



Appeal Decision

Site visit made on 28 February 2023

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th March 2023

Appeal Ref: APP/Y5420/D/22/3312242

76 Warham Road, Haringey, London N4 1AU

- 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 Mark Trafeli against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2022/2051, dated 12 July 2022, was refused by notice dated 6 September 2022.
 - The development proposed is the addition of a set back deck and balustrade on a portion of an existing flat roof.
-

Decision

1. The appeal is dismissed.

Main issues

2. The main issues are the effect of the proposed development firstly, on the character and appearance of the host building and the local area; and secondly, on the living conditions of the occupiers of 74 and 80 Warham Road with particular regard to privacy and potential noise and general disturbance.

Reasons

Character and appearance

3. The appeal property is a 2-storey, end-terrace dwelling of traditional style in an area that is characterised by substantial, well-established residential terraces. Along one side of the site is a public walkway, called the Harringay Passage, from which there are views of the side and rear elevations of No 76 and the back of the wider terrace.
4. At the rear of the terrace to which No 76 belongs, those properties closest to No 76 have paired 2-storey outriggers with flat roofs. With one notable exception, these outriggers have a largely consistent roof line and form a unifying feature and a distinctive rhythm across this part of the terrace. An exception to this characteristic pattern is at Flat B, 82 Warham Road, which is a mid-terrace building close to the site. No 82 has a roof terrace and railings on its flat roof outrigger that are visible from the Harringay Passage.
5. The proposal is to introduce a deck enclosed by railings to enable part of the flat roof of the outrigger of No 76 to be used as a terrace. The new addition would be very similar to, but smaller in footprint than, the existing roof terrace at No 82.

6. The new railings would be modest in height and their position set back from the edge of the host roof on 2 sides would ensure that the lower section would be hidden from public view at ground level. Nevertheless, the upper part of the new railings would project noticeably above the eaves level of the main building and visually break the profile of the existing roof. In doing so, the proposal would breach an important aspect of the appeal property and the wider terrace, which is the visually strong defining flat roof of the outrigger and create an abrupt visual break in the otherwise largely uniform roofline.
7. When seen from Harringay Passage, the new railings would be a prominent feature within the roofscape of No 76 given their elevated position. To my mind, the new addition would appear as a visually disruptive element along the roofline of the terrace and an obvious 'add-on' that would detract from the form and architectural style of the host building. Having carefully viewed the side and back of No 76 from Harringay Passage, I consider that the proposal would be an obtrusive and discordant feature that would be an unwelcome addition to the terrace and the local area.
8. While the existing roof terrace and railings are obviously in place at No 82, this appears to be an isolated example and is not characteristic or reflective of the basic form of buildings in the same terrace. Although covering a larger area of host roof than the proposal, the roof terrace and railings at No 82 exemplify the harm to which I have referred. The adverse visual impact of this nearby roof terrace has not, in my opinion, compromised the character or appearance of the wider terrace or the local area, to such an extent that justifies a further unsatisfactory roof terrace, as proposed.
9. The Council found the roof terrace at No 82 to be acceptable and granted planning permission for it in 2020. I fully recognise the obvious similarities between this development and the proposal before me and the importance of consistency in making planning decisions. However, given my findings set out above, the Council's recent decision to approve the roof terrace at No 82 is not in itself an appropriate reason to find in favour of the proposal. In other words, additional harm cannot be justified simply because some harm already exists.
10. Reference is made to the Council's assessment of several other high-level extensions and alterations at other properties along Warham Road and on Duckett Road and Sydney Road with background details and some photographs provided. A recent appeal decision relating to a proposal for a rear dormer extension and a rear balcony at 109 Warham Road has also been submitted. I have carefully considered each of the cases cited and had regard to all the evidence before me. Nevertheless, a central planning principle is that each proposal should be assessed on its own planning merits, which is also cited by the Inspector in the 109 Warham Road case. Therefore, other developments and planning decisions do not necessarily set a precedent even where the schemes being compared are very similar not least because, in my experience, local circumstances can often vary.
11. In this instance, none of the other examples identified by the appellant form part of the same terrace as No 76 and, from the details provided, appear to differ to the circumstances in this case. To briefly reiterate, it is the specific relationship of the new development with the roof and rear profile of the host building and the wider terrace that is objectionable.

