls and eaves and sits below the ridgeline such that it is subordinate to the host building. Furthermore, the dormer is also constructed from materials which match the main roof and I observed during my site visit that there were a number of similar rear dormer roof extensions in the vicinity of the site within the CA, all visible from the public realm. Therefore, in this context, and given the sub-ordinate nature of extension, the development does not harm the character and appearance of the host building nor the CA as a whole.

10. With regard to the satellite dish, given its position on the roof of the rear dormer, the dish is not visible at the front of the property. Furthermore, owing to it being set back from the rear wall of the property, there are only glimpsed views of the dish from Florence Road. I therefore find no harm in respect of this element of the development.
11. I therefore conclude that the development preserves the character and appearance of the CA, in accordance with Policies D3, D4 and HC1 of the London Plan (2021), Policies SP11 and SP12 of the Haringey's Local Plan (2017), and Policies DM1, DM9 and DM12 of the Haringey's Development Management DPD (2017). Amongst other things these state that development should be of the highest standard of design that respects its local context and character and historic significance, and that development that conserves and enhances the significance of a heritage asset and its setting will be supported.
12. The development is in accordance with the relevant requirement of the Framework which seeks to conserve and enhance the historic environment.

Other matters

13. The parties have drawn my attention to a number of other appeal decisions from Haringey Council with regard to rear dormer extensions¹. However, the appeals at Russell Avenue relate to two storey properties, located some distance away from the appeal site, in a different Conservation Area. In addition, the appeal decision at 77 Upper Tollington Park related to a proposal for two rear dormer extensions, which were not set away from the party wall with the neighbouring property. As such, these other proposals were materially different to the appeal development before me and therefore do not alter my conclusion above.
14. A number of conditions have been suggested by the Council which I have assessed having regard to the advice contained within the Planning Practice Guidance. The Council has suggested the usual 3 year time limit condition, and that the development is carried out strictly in accordance with the approved plans. However, as the development is retrospective, there is no need for either.

Conclusion on Appeal A

15. I have found the development preserves the character or appearance of the CA. Therefore, appeal A is allowed.

Appeal B

The appeal on Ground (g)

16. This ground of appeal is that the time given to comply with the notice is too short. The appellant asks that the time for compliance is extended from 4 to 6 months, to allow sufficient time for tenants to move out, and for the appellant to find a builder and undertake the remedial works.

¹ Appeal Ref: APP/Y5420/D/18/3215506: 77 Upper Tollington Park, Hornsey, London N4 4DD; Appeal Ref: APP/Y5420/D/16/3143697 69 Russell Avenue, London, N22 6QB; Appeal Ref: APP/Y5420/D/17/3171842 71 Russell Avenue, Wood Green, London N22 6QB.

17. However, since appeal A succeeds and planning permission is granted for the same development which the Council enforced against (the subject of appeal B), that permission overrides the notice to the extent that its requirements are inconsistent with the permission. As such, there is no longer any clear reason why the period for compliance should be extended.

18. On this basis, appeal B on ground (g) fails.

Conclusions

19. **Appeal A:** I have found the development preserves the character or appearance of the CA. I therefore conclude that, having had regard to all other matters raised, the appeal is allowed.

20. **Appeal B:** For the reasons given above I consider that the appeal should not succeed. I shall uphold the enforcement notice.

R Satheesan

INSPECTOR