



Appeal Decision

Site visit made on 13 September 2022

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 November 2022

Appeal Ref: APP/Y5420/W/22/3298092

45B, First Floor Flat, Westbury Avenue, London N22 6BS

- 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 Lucas Agathocleous of HLA Properties LLP against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2021/3330, dated 9 November 2021, was refused by notice dated 22 December 2021.
 - The development is new door to rear facade at first floor level and balcony with railings and privacy screen.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant's name is spelt differently on the application form and the appeal form. The spelling in the banner heading is taken from the appeal form which the appellant has confirmed is correct.
3. From my site visit I saw that development has been completed. The development appears to be in accordance with what is shown on the submitted plans, as such I have dealt with the appeal on the basis of the submitted plans.

Main Issues

4. The main issues are
 - the effect on the character and appearance of the area; and
 - the effect on the living conditions of the occupiers of neighbouring properties, with regard to privacy and noise.

Reasons

Character and Appearance

5. The appeal site is a first floor flat within a row of terraced properties. To the rear there are a number of extensions of varying design and storeys. This creates an unbalanced and irregular appearance. Nevertheless, from my site visit I saw that generally, there remains sizeable gardens and yards to the rear of the extensions. This creates an open character and provides relief from the otherwise dense built form of the locality.
6. There is a two storey extension to the rear of the appeal site, and a ground floor extension to the rear of this. The appeal development extends to the full

depth of the ground floor extension and has been constructed of a metal balustrade and railings, and dark green leaf like screening which is of a significant height and has limited visual permeability. The depth and height of the development and its solid appearance creates a bulky addition that is dominant in an area that is otherwise generally of an open character. It draws the eye and is uncharacteristic of the surrounding area which has an absence of two storey projections of this depth.

7. I have considered the examples of other balconies before me, however these do not appear to be directly comparable to the depth, height and appearance of the development. Moreover, in the area immediate to the site I saw no examples of balconies of a similar depth or appearance to the appeal development. These other examples do not, therefore, lead me away from the above findings.
8. Consequently, the development is harmful to the character and appearance of the area, in conflict with policies D3 and D6 of the London Plan (2021), Policy SP11 of Haringey's Local Plan Strategic Policies (2017) and Policy DM1 of the Development Management DPD (2017). Amongst other things, these policies seek development of a high standard of design that responds positively to a site's context, having regard to the form, scale and massing prevailing around the site.

Living Conditions

9. The development extends to the full depth of the ground floor extension, however, I am satisfied that the height and limited visual permeability of the screening of the development would prevent any issues of overlooking and reduced privacy for the surrounding neighbours. Moreover, a condition could be imposed to ensure the screening is maintained to prevent any future issues. The Council have also raised concerns that the development would be unneighbourly and give rise to unacceptable noise and disturbance, however I do not consider that the use of the balcony would be any different to that of a garden or yard in this regard.
10. Accordingly, the development does not cause harm to the living conditions of the occupiers of neighbouring properties, with regard to privacy and noise. The development accords with policies D3, D6 and SP11, and Policy DM12 of the Development Management DPD (2017), which seek developments that deliver appropriate outlook and privacy, and protect the amenity of adjoining neighbours.

Other Matters

11. I have considered the importance of outdoor space for people's standard of living, which is a clear benefit of the development. Policies D6 and DM12 encourage dwellings to have access to private outdoor spaces, including through the use of roof areas. However, these policies clearly indicate that in doing so, a design led approach should be followed that is appropriate for the surrounding context. In this case, the balcony does not respond to the site's context and does not contribute positively to the local environment.

Conclusion

12. While there is no harm to the living conditions of neighbouring occupiers, my above findings in respect of character and appearance bring the development

into conflict with the development plan, read as a whole. There are no material considerations that have been shown to have sufficient weight to warrant a decision otherwise than in accordance with it. Therefore, the appeal is dismissed.

F Harrison

INSPECTOR