



Appeal Decision

Site visit made on 26 July 2022

by K L Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2022

Appeal Ref: APP/Y5420/W/22/3294872

109-111 Craven Park Road, Tottenham, London N15 6BL

- 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 Damen against the decision of London Borough of Haringey.
 - The application Ref HGY/2021/1847, dated 16 June 2021, was refused by notice dated 12 November 2021.
 - The development proposed is described as "erection of Type 3 Loft to 109 and 111 Craven Park Road to provide for a new flat C3".
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Decision

1. The appeal is dismissed.

Preliminary Issues

2. The appeal proposal also includes a first-floor extension to the existing outrigger at 111 Craven Park Road which was not reflected in the description on the application form. The Council amended the description to include this element of the development to read "Erection of a Type 3 Loft Extension to 109 and 111 Craven Park Road to provide for a new self-contained flat (C3) within second floor level and loft space. Proposed first floor rear extension to 111 Craven Park Road". I have determined the appeal accordingly.

Main Issues

3. The main issues are the effect of the proposed development on:
 - Whether the development would accord with the relevant local guidance regarding the construction of additional floors on terraced buildings;
 - The appearance of the host property and the surrounding area; and
 - The living conditions of the occupiers of neighbouring property at 113 Craven Park Road (No.113) with particular regard to loss of outlook.

Reasons

Local Guidance

4. The appeal property is located on Craven Park Road. The road is characterised by terraced properties which are predominantly, but not exclusively in residential use. The appeal properties form part of a short terrace of five properties which have commercial uses at ground floor and a mix of uses at upper floors.
5. The 'House Extensions in South Tottenham Supplementary Planning Document First Revision (Adopted)' 2013, (the 'SPD') recognises there is a need to tackle

overcrowding and provide for additional habitable accommodation for large families in parts of South Tottenham. Roof extensions appear to be the most common form of achieving this and the SPD sets out three approved ways in which homes may be extended at roof level.

6. The appeal proposal is for a 'Type 3' loft extension, a type defined in the SPD as a full second floor extension with loft accommodation at third floor level possible within the pitched roof. Although the SPD supports 'Type 3' extensions on homes, the primary purpose of extensions of this type is to provide additional accommodation for larger families in existing single-family houses. The SPD anticipates that this type of extension will continue and gaps between existing extensions will be incrementally filled in. The advice is clear, however, that in order to preserve the character of the area, these extensions are only acceptable where they are to provide additional accommodation for single family dwellings to address overcrowding issues and not to provide self-contained flats within properties¹.
7. The appeal property currently consists of a shop unit across the ground floor and office accommodation at the first floor, both of which would be retained in the proposal. The proposal would create a single five bedroomed flat at the second floor and within the roof space. Whilst this would provide a unit which would be capable of being occupied by a family it would not be providing additional accommodation for a larger family unit in an existing single-family house as sought by the SPD. Whilst the upper floors of the properties may have been used for residential accommodation in the past, the proposal to create a self-contained flat would conflict with the aim of the SPD as a whole.
8. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the proposal would be contrary to the SPD which forms part of the adopted development plan for the Borough.
9. Therefore, I conclude that the proposal would have an adverse impact on the character of the area with regard to the type of accommodation proposed. The proposal would not comply with the specific aims of the SPD which seeks, amongst other things, to ensure that these types of extensions are carried out specifically to serve a particular purpose in providing additional accommodation for larger households to address overcrowding in this part of the Borough. The proposal would also fail to comply with Haringey Local Plan Strategic Policies 2013 (HLP) Policy SP11 and Development Management Policies DPD (2017) (DPD) Policy DM1 which taken together seek to ensure that development respects the local context of the proposal.

Appearance

10. The terrace containing the appeal properties sits between Elm Park Avenue and Castlewood Road. As such it forms a short length of terrace, which notwithstanding the small dormer on the adjacent property is modest and well-proportioned. Commercial uses at ground floor distinguish it from other terraces on the road.

