

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: 14 June 2024

Appeal Ref: APP/Y5420/D/24/3338131

Flat A, 111 Effingham Road, Hornsey, London N8 0AE

- 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 Ksenia Yumasheva against the decision of the London Borough of Haringey Council.
 - The application Ref HGY/2023/3094, dated 16 November 2023, was refused by notice dated 12 January 2024.
 - The development proposed is a ground floor rear extension with single storey roof extension and roof terrace.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the living conditions of the residents of 113 Effingham Road with regard to light and outlook.

Reasons

3. The council's concerns relate only to the impact of the single storey side extension on the living conditions of the neighbouring residents. The extension would extend to an overall depth of 7.6 metres from the rear of the main part of the dwelling along the shared side boundary. It would include an off-set from the rear elevation which would effectively form a light well for the rear facing window. This off-set area would also offer some benefits to neighbouring residents when exiting the partly glazed door to the rear of their property. Given the orientation of the rear outriggers, it is unlikely that the side extension would significantly alter light levels within the areas of the neighbouring property served by the rear partly glazed door or the side facing rear windows. There would not therefore be conflict with policy D6(D) of The London Plan 2021 with regard to daylight and sunlight.
 4. The outlook from the neighbouring rear facing door appears to be extremely limited given the nature of that door. The appellant advises that the door serves the rear living room. Whilst important for light, it does not appear to offer any outlook due to its form and glazing. Any changes to light and outlook would similarly not alter living conditions behind the small side facing bathroom
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- window. Whilst reference has been made to the rear glazed extension, I am not satisfied that this is currently a habitable room.
5. The neighbouring property does have a large side facing bay window which would face directly towards the proposed light well but also, at only a small angle, the new extension. This side bay window currently has only a limited outlook due to the distance to the outrigger of the appeal property. This would be more limited if a high fence were to be erected. As this appears likely in any event, I have compared this possibility against the proposal rather than the current arrangement. The relationship of the bay window to the light well would be similar to having a standard high fence erected.
 6. The side bay window, by its very design, has a wider outlook. Its most open outlook is towards the rear. The appellant advises that the extension would be three metres high. Although off-set from the bay window, this height of development on the boundary, given the already limited outlook from the window, would be overbearing. The reduction in outlook would harm the living conditions of the neighbouring residents. Further enclosing the area between the outriggers, at this height, would also be overbearing, even compared to a high fence, when using the side passage from the rear door. This adds to my main concern with regard to the bay window.
 7. Given the above, although I do not consider that there would be an unacceptable reduction in light, the reduction in outlook, particularly from the side facing bay window, would represent poor design and would be contrary to the amenity requirements of policies DM1(Da) and DM12(A) of Haringey Development Management - Development Plan Document 2017. There would also be conflict with the *National Planning Policy Framework* 2023 which seeks a high standard of amenity for existing and future users.
 8. The appellant advises that the ground levels are consistent and this appeared to be the case. The bay window is set at a higher level than the corresponding window opposite but I have had regard to its position relative to the boundary and floor levels as depicted in the appellant's submission. I have also considered the information submitted with regard to other extensions at various properties in Woodlands Park, Effingham Road and Allison Road. I have not been provided with the plans relating to the specific approvals but in any event, I must consider this proposal on its own particular and specific circumstances. I am mindful that the neighbouring residents were consulted and no response was received.
 9. It is evident that the appellant has gone to some lengths to limit the impact of the proposal and considered a range of options. There are also a number of benefits with regard to the quality of the design and the proposed materials. However, the side extension proposed would result in harm to the living conditions of the residents of 113 Effingham Road with regard to outlook. The matters that weigh in favour of the proposal do not outweigh this concern. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR