



Appeal Decision

Site visit made on 16 July 2024

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 July 2024

Appeal Ref: APP/Y5420/W/24/3342561

62 Turnpike Lane, Wood Green, Haringey, London N8 0PR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Phillip Thi (Thiandson Property Limited) against the decision of the Council of the London Borough of Haringey.
 - The application Ref: HGY/2023/3333, dated 14 December 2023, was refused by notice dated 13 March 2024.
 - The application sought planning permission for a 'Rear and front extension and loft conversion to create 2 x 2 bed flats and 1 x studio flat. Retail unit retained' without complying with a condition attached to planning permission Ref HGY/2022/2221, dated 8 November 2022.
 - The condition in dispute is No 2 which states that: *The approved plans comprise drawing nos 1177-01, 1177-02, 1177-03 Rev B, 1177-04 Rev B, 1177-12 Rev C, 1177-13 Rev E, 1177-14 Rev C and 1177-15 Rev E. The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a nonmaterial amendment.*
 - The reason given for the condition is: *In order to ensure the development is carried out in accordance with the approved details and in the interests of amenity.*
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Decision

1. The appeal is allowed and planning permission is granted for 'Rear and front extension and loft conversion to create 2 x 2 bed flats and 1 x studio flat. Retail unit retained' at 62 Turnpike Lane, Wood Green, Haringey, London N8 0PR in accordance with the application Ref HGY/2023/3333, without compliance with condition number 2 previously imposed on planning permission Ref HGY/2022/2221 dated 8 November 2022 and subject to the conditions in the attached schedule.

Background and Main Issue

2. The development as described above has been constructed otherwise than in accordance with the approved plans, including the front dormer, the Juliet balconies and by the addition of canopies. The appellant sought to modify a condition to reflect the development as constructed.
3. The main issue is the effect of the appeal proposal on the character and appearance of the host building and the area.

Reasons

4. The appeal property comprises of a mid-terrace building which is formed of a retail use on part of the ground floor with residential units to its rear and above. Turnpike Lane in the vicinity of the site comprises of a range of commercial uses accommodated in a variety of two and three storey properties. The diversity in uses, the variations in the building styles and materials, including the roofs of properties, provides for a mixed character and appearance to the area around the appeal site.
5. The front dormer subject of this appeal is positioned centrally on the host building with the properties to either side having a front gable feature. It maintains an area of roofslope around it and its size and scale are sympathetic to the host building and the terrace row.
6. The appeal dormer would be wider than the dormer at No. 70 Turnpike Lane and of a differing design. However, given the diversity within the streetscene at roof level, with various roof styles, that include mansard and pitched roof forms, of differing heights and material coverings, it is not considered that the departure in the size and style of the appeal dormer when compared to the one on the nearby property would be visually harmful.
7. To the rear, the revised enclosures to the Juliet balconies protrude slightly from the main rear elevation, but as they are not solid, and still provide views through the railings and perforated steel sheets, they do not appear unduly bulky additions to the appeal property. The design of the balustrade enclosures are more ornate than that approved, but given its pale painted finish, it assimilates with the buff brick on the rear elevation.
8. A number of canopies have been added to the rear elevation of the extension above doors and windows. These are simple structures with a painted white finish that matches the finish on the windows and doors. As they align with the Juliet balconies, I do not consider that they give rise to a cluttered appearance.
9. The canopies and Juliet balconies are visible from Burghley Road, but from vantage points on this road, these elements of the proposal are seen amongst a range of rear extensions with different material finishes and fenestrations. As such, I do not consider these elements would be harmful to the character and appearance of the area.
10. The appeal proposal also includes other changes, to the internal layout of the flats, the position of windows on the side elevation, to the width of the rear dormer as well as minor alterations to the elevations. The Council has raised no concerns on these elements, and as they consist of minor alterations, I have no reason to disagree.
11. I therefore conclude that the appeal proposal does not have an unacceptable impact on the character and appearance of the host building and the area. As such, it is not contrary to Policy DM1 of the Council's Development Management DPD or Policy SP11 of the Haringey's Local Plan Strategic Policies 2013-2026. which seek development of a high standard of design that relates positively to their locality.

Conditions and Conclusion

12. For the reasons given above I conclude that the appeal should be allowed. This new planning permission will therefore omit the previous plans condition and replace with a condition referencing the submitted plans with this appeal.
13. The Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should also restate the conditions imposed on earlier permissions that continue to have effect. The Council has identified those conditions imposed on the original planning permission that are still subsisting and capable of taking effect. I have had regard to the reasons for the imposition of those conditions and consider them to be relevant to the appeal development. For the sake of clarity, conciseness and enforceability, I have amended the wording of some of the Council's conditions as appropriate.

F Rafiq

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun not later than the expiration of 08/11/2025.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans referenced: Drg No's: 1177-01, 1177-13 Rev K, 1177-15 Rev K.
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials specified in the application. Development shall be carried out in accordance with the approved details.
- 4) The proposed windows at first floor level and above on the flank elevation facing No. 64 shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or equivalent and shall be non-opening up to a minimum height of 1.5 m above the internal floor level of the room in which it is installed. This specification shall be complied with before the extension/development is occupied and thereafter be retained for the lifetime of the development.
- 5) No part of any structure hereby granted shall be used as a roof terrace or balcony.
- 6) Prior to occupation, the development hereby permitted shall provide a minimum total of 5 x long-stay cycle parking spaces in line with the London Plan (2021) standards and the London Cycle Design Standards and should thereafter be retained for the lifetime of the development.
- 7) The development hereby permitted shall be undertaken in accordance with the Construction Management Plan submitted on 07/08/2023 and approved in writing by the Local Planning Authority under reference HGY/2023/2136.

End of Conditions