

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/24/3338683

40 Rectory Gardens, Hornsey, London N8 7PJ

- 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 Mr Hamit Hoti against the decision of the London Borough of Haringey Council.
 - The application Ref HGY/2023/2552, dated 22 September 2023, was refused by notice dated 16 January 2024.
 - The development proposed is a rear outbuilding used as gym, home storage and office.
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Decision

1. The appeal is allowed and planning permission is granted for a rear outbuilding used as gym, home storage and office at 40 Rectory Gardens, Hornsey, London in accordance with the terms of the application, Ref HGY/2023/2552, dated 22 September 2023, subject to the following condition:
 - 1) The development hereby permitted relates to the following approved plans: N.A/40RG/501A to 504A.

Main Issue

2. The main issue is the effect on the character and appearance of the area.

Reasons

3. The garden building has already been erected. It sits close to the rear and side boundaries of the garden. Being of brick with a sloping roof, its materials are of a high standard whilst its form and design is not uncommon in rear gardens generally. Its low form and position ensures that it is not prominent in public views. The rear garden is relatively long so it does not dominate the garden. I do not agree with the council that it is a feature that is out of character in terms of scale or that it covers an excessive amount of rear garden. Being single storey and set well away from the two storey dwelling, it is clearly subordinate in scale. It does not result in harm to the character or appearance of the area.
 4. The council accept that the proposal would not result in unacceptable harm to the living conditions of neighbouring residents. It is also acknowledged that the structure only marginally exceeds permitted development limits.
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5. Given the above, the building does not conflict with the design aspirations of policy SP11 of the Haringey Local Plan - Strategic Policies 2013 – 2026 (2017); or policy DM1 of the Development Management - Development Plan Document (2017). In so far as policy D6 of The London Plan 2021 is relevant, the retained external space would continue to exceed the minimum outdoor space requirements. As the building provides valuable additional domestic space, it is not at odds with the *National Planning Policy Framework* 2023 which supports development that functions well and adds to the overall quality of the area.
6. As there are no matters that weigh significantly against the proposal, I allow the appeal.
7. The council have suggested a condition be imposed to require that the building only be occupied for purposes incidental to the residential use of the dwellinghouse and shall not be used as an independent dwelling or for commercial purposes. The proposal does not seek a change of use and as any other use would require formal consent, such a condition is not necessary. I have imposed a condition referring to the submitted plans in the interests of proper planning. As the works are complete, no further conditions are required.

Peter Eggleton

INSPECTOR