



Appeal Decision

Site visit made on 30 May 2023

by D Cleary MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 July 2023

Appeal Ref: APP/Y5420/W/22/3311840

33 Muswell Hill, Hornsey, Haringey, London N10 3PR

- 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.
 - The appeal is made by Mr Huseyin Mustafa, of Spinners Developments Ltd against the Council of the London Borough of Haringey.
 - The application Ref HGY/2022/2303, is dated 17 August 2022.
 - The development proposed is described as 1) Single storey wrapped around rear extension with sky light on rear roof slope 2) Creation of side dormers 3) Inserting skylights on main roof: two sky lights on front roof slope, one on rear roof Slope and one on side roof slope also changing rear fenestration to white UPVC windows.
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Decision

1. The appeal is dismissed and planning permission refused.

Preliminary Matters

2. Although the appeal is against non-determination, the Council has since indicated it would have refused the application and given its reasons for this, had it still been within its remit to determine.
3. One of the putative reasons for refusal relate to the accuracy of the plans. While I note some inaccuracy with particular regard to the adjacent property, I consider that the submitted plans, insofar as they relate to the appeal site, are of sufficient accuracy to enable me to determine the effects of the development.

Main Issues

4. The main issues are:
 - whether the development preserves or enhances the character or appearance of the Rookfield Estate Conservation Area; and,
 - the effect of the development on the living conditions of the occupiers of No.31 Muswell Hill, with particular regard to outlook, light and privacy

Reasons

5. The appeal site is located within the Rookfield Estate Conservation Area (RECA), which is a designated heritage asset. There is a statutory duty for me to pay special attention to the desirability of preserving or enhancing the character or appearance of the RECA, and great weight should be given to this

heritage assets conservation. To assist in my consideration of the significance of the heritage asset, the Council's statement identifies the Rookfield Estate as being *"a pretty enclave of houses in the domestic vernacular of Hampstead Garden Suburb; brick and rendered walls, tiled roofs, white casement windows and low privet hedges. Built from 1901 to 1915 by WJ Collins and his sons Herbert and William"*. Following my site visit, I observed a consistency and uniformity in the overall architectural design and building detail in the area and agree with this assessment of significance. I also found the RECA, along roads which spur off Muswell Hill, to have a tranquil ambience, and this is a characteristic which also adds to the significance of the asset.

6. The appeal relates to an end terraced property within a group of four dwellings. The dwelling, and its terraced grouping, retain many of the vernacular characteristics which are traditional to dwellings within the RECA including their timber sash windows and unbroken front roof slopes. The dwelling occupies a corner plot on the junction of Muswell Hill and St James's Lane with its front and side elevations prominent from Muswell Hill. St James's Lane descends from Muswell Hill and due to the local topography the rear elevation of the appeal dwelling is prominent when ascending St James's Lane. The rear gable elevation is well balanced with upper floor windows being aligned and proportioned to provide symmetry. I find that the appeal dwelling, and its terraced grouping, contribute positively to the overall character and appearance of the RECA.
7. The proposals relate to a single storey rear wrap-around extension, the installation of roof dormers within the two side roof slopes, the installation of roof lights to the front and rear roof slope, and the installation of UPVC windows within the rear elevation.
8. The rear extension would wrap around the existing gabled three-storey rear outrigger. The wrap-around would be to one side of the gable resulting in an unbalanced built form which would fail to respect the unified proportions of the three-storey outrigger. Furthermore, the proposed large concertina window would fail to align with the upper floor openings creating further visual imbalance in its relationship with the existing building. I consider that the proposed extension would result in an incongruous addition which detracts from the traditional design and form of the host dwelling and, given the visual prominence of the rear elevation, that of the surrounding area.
9. The proposed roof dormer to the St James's Lane side elevation would be positioned adjacent to an existing roof dormer of similar design and proportion. I consider that a further dormer window to this elevation as proposed would, cumulatively, dominate the roof slope and add additional unwelcome vertical emphasis to this elevation. Furthermore, the positioning of the dormer would be off set from existing openings and brickwork below, and would result in a more visually disjointed elevation on this prominent corner dwelling.
10. A second metal sheet clad, flat roof dormer is proposed within the opposite side roof slope which faces towards No.31. The design of the roof dormer is markedly different to the existing roof dormer. I consider that this dormer, by reason of its design, siting and proposed materials would jarringly contrast with the original agricultural design approach of the dwelling and visually imbalance the rear gable. When viewed from St James's Lane the eye would be unacceptably drawn to its incongruity.

