

Appeal Decision

Site visit made on 23 April 2024

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08.05.2024

Appeal Ref: APP/Y5420/D/24/3339073

5 Waltheof Avenue, Tottenham, 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 and Mr Rahman and Hussain against the decision of the London Borough of Haringey Council.
 - The application Ref HGY/2023/2722, dated 10 October 2023, was refused by notice dated 6 December 2023.
 - The development proposed is a first floor rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposal would preserve or enhance the character or appearance of the conservation area; and the effect on the living conditions of the residents of 7 Waltheof Road with regard to light.

Reasons

3. The dwelling lies within the Tower Gardens Conservation Area. The decision notice suggests that the proposal would fail to preserve or enhance the character or appearance of the conservation area. The council's specialist adviser suggests that the works would have a neutral impact on the significance of the conservation area. The extension would be subordinate to and distinguishable from, the original outrigger of the property. It would also have a complementary design and form; and the materials would match.
 4. Given the enclosed nature of this rear area, I agree with the council's Senior Conservation Officer that the proposal would have a limited wider impact and a neutral impact on the significance of the conservation area. It would not therefore conflict with the design or heritage requirements of policy HC1 of The London Plan 2021 (LP); policies SP11 or SP12 of the Haringey Local Plan - Strategic Policies 2013 – 2026 (2017); or policies DM1, DM9 or DM12(E) of Haringey Development Management - Development Plan Document 2017 (DPD). There would also be no conflict with paragraphs 3.4.1 – 3.4.3 of the Tower Gardens Conservation Area Appraisal and Management Plan July 2019.
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5. The council are also concerned that the proposal would result in excessive shading. The first floor addition would extend along the party boundary and would be close to the first floor window of the neighbouring property at 7 Waltheof Road. Even though the roof would be lower than the main roof, it would reduce direct sunlight to that room from midday onwards and would have a particularly harmful impact in the later afternoon when the sun is lower in the sky. It would also increase shading within the garden and would reduce outlook from both the first floor window and the garden area closest to the rear of the neighbouring property.
6. The proposal would unacceptably harm the living conditions of the neighbouring residents as a result of loss of direct sunlight but also outlook. It would be contrary to the amenity requirements of DPD policies DM1(Da) and DM12(A). Although not listed in the reasons for refusal, I also find conflict with LP policy D6(D) which requires the provision of sufficient daylight and sunlight to surrounding housing. There would also be conflict with the *National Planning Policy Framework 2023* which seeks a high standard of amenity for existing and future users.
7. The appellants advise that the neighbouring property has a small north facing window in the adjoining bedroom. Whilst this would continue to provide light to the room and would assist with ambient light levels in that bedroom, it would not address the loss of direct sunlight or loss of outlook from that room; or alter the impact on the neighbouring garden.
8. The proposal would increase the small rear room to a size that would meet the minimum space standards for a single bedroom. It is acknowledged also that the size of the extension has been kept to a minimum to achieve this. This provides considerable weight in favour of the proposal and gains support from DPD policy DM12(F) and also LP policy D6(F3). The revised arrangement would also improve the accommodation by providing a first floor bathroom. This provides further weight in its favour.
9. Whilst the improved accommodation offers considerable support for the proposal, these benefits would be at the expense of the living conditions of the neighbouring residents. I am mindful that the neighbouring residents were consulted and no response was received. However, I conclude that the matters in favour of the proposal are not sufficient to outweigh my concerns with regard to the living conditions of the residents of 7 Waltheof Road. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR