



Appeal Decision

Site visit made on 28 March 2023

by **C Rafferty LLB (Hons), Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 11 April 2023

Appeal A Ref: APP/Y5420/W/22/3304880

37 – 39 Clifton Gardens, London N15 6AP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Margulies against the decision of the Council of the London Borough of Haringey.
- The application Ref HGY/2022/1544 is dated 25 May 2022.
- The application sought planning permission for the variation of a condition 2 (approved plans) attached to planning permission ref: HGY/2020/3131 (Amendment to front elevation and first floor rear extension; alterations to the external design to alternative materials, window/doorway; redesigned front lightwell and boundary treatment; increase in size to kitchen to no.39 and relocation of bin and bicycle store) without complying with a condition attached to planning permission Ref HGY/2021/2863 dated 19 November 2021.
- The condition in dispute is No. 2 which states that: The approved plans comprise drawing nos (20.1212/002E; 20.1212/003F; 20.1212/004B; 20.1212/004G;
- 20.1212/005F; 20.1212/006G; 20.1212/010H; 20.1212/007G; 20.1212/008E; 20.1212/009G; 20.1212/016D). The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.
- The reason given for the condition is: in order to ensure the development is carried out in accordance with the approved details and in the interests of amenity.

Appeal B Ref: APP/Y5420/W/22/3304881

35 – 39 Clifton Gardens, London N15 6AP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
- The appeal is made by Mr Margulies against the decision of the Council of the London Borough of Haringey.
- The application HGY/2022/1546 is dated 26 May 2022.
- The development proposed is the erection of first floor rear extensions at No. 35, 37 and 39 Clifton Gardens.

Decisions

1. Appeal A is dismissed and planning permission is refused for the variation of a condition 2 (approved plans) attached to planning permission ref: HGY/2020/3131 (Amendment to front elevation and first floor rear extension; alterations to the external design to alternative materials, window/doorway; redesigned front lightwell and boundary treatment; increase in size to kitchen to no.39 and relocation of bin

and bicycle store) without complying condition 2 attached to planning permission HGY/2021/2863 dated 19 November 2021.

2. Appeal B is dismissed.

Preliminary Matters

3. The addresses on the application forms for Appeals A and B were noted as 37 Clifton Gardens only. I have taken the addresses from the appeal forms which are a more accurate description for these appeals.

Main Issues

4. The appeal was submitted due to the Council failing to make a decision within an agreed period of time. Based on the submitted policies, my site visit, and representations from the parties; I consider the main issues in both Appeal A and Appeal B to be the effect of the proposed development on: the character and appearance of the surrounding area; and the living conditions of residents of surrounding dwellings with regard to outlook.

Reasons

5. The site is a pair of terraced dwellings in a row of properties on the northern side of Clifton Gardens, currently under construction. The area surrounding the site is residential, defined by liner rows of terraced properties backing on to one another, separated by modest rear gardens. The character of the properties is varied, particularly along the rear elevation where a range of alterations are visible. However, although still under construction the appeal properties share a clear consistency, and an element of symmetry, in their design and form. Immediate properties in this eastern end of Clifton Gardens also have a pleasing sense of uniformity at first floor level, free from prominent projecting elements.

Appeal A

Character and appearance

6. Planning permission HGY/2021/2863 was granted for, among other things, a first floor rear extension at the centre of the appeal properties, with a generous set back from the outer sides of No. 37 and No. 39. The proposal, in seeking to vary condition no. 2, would alter this extension such that it would span much of the rear facades of the properties. I noted that this is already in the process of being constructed.
7. The proposal would be the same depth as the approved extension, set back from the ground floor rear extension boundary, and would retain a symmetrical appearance at Nos. 37 and 39. However, it would introduce significant additional built form, spanning much of the properties' width with limited setback from outer side elevations. As such, it would read as visually overwhelming, failing to respect the proportions of the dwellings. While views would be limited from surrounding streets, it would be clearly seen from immediately neighbouring properties along Clifton Gardens and Wellington Avenue, where its dominance would be readily apparent.
8. Although the approved extension would create a first floor rear projecting element in the immediate group of dwellings, its limited width and generous setback from side boundaries would limit its visual impact on the uniformity at first floor level. However, as a more dominant addition, the proposal would create a more notable disruption in this regard, appearing as an out of place and visually jarring feature

due to its significant additional bulk. In this sense, it would fail to reflect or respect the immediate character, even among the varied rear elevations.

9. The appellant has referred to planning permissions granted in Clifton Gardens for first floor rear extensions¹. However, on the basis of submitted information, these have a more generous set back from outer side boundaries so as to not appear unduly dominant. In addition, the approved development at Nos 5 – 11 incorporates a hipped roof hat, rather than adding to its massing, serves to reducing its visual impact when compared with the flat roof of the proposal. In any event, each scheme is decided on its own site-specific circumstances and reference to development elsewhere carries little weight.
10. For the reasons given, the proposal would have a significant adverse effect on the character and appearance of the surrounding area. It would fail to comply with Policies D3 and D4 of the London Plan 2021; Policy SP11 of the Haringey's Local Plan Strategic Policies 2013-2026 (the LP), Policies DM1 and DM12 of the Haringey Development Management DPD, July 2017 (the DPD) and the House Extensions in South Tottenham Supplementary Planning Document (the SPD) insofar as they seek to ensure development, including house extensions, is of a high standard of design that responds to local context and has regard to building forms and proportions.