11. I have had regard to the example of the dormer extension at No.25 Muswell Hill. This elevation is partially screened by mature landscaping at the end of Cascade Avenue, while there is no vehicular access along this road from Muswell Hill. Therefore, I find that the side façade of this dwelling is not as prominent as that of the appeal dwelling. Further, its size and alignment with windows is also materially different to the scheme before me. I have also had regard to other roof dormers within the area. However, I do not find any of these to be directly comparable to the proposals before me for reasons relating to their differing contexts. In any event, I have considered the appeal proposals on their merits
12. The proposed replacement windows would retain the proportions of the existing windows. However, the use of non-traditional materials would result in a stark contrast with the traditional design of the dwelling, particularly given the prominence of the rear elevation from St James's Lane. I note that there are examples of the use of UPVC windows within the surrounding area. However, such window materials are not traditional to the RECA and their use is not significantly wide spread. Therefore, I consider that the loss of traditional design features, which are of significance to this heritage asset, would be harmful.
13. The proposal also includes the introduction of rooflights within the front elevation of the dwelling. The front roofslope of the appeal dwelling, and that of the terraced grouping, is free from roof interventions. The rooflights would be large and would not align with existing openings within the front elevation. These would therefore appear as an awkward addition, that would be at odds with the unbroken roofslope of the terraced group.
14. For the above reasons, the proposed development would fail to preserve or enhance the character or appearance of the RECA. Therefore, the proposals would be contrary to Policies SP11 and SP12 of the Haringey Local Plan 2013 (LP) and Policies DM1 and DM9 of the Development Management DPD 2017 (DPD) which require, amongst other things, that development be of good design, and that regard must be had to preserving and enhancing heritage assets.
15. In the terms of the Framework, the development results in less than substantial harm to the designated heritage assets and it must therefore be weighed against any public benefit that would arise from it. Whilst I appreciate that the development would bring a vacant property back into use, I have very little clear or convincing evidence from the appellant concerning public benefit in which to outweigh the harm to the designated heritage assets that I have identified.

Living Conditions

16. The adjacent property, No.31 Muswell Hill, is set at a lower land level than the appeal site. No.31 has a ground floor window within its rear elevation, and a ground floor window within the side elevation of its two-storey outrigger. A substantial brick wall is positioned along the initial part of the boundary with No.31. At its tallest, the wall is approximately the height of the lintel of the adjacent window, after a short distance, the boundary treatment reduces to a much lower height and is of less substantial construction. The extension would infill the gap between the existing outrigger and the boundary with No.31, and

would project above the existing wall and more significantly above the modest lower level boundary. The extension would be sited immediately adjacent to the boundary for some depth. By reason of its depth and height, the extent of built form visible from No.31 would be significantly greater than that of the existing brick boundary. The extension, coupled with the two-storey outrigger of No.31, would result in a tunnel effect and an increased sense of enclosure for occupants of that property. Therefore, I find that the rear extension would result in a poor outlook from, and unacceptable loss of light to internal rooms of No.31.

17. A raised platform is proposed to the rear of the extension. The extension includes a large concertina door off the kitchen/dining room that would open up onto the raised platform. I note that there is an existing raised platform at present serving rear access to the property. From the existing platform, on my site visit, I observed direct and unobscured views into the rear garden space of No.31. The proposed raised platform would be sited closer to the side boundary and its presence from the garden space would be more apparent. Furthermore, given its relationship to the kitchen/dining room, it is likely that the platform would be frequently used by occupants of the appeal dwelling who would have unimpeded views into the garden of No.31. Therefore, the degree of overlooking from the proposed development would be far greater than the existing relationship.
18. For the above reasons, the proposed development would have an unacceptable effect on the living conditions of the occupiers of No.31 Muswell Hill with particular regard to outlook, light and privacy. Therefore, the proposals would be contrary to Policy DM1 of the DPD which, amongst other things, requires development to have a high standard of living conditions for neighbours. However, I do not find conflict with Policy SP11 of the LP, as suggested by the Council, which relates to design matters.

Conclusion

19. For the above reasons, the development conflicts with the Development Plan, and there are no material considerations, which indicate that a decision should be made other than in accordance with this. Therefore, the appeal is dismissed and planning permission refused.

D Cleary

INSPECTOR