



Appeal Decision

Site visit made on 24 January 2023

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 3 March 2023

Appeal Ref: APP/Y5420/W/22/3304944

105 Willingdon Road, Wood Green, Haringey, London N22 6SE

- 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 Christian Theodorou against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2022/1363, dated 9 May 2022, was refused by notice dated 11 July 2022.
 - The development proposed is described as erection of detached outbuilding (part retrospective).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my inspection, the outbuilding was constructed to the level of the proposed flat roof. As such the proposal is part retrospective, and I have therefore determined the appeal on this basis.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the area; and
 - The effect of the outbuilding on the living conditions of neighbouring residents in respect of potential for noise and disturbance and loss of privacy.

Reasons

Character and appearance

4. The appeal site is a traditional, mid-terraced house within a residential area of terraced housing of various styles. The narrow, linear garden area to the rear backs onto Russell Park, a community recreational area.
5. The outbuilding is located at the rear of the back garden. It has been built close to the boundaries, with a sizeable footprint, and extends above the height of the adjoining wooden boundary fences between the appeal property and Numbers 103 and 107 Willingdon Road.
6. The building has been constructed of blockwork with a pale brick to the front elevation and it will have a flat, felt covered roof. The blockwork will be

- permanently visible from the adjacent park to the rear and from adjoining properties.
7. Although the outbuilding has received support from third parties, the building stands in isolation at the end of a small urban garden of a modest terraced house. The appellant has tried to demonstrate through comparative figures, that the building is not too large. However, it extends across virtually the entire width of the plot, and combined with its depth, and overall size, it dominates the space. Consequently, in the context of this modest garden, the building appears excessive and out of scale for the site. Moreover, as the building extends above the boundary fence, it highlights the overall mass of the building in relation to the size of the site. For these reasons I conclude that the building is oversized and dominates the residential garden at the rear, and as such harms the character and appearance of the area.
 8. The appellant has considered permitted development rights as a guide to what size of building would be acceptable, whilst acknowledging that these rights do not apply as the property is divided into six flats. However, the appellant's assessment is based on the footprint of the building without taking account of matters such as the height of the structure and its proximity to the boundaries. Accordingly, I am not persuaded that the comparison to the permitted development rights relating to dwellinghouses is a valid one. Therefore, limited weight is attached to this position.
 9. The proposal therefore does not accord with Policy D3 of The London Plan, 2021, Policy SP11 of Haringey's Local Plan, Strategic Policies 2013-2026 (Haringey LP), and Policies DM1 and DM12 of the Haringey Development Management DPD (Haringey DPD), adopted July 2017. Collectively, these policies seek to achieve high quality design that respect the site and area.

Living conditions of neighbouring residents

10. The division of Number 105 into flats means that the building is occupied by at least six people. This number of people will mean that the outbuilding is used regularly by the occupiers when doing their laundry, or for storage, including bikes. This is likely to result in fairly frequent comings and goings to the building resulting in an intensification in footfall within the garden area, over and above that which currently exists. Indeed, in my judgement the likely movements to and from the outbuilding would be excessive and beyond that which would normally be expected in a residential garden of this nature.
11. Whilst the building is solidly built, which would prevent some noise escaping, washing machines and driers would be likely to be heard from surrounding properties, particularly when the building door is opened as occupiers enter and leave the building, or if the door is left open for a period. Details of the number of washers and driers has not been provided, but as there are six flats within No 105, the machines and the outbuilding would be likely to be used on a frequent rather than an occasional basis. This constant activity in terms of potential noise and activity would therefore harm the living conditions of the occupiers of adjoining properties.
12. The site has high boundary fencing between it and Numbers 103 and 107 Willingdon Road. Whilst the building is visible from adjoining properties, it is only single storey, with windows facing the host garden. Therefore, the use of

the building for laundry and storage would not result in any overlooking of adjoining gardens or properties and so it would not result in a loss of privacy.

13. The appellants have said that they are willing for a condition to ensure that the building is incidental to the host building if the proposal was allowed on appeal. This would not, however, override the harm that I have identified to the living conditions of the occupiers of neighbouring buildings.
14. Whilst I do not find that the development would result in a loss of privacy, I have found harm to the living conditions of neighbouring residents in respect of potential for noise and disturbance. Therefore, regarding harm to living conditions, it would not accord with Policy DM1 and DM12 of the Haringey DPD which ensures that there is a high standard of privacy and amenity for the development's users and neighbours, including addressing issues of vibration and noise likely to arise from the use and activities of the development.

Other Matters

15. The Council has said 'that in order for a development of this type to be acceptable, its use must meet the test of being incidental to the main building, rather than providing services that would normally be contained within the main building itself'. However, the Council have not explained how or why this is a precondition of acceptability. Consequently, this matter has no bearing on my decision to dismiss the appeal.
16. Whilst having appropriate facilities on site can be seen to be beneficial to the occupiers of No 105, who support this proposal, this does not outweigh the harm that I have identified by the construction of this building.

Conclusion

17. The conflict found with the policies highlighted above leads me to conclude that the development conflicts with the development plan when considered as a whole. There are no material considerations that outweigh the identified harm and associated development plan conflict.
18. For the reasons given above, the appeal is dismissed.

M J Francis

INSPECTOR