Living conditions

11. Due to the end of terrace position of the appeal site, it is surrounded by properties on Wellington Avenue and Elm Park Avenue, in addition to the neighbouring dwellings on Clifton Gardens. The area has a fine urban grain, with these properties separated by modest gardens, providing clear visibility of the rear facades of other properties within the immediate vicinity.
12. The proposal would introduce additional bulk to the appeal properties which, although extending no further than the approved extension, would have a considerably larger width. As such, it would introduce a featureless first floor element of built form in much closer proximity to the immediate shared boundaries of dwellings on Elm Park Avenue and Clifton Gardens of a considerable height with flat roof. Even acknowledging that the residents of No. 35 Clifton Gardens have no objection, it remains that the proposal would read as dominant from the modest rear garden of this property and that on Elm Park immediate adjacent to the site due to its scale and positioning which would create in an undue sense of enclosure.
13. The increased expanse of development when viewed from the rear gardens and habitable room windows of facing properties on Wellington Avenue, while set back, would nevertheless dominate the outlook from these locations. It would appear overbearing and reduce enjoyment of these spaces by residents of these properties.
14. For the reasons given, the proposal would have a significant adverse effect on the living conditions of residents of surrounding properties, with regard to outlook. It would fail to comply with, Policies DM1 and DM12 of the DPD and the SPD insofar as they seek to ensure that development takes into account, and ensures a high quality of, amenity for neighbouring uses. While reference is made to Policies D3 and D4 of the London Plan 2021 and Policy SP11 of the LP, these relate to design.

¹ HGY/2019/3108; HGY/2016/1483; HGY/2005/2299

Appeal B

15. The Appeal B proposal relates to the erection of first floor rear extensions at Nos. 35 – 39 Clifton Gardens. These would be the same depth as the approved extension at Nos. 37 – 39 and would be set back from the boundaries of the ground floor extensions at these properties. Although views from surrounding streets would be limited, it would be clearly visible from nearby properties and rear gardens.
16. The extension at No. 39 would span much of the property, with minimal set back from the eastern elevation, while that at No. 37 would run along the entire width of the dwelling. The proposed extension at No. 35 would have a generous set back from the western elevation and, taken on its own, would have a modest width in the context of the host dwelling. However, it would have no separation from the proposed extensions at Nos. 37 – 39, combining to create the visual effect of one large element of projecting built form at the first floor level of these properties.
17. Accordingly, the combined visual effect would be unduly dominant in context. Taken together, the extensions would introduce significant additional bulk that would read as overwhelming on the rear facades of the dwellings. The lack of separation between the extensions would also disrupt the pleasing symmetry and defining uniformity in appearance at Nos. 37-39, as well as creating an imbalance along the rear of No. 35. As such, the character of these dwellings would not be respected.
18. In this regard, the proposals would also be distinguished from the aforementioned approved schemes² in Clifton Gardens, which retain an overall balanced and coherent form and design at the host dwellings. On the site-specific circumstances of the appeal before me, the proposed first floor rear extensions at the site would read as awkward, dominant and out of place additions, causing visual harm.
19. For the reasons given, the proposal would have a significant adverse effect on the character and appearance of the surrounding area. It would fail to comply with Policies D3 and D4 of the London Plan 2021; Policy SP11 of the LP; Policies DM1 and DM12 of the DPD and the SPD insofar as they seek to ensure development, including house extensions, is of a high standard of design that responds to local context and has regard to building forms and proportions.

Living conditions

20. Similar to Appeal A, the proposal would introduce a first floor element of built form in closer proximity to the immediate shared boundaries of dwellings on Elm Park Avenue and Clifton Gardens, of a considerable height with flat roof. It would have a generous set back from No. 33 Clifton Gardens, ensuring no significant impact on the outlook experienced by residents of this property. However, its scale and positioning relative to the modest rear garden of the immediate adjoining property on Elm Park Avenue would create an undue sense of enclosure for occupiers of this dwellings.
21. In addition, the proposed rear extensions would have an altogether greater width than the approved extensions at Nos. 37 – 39 and the scheme of Appeal A. As such, it would further dominate views from rear gardens and habitable room windows of the immediately facing properties on Wellington Avenue, appearing overbearing.
22. For the reasons given, the proposal would have a significant adverse effect on the living conditions of residents of surrounding properties, with regard to outlook. It would fail to comply with, Policies DM1 and DM12 of the DPD and the SPD insofar as

² HGY/2019/3108; HGY/2016/1483; HGY/2005/2299

they seek to ensure that development takes into account, and ensures a high quality of, amenity for neighbouring uses. While reference is made to Policies D3 and D4 of the London Plan 2021 and Policy SP11 of the LP, these relate to design.

Other Matters

23. The personal circumstances of the appellant are acknowledged, whereby the proposal would allow the house to meet the modern day to day needs of a growing family. However, personal circumstances will seldom outweigh planning considerations. The appellant further refers to a need for additional floorspace within the area. However, the SPD and local policy is clear that design should be suitable in context and that development should not result in adverse living conditions for neighbouring residents. As such, even when taken together with the personal circumstances of the appellant, the provision of additional floorspace does not outweigh the harm identified.

Conclusion

24. For the reasons given above, I conclude that both Appeal A and Appeal B should be dismissed.

C Rafferty

INSPECTOR