

Appeal Decision

Site visit made on 27 August 2024

by K L Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd September 2024

Appeal Ref: APP/Y5420/W/24/3338821

35 - 39 Clifton Gardens, Tottenham, Haringey, London N15 6AP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Bmr Bagshot against the decision of the Council of the London Borough of Haringey.
 - The application Ref is HGY/2023/3235.
 - The development proposed is the erection of first floor rear extensions at Nos. 35, 37 and 39 Clifton Gardens.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of first floor rear extensions at Nos. 35 -39 Clifton Gardens in accordance with the terms of the application, Ref HGY/2023/3235 and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 20.1212/101 - Location Plan; 20.1212/102 - Block Plan; 20.1212/103 Rev A - Proposed GF Plan; 20.1212/104 Rev A - Proposed 1F Plan; 20.1212/105 Rev A - Proposed 2F Plan; 20.1212/106 Rev A - Proposed 3F Plan; 20.1212/107 Rev A - Proposed Roof Plan; 20.1212/108 Rev A - Proposed Rear and Side (East) Elevation; 20.121/109 Rev A - Proposed Section and Side (West) Elevations; 20.1212 /110 Rev A - Proposed Front (South) Elevation.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby approved shall match those used in the existing buildings.

Application for Costs

2. An application for costs has been made by Mr Bmr Bagshot against the Council of the London Borough of Haringey. This is the subject of a separate Decision.

Procedural Matters

3. At the time of my site visit I saw that development had commenced. A first-floor projection at the rear of 37 and 39 Clifton Gardens (Nos. 37 and 39), in the approximate location of the appeal proposal appeared not to be consistent with the proposed drawings was under construction. I have, however, dealt with the appeal on the basis that planning permission is

sought for the erection of first floor rear extensions at 35, 37 and 39 Clifton Gardens on the basis of the proposed plans submitted.

4. My site visit was scheduled as an access required site visit, however, I was unable to access the construction site at Nos. 37 and 39. Nevertheless, I was able to access No. 35 which afforded me a partial view of the proposal and via a third party request to view from a property on Wellington Avenue, I was able to view the rear elevation of Nos. 37 and 39. I am therefore satisfied that I was able to see the site and its surrounding context satisfactorily in order to determine the appeal.
5. The address of the appeal property has been consistently referred to as 37 Clifton Gardens. However, from the information before me including the red line boundary plan it is clear that the proposal encompasses Nos. 35 -39 and therefore for completeness, I have referred to the appeal location as 35-39 Clifton Gardens in both the banner and the formal decision above.

Main Issue

6. The main issue is the effect of the development on the character and appearance of the appeal properties and the surrounding area.

Reasons

7. Planning permission has been granted for the demolition and re-development of Nos. 37 and 39, which involves a part first floor rear projection set back from a more substantial ground floor rear projection. The proposal before me would amend the partially built first floor element and extend it across just over half the width of No.35. It would have a pitched roof with hipped ends. All three properties have existing flat roofed ground floor extensions to the rear.
8. The appeal site is located in a residential area characterised by terraced properties backing onto one another with modest sized rear gardens. The rears of properties within the block are varied and lack uniformity. Many have been extended with ground, first floor or roof extensions or combinations thereof.
9. The Council's Supplementary Planning Document '*House Extensions in South Tottenham*' (SPD) recognises that in a small area of South Tottenham, including that containing the appeal site, there is pressure to extend properties to accommodate large family units. At paragraph 3.47 the SPD notes that second floor extensions are generally discouraged by the Council particularly to ensure that daylight and sunlight is preserved and overlooking prevented. However, the SPD is silent on first floor extensions.
10. The proposal would be set in from the side boundaries of Nos. 35 and 39 and the inclusion a hipped roof would minimise its overall visual impact. As a result, the view of the side elevation from properties on Elm Park Avenue would not be overbearing. Due to the modest projection of the proposal beyond the main rear façade of the properties the proposal would not appear overbearing or incongruous and would not dominate the rear of the properties in this part of the street. Views of the proposal would be limited to the rears of nearby properties and their gardens.

12. I therefore conclude that the proposal would not adversely affect the character and appearance of the terrace. Nor would it result in overdevelopment of the site or a poor standard of accommodation for future occupiers. Consequently, the proposal would comply with London Plan Policy D3, Policy SP11 of Haringey's Local Plan Strategic Policies (as amended 2017) and Policies DM1 and DM12 of the Haringey Development Management DPD (2017), which seek amongst other things to ensure new development is of high-quality design that respects local context and character. I also find no conflict with the design guidance contained within the Council's SPD, which only discourages second floor rear extensions on the grounds of loss of light or privacy.
13. The Council refer to London Plan Policy D4 in its reason for refusal, but this relates to masterplans and design scrutiny appropriate to larger development schemes. It has, therefore, not been a determinative factor in coming to my decision on this main issue.

Other Matters

14. The Council's officer report refers to the effect of the proposal on living conditions. However, this is not transposed into a reason for refusal. In the absence of any substantive evidence to the contrary and given the height, projection and proximity of the extension in relation to the party boundaries I consider that the development does not have an unacceptably overbearing impact when viewed from neighbouring properties nor would the proposal result in excessive overlooking which would warrant a dismissal of the appeal on these grounds.
15. I have had my attention drawn to examples of similar extensions nearby which have been either built or have planning permission. I recognise that in some instances their contexts differ from that of the proposal before me and are therefore not directly comparable to the appeal properties. Nevertheless, some are within the same block as the appeal site and whilst there may be minor discrepancies in their surroundings are largely the same as the proposal before me. I have, however, determined the appeal on its own merits with regard to the evidence before me and from my own observations.
16. I have noted that comments from third parties state that the proposal may result in a large dwelling, that the works already carried out may be in breach of previously approved plans, and that some of the neighbours are elderly. These are not matters I can take into consideration as part of a section 78 planning appeal for operational development, for which I have had regard to the planning considerations for the proposal before me only.
17. In arriving at my decision, I acknowledge that a previous Inspector came to an alternative conclusion on a similar proposal at the appeal properties. However, from the information before me the current appeal scheme differs from that previously considered in that the set back from the side boundary with properties on Elm Park Avenue is greater and the previous scheme had a flat roof arrangement. As the previous appeal considered a different proposal the weight that it carries is limited as a consequence.

Conditions

18. In the absence of suggested conditions from the Council I have imposed a standard time limit condition. I have also imposed a condition listing the approved drawing numbers in the interests of certainty as to what has been approved. A condition to ensure that matching external materials are used, is necessary to ensure a satisfactory end appearance that is in keeping with the area. None of these conditions should come as a surprise to either party and are therefore reasonable to impose.

Conclusion

19. For the reasons given above, and having had regard to all matters raised, I conclude that the appeal should be allowed.

K L Robbie

INSPECTOR