



Appeal Decision

Site visit made on 1 February 2024

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 22nd February 2024

Appeal Ref: APP/Y5420/D/23/3331021

5 Waltheof Avenue, Tottenham, Haringey, London N17 7PL

- 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 Ms Rahman and Mr Hussain against the decision of London Borough of Haringey.
 - The application Ref HGY/2023/0784, dated 20 March 2023, was refused by notice dated 18 July 2023.
 - The development proposed is loft conversion – rear dormer and installation of two conservation velux windows to front roof slope.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Notwithstanding what is shown on the application form, the proposed development has been amended to exclude the velux windows on the front roof slope, with the windows on the loft extension being timber sash. This is the basis on which I have determined the appeal.
3. Whilst a revised version of the National Planning Policy Framework (the Framework) was published in December 2023, the sections relevant to this appeal remain unchanged, apart from paragraph numbering. Therefore, the principles that apply to this decision remain the same. Consequently, it has not been necessary to request observations from the main parties upon any implications of the revised Framework's publication.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area and whether it would preserve or enhance the character or appearance of the Tower Gardens Conservation Area.

Reasons

5. The appeal site is a terraced, two-storey dwelling with a double bay and recessed porch to the front with a small garden surrounded by a hedge. To the rear there is a two-storey outrigger, with a single storey, flat roofed extension, and a small yard area enclosed by a timber fence.
6. The site is located within the Tower Gardens Conservation Area (CA). The significance of the CA derives both from its architectural character and its historic interest. It is one of three London County Council suburban cottage estates built before the first world war, designed to provide working class

- people with a healthy and good quality place to live. The housing in Arts and Crafts and vernacular styles was built using high quality materials and with decorative features.
7. The CA consists, for the most part, of a regular grid of terraced streets, with the housing being of a similar massing and eaves height. This is varied by using a variety of roof forms, materials, chimney stacks, gables, projecting and inset porches and bay windows. Waltheof Avenue and adjoining streets were an early phase of the estate, with the avenue having been built 1906-7.
 8. Tower Gardens Conservation Area Appraisal and Management Plan (CAA), 2019, states that roof extensions will not usually be considered acceptable in Tower Gardens, particularly where they have a negative impact on views or the street scene. The CAA says that as the terraces are formed in symmetrically composed groups, alterations at roof level will be harmful to the uniformity of the group.
 9. The proposed dormer, which would be set down from the apex of the roof and inset from the sides, would have timber windows and would be clad with slates to match the existing roof. However, as I observed on my visit, there are no other rear dormers visible in the vicinity of the site. Roofs within the CA are modestly sized. Whilst, visually, the proposed development would be partly hidden behind the roof of the two-storey extension, and would not be visible from Waltheof Avenue, it would disrupt and detract from the undeveloped roofscapes within this part of the CA.
 10. In this case, the rear roof of No 5 is visible from Spigurnell Road in the gap between No 2 Spigurnell Road and the rear of 65 Tower Gardens Road. Whilst existing outriggers do block views of the roofs and it would not be highly visible from the rear garden of No 5, it would be visible from a wider viewpoint than just houses to the rear of the appeal site. The proposed development would, therefore, affect the uniformity of the roofs in this area and cause harm.
 11. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Paragraph 205 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
 12. For the above reasons, I consider that the proposal would harm and thus fail to preserve or enhance the character or appearance of the CA. It would therefore conflict with section 72(1) of the Act. Furthermore, the proposed development would harm the character and appearance of the area.
 13. With regard to the nature of the proposal and the impact on the significance of the CA, the harm would be less than substantial in the terms of the Framework. In such circumstances, paragraph 208 requires this harm to be weighed against the public benefits. Whilst the proposal would add a further bedroom to the property to maximise the available space, and there would be some economic benefits for businesses during its construction, it has not been shown that the benefits from the development would be any more than a private benefit. As such, this would not outweigh the less than substantial harm to the designated heritage asset to which I must give great weight.

14. Therefore, the proposal would not accord with Policy DMD9 of Haringey Development Management DPD, 2017, Policy HC1 of The London Plan, 2021 and Policies SP11 and SP12 of Haringey Local Plan Strategic Policies 2013-2026, March 2013, consolidated with alterations since 2017. Collectively, these policies require the design of a development proposal to conserve the significance of heritage assets and the character of the area. Furthermore, it would not accord with the Framework.

Other Matters

15. The appellant has provided several examples where planning permission¹ for dormer extensions have been granted within the CA. Whilst a small number have been allowed, at least three of these examples would have been granted permission before the publication of the CAA and the guidance on roof extensions. The circumstances in each proposal are also likely to be different, and in any event the fact that apparently similar development has been granted permission is not a reason, on its own, to allow unacceptable development.
16. Examples of roof extensions on Tower Gardens Road have also been provided by the appellant, but as there is no planning history provided, I am unaware of the circumstances in which these extensions were built. Other examples of dormers on the former community hall, which has a different roof design to the appeal site, and buildings on Lordship Lane have been highlighted, but from the evidence before me, these are original to the buildings. Therefore, these are not comparable to the appeal site.
17. I acknowledge that the appellant altered the proposal in line with the Council's Conservation Officers comments. However, my findings on this appeal are based on the evidence before me and my observations on site.
18. The parties agree that the proposal would not have any effect on the living conditions of neighbouring properties which I have no reason to dispute.

Conclusion

19. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and that warrant a decision other than in accordance with the development plan.
20. For the reasons given above, I conclude that the appeal is dismissed.

M J Francis

INSPECTOR

¹ Ref: HGY/2011/1258; HGY/2019/1668; HGY/2012/1689; HGY/2003/1734