12. More generally, I saw that several buildings include sizeable roof-level extensions and dormers elsewhere in the local area that are visible from the road. These changes have blended into their setting and respected the character and appearance of the host building with varying degrees of success. If anything, these examples serve to illustrate that even modest changes at the roof level of a building can have a significant impact on the appearance of that property and the area of which it forms part.
13. On the first main issue, I therefore conclude that the proposed development would cause significant harm the character and appearance of the host building and the local area. As such, it conflicts with Policy D6 of The London Plan (TLP), Policies DM1 and DM12 of the Council's Development Management DPD (DPD) and Policy SP11 of Haringey's Local Plan. These policies aim to ensure that new development achieves high quality design that respects the architectural characteristics of the host building and contributes to the distinctive character and amenity of the area.

Living conditions

14. The elevated position of the new roof terrace would allow some overlooking towards nearby buildings and gardens that is likely to differ to that possible from the rear windows of No 76. Nevertheless, given the numerous high-level windows that are visible from the site and the presence of roof terrace at No 82, overlooking of this type is a common characteristic of the relationship between properties in the vicinity of the site. To one side of No 76, the presence of the outrigger at the back of 78 Warham Road would partly shield the side windows and garden of 80 Warham Road to views from the new roof terrace, as the appellant's photograph shows. On the other, the distance separating the new roof terrace and the rear of 74 Warham Road, which is just beyond the Harringay Passage, would be sufficient to avoid any undue overlooking problems. In that context, the loss of privacy through additional overlooking, and the perception of being overlooked, as it would be experienced by neighbouring occupiers would not be significant.
15. As the roof terrace would introduce an area of outdoor amenity space it could give rise to some increase in potential noise and disturbance, although the appellant says that it would not be used for social gatherings. However, the roof terrace would be small, and the type and level of associated activity is unlikely to be any greater than that generated by the reasonable use of an outdoor amenity space at ground level. Given the noise levels resulting from such activity are what could be reasonably expected in a mainly residential area such as this, nearby occupiers would not experience any significantly greater disturbance due to the development sought.
16. On the second main issue, I conclude that the proposed development would not materially reduce the living conditions of the occupiers of nearby properties. As such, it does not conflict with the policies cited by the Council insofar as they aim to safeguard residential amenity. My finding on this matter does not outweigh the harm that I have identified in relation to the first main issue.

Other matters

17. The new terrace would provide valuable outdoor space and its use could have significant health benefits for users. It would also enhance the living conditions of the appellant. I am sympathetic to these desires. However, personal

circumstances rarely outweigh more general planning considerations. An interested party also supports the proposal. However, these considerations do not outweigh the harm that I have identified.

18. The appellant is critical of the Council's approach and has referred to various inaccuracies and misstatements made particularly in the Officer's report. I note that the Council advised that the proposal would be unacceptable even before the application had been registered. I agree that the Council failed to clearly explain why a seemingly like case at No 82 would not be determined in a like manner nor did it appear to consider in detail the other examples highlighted by the appellant as being relevant. I also note the lack of objections from others despite an extensive public consultation exercise. The appellant's experience of the Council in the application process is also at odds with the advice set out in the government's procedural guide for planning appeals. Nevertheless, my remit is solely to determine this appeal.

Conclusion

19. The proposed development would conflict with the development plan, as a whole. There are no material considerations, including the policies of the National Planning Policy Framework, which indicate that the decision should be taken otherwise than in accordance with the development plan.
20. For the reasons set out above, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR