



Appeal Decision

Site visit made on 22 March 2023

by S A Hanson BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 April 2023

Appeal Ref: APP/Y5420/C/22/3297180

The land and building(s) known as 10 Terrick Road, Wood Green, London N22 7SH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Ahmed Mahomed Khan against an enforcement notice issued by London Borough of Haringey.
 - The notice was issued on 31 March 2022.
 - The breach of planning control as alleged in the notice is: Without planning permission, the construction of a loft conversion with a rear dormer and gable wall in the Wood Green Common Conservation Area.
 - The requirements of the notice are to: 1. Demolish the rear dormer extension and the gable wall in their entirety. 2. Remove from the site all debris resulting from compliance with 1 as above.
 - The period for compliance with the requirements is: 6 (six) months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary Matters

2. At the time of my site visit, works to the roof were being undertaken to reduce the scale of the dormer extension and the gable wall. For clarification, the appeal before me is against the development that was in place at the time the enforcement notice was issued, that is the development as shown on the plans D05 and D06 dated 21 April 2021 which formed part of the application for planning permission (HGY/2021/1337). My decision is based on these plans. This application was refused by notice dated 21 June 2021 and subsequently dismissed on appeal (APP/Y5420/D/21/3279468).

The appeal on ground (a) and the deemed planning application

Main Issues

3. The main issues are whether the development would preserve or enhance the character or appearance of the Wood Green Common Conservation Area and the effect of the development on the host dwelling.

Reasons

4. The site to which the appeal relates is a semi-detached dwelling within a predominantly residential area. The garden to the rear is of limited depth and adjoins the rear garden of a property in Dorset Road to the east. A two-storey outrigger with a lower ridge line extends from the rear of the property, attached to which is a single storey addition. The side elevation of the main section of the property displays an architecturally pleasing stepped gable which is plainly visible from the public realm. This feature is replicated on the adjoining property and others within the road. The appeal property is within the Wood Green Common Conservation Area (CA).
5. The London Borough of Haringey Conservation Area Character Appraisal describes Nos. 2 to 12 Terrick Road as Victorian semi-detached properties constructed of London stock brick with canted bay windows at ground floor level and prominent, white-painted lintels and keystones above entrances. It acknowledges that there have been some unsympathetic alterations to properties within the road. I also note that development in the road displays a variety of designs and finishes, some more pleasing than others. Nevertheless, development that is harmful should not establish a quality of design to be replicated, adding further harm to the area.
6. The plans show a loft conversion with a large rear dormer that would cover the full width of the rear elevation. The exposed stepped gable end would be lost, being replaced by a blank square-sided elevation. The plans for the 'existing rear elevation' show the dormer would be slightly stepped down from the ridge line, and the 'existing elevation side B' shows the dormer façade set back from the eaves behind the squared-off side elevation, covering side-on views of the dormer roof extension.
7. Due to the scale and design, the dormer extension would result in a visually apparent top-heavy box-like structure with little architectural merit. Furthermore, the built-up blank side elevation would destroy the architectural detailing of the stepped gable and would result in an incongruous unsympathetic addition to the host property. Overall, the development would dominate the nuanced Victorian features of the host dwelling and its neighbours, particularly the adjoining property, and this would have a wider reaching harmful effect on the significance of this part of the CA.
8. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The National Planning Policy Framework (the Framework) at section 16 sets out that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to that asset's conservation. It goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have a clear and convincing justification.
9. As views of the appeal development are confined to a relatively small area, the harm that would arise would be localised. Therefore, in terms of the approach in the Framework, the harm to the CA, as a whole, would be less than substantial. Paragraph 202 of the Framework advises that where a development would lead to less than substantial harm to the significance of a heritage asset, that harm should be weighed against the public benefits of the

proposal. The appellant has not suggested any public benefits that would arise from the development, and none are apparent.

10. I therefore conclude that, on balance, the development would be harmful to the character and appearance of the host dwelling and would fail to preserve or enhance the character or appearance of the CA, to which I am required to have special regard. The development is also contrary to Policies DM1, DM9 and DM12 of the Haringey Development Management DPD (2017) which together seek high design quality and that heritage assets are protected.
11. The proposal would also conflict with Policy SP11 and SP12 of the Haringey Local Plan (2017) and Policies D6 and HC1 of the London Plan (2021). These seek, among other things, that extensions or alterations to residential buildings, including roof extensions will be required to be of a high, site specific, and sensitive design quality, and respect and/ or complement the form, setting, period, architectural characteristics, detailing of the original buildings. Furthermore, development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings.

Other Matters

12. The appellant refers to permitted development as a fall-back position. Article 3(1) of the Town and Country Planning (General Permitted Development) Order, as amended, grants planning permission for the classes of development set out in Schedule 2. Part 1, Class B of the Order allows for the enlargement of a dwellinghouse consisting of an addition or alteration to its roof, subject to conditions and limitations. However, as the appeal site is within the CA, additions or alterations to its roof are not permitted by Class B.1(f).
13. Addressing any structural stability issues with the gable wall did not necessitate the appeal development and therefore this matter does not justify the scheme. The appellant also referred to examples of roof extensions/alterations within the area, listing application references but with no information to demonstrate how these compare to the development before me. Notwithstanding that there are examples of properties where roofs have been altered, the appeal development must be considered on its own merits.

Conclusion

14. For the reasons given above, I conclude that the appeal should be dismissed.

S A Hanson

INSPECTOR