¹ Paragraphs 3.51 and 3.52 of the SPD

11. The SPD recognises particular circumstances where such extensions are considered acceptable even if they would be otherwise incongruous in their immediate context. However, those circumstances do not arise here because the SPD only supports such extensions for residential properties and therefore that justification is lost in this instance. The result is that the proposed development would represent an incongruous form of development which would disrupt the balance and rhythm of the host terrace and the surrounding development. As a result, the terrace as a whole would appear incongruously unbalanced.
12. Consequently, notwithstanding the use of matching materials and the presence of other Type 3 roof extensions nearby, the proposal would be at odds with its immediate locality and would adversely affect the appearance of the host properties and the wider terrace.
13. The proposal also includes an extension to the existing first floor rear projection which would effectively round off the existing large flat roofed two storey extension which already extends across the majority of the rear of the appeal properties. The additional accommodation would provide further office space at first floor level. The proposal would not be readily visible from the public realm, with only a small part of the extension evident from Elm Park Avenue in the context of the flank elevation of the property. The proposed rear extension, therefore, would not have any significant adverse effect on the appearance of the area.
14. Whilst the first-floor element of the proposed extension would not be harmful, for the reasons set out above, I conclude that overall, the proposal would cause unacceptable harm to the appearance of the area. The proposal would, therefore, be contrary to the aims of HLP Policy SP11 and DPD Policy DM1 which amongst other things seek to ensure that all new development achieves a high standard of design. It would also not comply with Policy D4 of the London Plan 2021(LP) which has similar aims.
15. The refusal reason also refers to LP Policy D6 which is concerned with standards of living accommodation. Therefore, I give this limited weight in the consideration of this main issue.

Living Conditions

16. The proposed first-floor rear extension would be close to the boundary with the outrigger at No.113, the window on the end of which would be close to the proposed extension. The outlook from this window is already heavily obscured by the existing rear projection at the appeal property.
17. However, I have been provided with some evidence that the upper floor of No.113 is not occupied as residential accommodation, including a relatively recent appeal decision which indicates that the upper floor of No.113 was already in commercial use at that time. Furthermore, from my observations on site, it did appear that the upper floor of No.113 was not in residential use. No other residential properties in proximity to the appeal site would be affected by the proposed extension. Given this is the case, the protection of residential amenity is not an applicable consideration in the appeal.
18. I therefore conclude that the proposal would not result in a loss of outlook to the detriment of the occupiers of 113 Craven Park Road. The proposal would

not be in conflict with the aims of HLP Policy SP11 and DPD Policy DM1 which, amongst other things, seeks to maintain a good standard of amenity for both existing and future occupiers as it is not relevant to this element of the proposal before me. Nor would it conflict with the aims of LP Policy D4 which is referred to in the refusal reason and is concerned with delivering good design.

Other Matters

19. My attention has been drawn to several other examples of 'Type 3' loft extensions close by. I am not aware of the full circumstances of those particular cases. However, none of the examples involve commercial uses at the lower floors and are therefore not comparable with the case before me. In any case, each application and appeal must be assessed on its individual merits and in this case, I have found that the proposal would result in harm.

Planning Balance and Conclusion

20. Whilst I have found that the proposal would not harm the living conditions of neighbouring residents, harm arises from the proposal as a result of harm to the character and appearance of the area and the type of accommodation which would be provided.
21. I acknowledge that the proposal would provide additional housing. Given the scale of the scheme any contribution towards housing supply or mix, however, would be limited and the weight this carries in support of the proposal is reduced as a consequence. This factor is not therefore sufficient to outweigh harm that I have identified above.
22. For the reasons given, I have found that the proposal conflicts with the development plan read as a whole. No material considerations have been shown to have sufficient weight to warrant a decision otherwise than in accordance with it. The appeal is therefore dismissed.

KL Robbie

INSPECTOR