



Appeal Decision

Site visit made on 17 December 2024

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 January 2025

Appeal Ref: APP/Y5420/W/24/3349327

85 St. Ann's Road, Tottenham, Haringey, London N15 6NJ

- 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 L Twersky against the decision of the Council of the London Borough of Haringey.
 - The application Ref is HGY/2024/1544.
 - The development proposed is a ground floor rear extension.
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Decision

1. The appeal is dismissed.

Costs Application

2. An application for costs was made by Mr L Twersky against the Council of the London Borough of Haringey and is the subject of a separate decision.

Preliminary Matters

3. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.
4. I understand that an application¹ has been submitted for the change of use of the existing ground floor commercial unit into a residential use. However, the appeal proposal relates to the proposed extension of a commercial premises, and I have considered the appeal on this basis.

Main Issues

5. The effect of the proposed development on the:
 - character and appearance of the area; and
 - living conditions of neighbouring residential properties, with particular regard to light pollution.

¹ Application Ref:

Reasons

Character and Appearance

6. The appeal site, No.85 St Ann's Road comprises a three-storey, mid-terraced property which currently contains a commercial unit to the ground floor and residential units to the upper floors. The appeal site sits within a short terrace of similar properties, but adjoins a two-storey residential property, No.48 Eastbourne Road (No.48) at the rear.
7. Policy SP11 of the Haringey's Local Plan Strategic Policies 2013 – 2026, adopted 2017 (the LP) states that all new development should be of the highest standard of design that respects its local context and character and historic significance, to contribute to the creation and enhancement of Haringey's sense of place and identity.
8. Policy DM1 of the Haringey Development Management Development Plan Document, adopted July 2017 (the DMDPD) states that all new development and changes of use must achieve a high standard of design and contribute to the distinctive character and amenity of the local area. It states that all new development should relate positively to their locality, having regard to building heights, and the form, scale and massing prevailing around the site.
9. The proposed development would involve the erection of a single storey extension to the rear elevation of the existing building to provide additional floorspace for the commercial unit. It would occupy almost all of the rear yard and be approximately three metres high with a flat roof.
10. The proposed extension would be much taller than the existing rear wall and would therefore result in a bulky and incongruous addition to the rear of the host property. It's height and proximity to No.48 would also result in an awkward relationship to the adjoining residential property. The design and position of the substantial glazed roof light would be at odds with the more traditional character and appearance of the host building and surrounding area. As a result, the proposed extension by virtue of its scale, bulk and design would not relate positively to the host building
11. Although, I accept that the rear elevation of the appeal building is not widely visible within the surrounding area, the proposed development would nevertheless as a result of its scale, bulk, and massing would fail to integrate sympathetically to the host building and also fail to relate positively to the local context, particularly its relationship to adjoining properties.
12. I recognise that some of the neighbouring properties have been extended to the rear. However, I have limited details of these proposals and I understand from the evidence before me that these extensions were not granted planning permission. Therefore, I find that these do not set a precedent for the development proposed and in any event each proposal must be considered on its own merits. In this particular case, I find for the reasons set out above that the proposed extension would relate poorly to the host building and surrounding properties by virtue of its scale, bulk and design. The presence of other rear extensions in the area does not alter these findings.

13. For these reasons, I find that the proposed extension would cause harm to the character and appearance of the host property. Thus, it would conflict with Policy SP11 of the LP and Policy DM1 of the DMDPD, which require, amongst other things, a high standard of design that respects its local context and character.

Living Conditions

14. The proposed single storey rear extension would include a large roof light, which would occupy the majority of the flat roof extension and be located directly below the windows serving the upper floor flats within the appeal building. It would also be located in close proximity to windows within the side elevation of No.48, which directly overlook the appeal site. Due to the size of the proposed rooflight and its proximity to windows of neighbouring properties, there is potential for significant light pollution to occur.
15. Policy DM1 of the DMDPD states that development proposals must ensure a high standard of privacy and amenity for the development's users and neighbours, this includes by addressing issues of vibration, noise, fumes, odour, light pollution and microclimatic conditions likely to arise from the use and activities of the development.
16. Whilst I have had regard to the appellant's suggestion that suitably worded planning conditions could be imposed to address any potential light impact, I have not been presented with any substantive evidence that any this would ensure that there would be no unacceptable harm to the living conditions of the neighbouring occupiers. Furthermore, it is not clear from the evidence provided how the additional space would be used and as a result I cannot be satisfied that conditions restricting the hours of use, or other similar measures could be effectively controlled so that it would not result in harm to the living conditions of neighbouring occupiers.
17. Therefore, in the absence of any evidence to demonstrate that the proposed development would not cause adverse harm to the living conditions of neighbouring occupiers, I find that the proposed development would be contrary to Policy DM1 of the DMDPD. This policy requires, amongst other things development to provide a high standard of amenity for users and neighbours and to address issues of light pollution likely to arise from the use of the site.
18. The Council also refer to Policy DM12 of the DMDPD within their reason for refusal. However, this policy relates to the design and quality of housing. As this proposal relates to the proposed extension of a commercial premises it is not considered to be relevant to the appeal scheme.

Other Matters

19. The Planning Practice Guidance and the Framework encourage local planning authorities to take a positive approach and work proactively with applicants. While I note the appellant's frustrations with the level of engagement offered by the Council during the application process, this cannot lead me to a different conclusion.

Conclusion

20. For the reasons given above, the proposal conflicts with the development plan taken as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed.

K Lancaster

INSPECTOR