



Appeal Decision

Site visit made on 18 February 2025

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 March 2025

Appeal Ref: APP/Y5420/D/24/3353478

120 Wargrave Avenue, London N15 6UA

- 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 Azriel Asher against the decision of the Council of the London Borough of Haringey.
 - The application reference is HGY/2024/2210.
 - The development proposed is a basement and ground floor rear extension and resubmission of the first-floor extension.
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Decision

1. The appeal is allowed and planning permission is granted for a basement extension, ground floor rear extension and first floor rear extension, at 120 Wargrave Avenue, London N15 6UA in accordance with the terms of the application, Ref HGY/2024/2210, subject to the conditions set out in the attached schedule.

Application for costs

2. An application for an award of costs has been made by Mr Azriel Asher against the decision of the Council of the London Borough of Haringey. This is the subject of a separate decision.

Preliminary Matters

3. The appellant's statement of case refers to proposed rear lightwells serving the basement level. However, whilst drawing P02 appears to indicate features resembling lightwells, they are unannotated and no other drawing shows them, with drawings P01, P03, P04, P05 and P06 all otherwise consistent in showing the basement extending only beneath the footprint of the existing dwelling and the proposed rear extensions. Accordingly, I have considered the appeal on the basis that no lightwells are proposed.
4. On 12 December 2024, an updated National Planning Policy Framework (the Framework) was published, replacing the version from December 2023. I have had regard to this as an important material consideration.

Main Issues

5. The main issues are i) the effect of the proposal on the living conditions of neighbouring occupants; ii) the effect of the proposal on the character and appearance of the area; and iii) whether a suitable standard of accommodation would be provided.

Reasons

Living Conditions

6. The proposed rear extension would project some 5 metres in depth from the original rear wall of the dwelling, effectively matching the depth of an extension to the neighbouring dwelling at No 122. It would replace an existing shorter single storey extension. The eaves line of the extension would stand two metres high along the boundary with No 118, with a short section of sloping roof rising to a flat roof height of 2.5 metres. The Council's officer report erroneously states that the extension would be 2.5 metres to the eaves and 3 metres to the flat roof, which I understand were the measurements of a previously proposed extension.
7. The Council's concern is that the extension would create an enclosing 'tunnel' effect for occupants of No 118 due to the presence of an extension on the other side of that property at No 116. I saw on site that extensions of up and over 5 metres in depth already exist to many dwellings along the terrace. That at No 116 appeared slightly shorter than others, and is set beyond a small lean-to addition to the rear of No 118. The rear elevations and gardens of the terrace are south facing, and therefore enjoy good levels of sunlight and daylight.
8. The proposed extension would add some further depth of massing on one side of No 118, but this would be offset by the proposed lowered roof height compared to the existing, which stands some 3.35 metres above ground level. In particular, the reduction in height would provide a betterment in terms of sunlight reaching the rear ground floor windows over the top of the extension during the morning hours, whilst the proposal would not have any effect on sunlight in later parts of the day.
9. The proposal would represent a relatively limited additional depth to one side, and would not have a significant effect on the extent of the vistas possible from the rear windows of No 118. The Council also refers to use of the rear garden, though I saw it to be in an overgrown state. Nonetheless, the southerly aspect of the garden and the low height of the extension on the boundary line would maintain sufficient light and outlook for neighbouring occupants were they to use the garden or create a patio area to the rear of the dwelling.
10. Reference is made by a neighbour to an appeal decision in 2014¹ where an extension was found to have a harmful effect on neighbours' living conditions. I am not furnished with this decision, and the Inspector's quoted comments are limited to their conclusion. However, I glean from the available evidence that the appeal related to an application for an extension of 4.8m depth but 3 metres eaves height and 4 metres ridge height. As such, it was marginally shorter but materially higher compared to the proposal before me. Thus, I do not regard the two schemes as directly comparable, and I have assessed this proposal on its own merits.
11. The Council has not raised concern with other elements of the proposal. The first floor addition would be located to the far side of the dwelling from No 118, and would be shallower in depth at 3 metres, aligning with, and adjoining, the form and depth of the addition to No 122. In this position, the extension would not have an overbearing or enclosing effect on either No 118 or No 122.

¹ Appeal Ref APP/Y54220/D/14/3001838

12. Concern has been raised regarding the potential for subsidence to occur to neighbouring dwellings as a result of the proposed basement works. The appellant has provided a Basement Impact Assessment (BIA) prepared by a consulting engineering firm which sets out site specific analysis of geology, hydrology, land stability and flood risk, and details of the construction process and expected outcomes in terms of ground movement and damage. The predicted level of movement is negligible to very slight and the Council has not opposed the basement construction on the basis of engineering or other safety concerns. I have no compelling reasons to disagree with the professional opinion of the appellant's engineer. Although such works bring inevitable disruption during construction, they are ultimately temporary in nature and would be monitored through the Building Regulations process and appropriate planning conditions discussed below.
13. Therefore, I conclude that the proposal would preserve the living conditions of neighbouring occupants. No conflict arises with Policy SP11 of the Haringey Local Plan Strategic Policies (March 2013) (the Local Plan) or Policies DM1 and DM12 of the Haringey Development Management Development Plan Document (July 2017) (the DMDPD), which require development to achieve high quality design that, among other things, ensures a high standard of privacy and amenity for the development's users and neighbours.

Character and Appearance

14. The Council's officer report inaccurately states that the appeal site has been extended with front and rear dormers, which it has not. However, it has extended upwards through a 'Type 3' roof extension granted in 2014. There are also the aforementioned errors in the measurements of the rear extension. These aside, the Council has not identified any harm to the character and appearance of the area from the proposed rear extensions. They would effectively replicate the form of extensions next door at No 122 and others further along the street where ground floor additions of around 5 metres are well established. Therefore, they would integrate with the prevailing pattern of development and would not cause visual harm.
15. The Council's concern is with the proposed basement and that the cumulative effect of this and other extensions would amount to 'overdevelopment' of the site. The plans before me show a basement solely beneath the footprint of the dwelling and the proposed rear extensions. In this respect, the basement would have no material effect on the external appearance of the dwelling once complete. I have already found above that the proposed rear extensions would be acceptable as the only visible alterations to the dwelling. There would therefore be no adverse effect on the dwelling as viewed from the street and the cumulative massing above ground would be consistent with the prevailing pattern of development. In these respects, the proposal would not result in overdevelopment of the site or harm to spatial character.
16. Moreover, contrary to the Council's officer report, the proposal does not indicate a proposed bedroom in the basement level, but various ancillary accommodation. Therefore, there would not be overdevelopment resulting from an excessive number of bedrooms and by extension increased capacity to house people within the dwelling.

17. For these reasons, the proposal would not cause harm to the character and appearance of the area. No conflict arises with Policy SP11 of the Local Plan or Policies DM1, DM12 and DM18 of the DMDPD in terms of their requirements for high quality design that respects its local context and character, including with respect to urban grain, form, scale and massing and, with respect to basement development, that proposals avoid harm to the established character of the area.

Standard of Accommodation

18. The proposal seeks to create extended living accommodation at basement ground and first floors. The Council's concern is with the basement accommodation, indicated on plans to be a utility room, storage, toilet and cinema room. However, its assessment of the proposal describes the previously proposed uses, namely a bedroom, games room and office, and refers to proposed lightwells. I understand these are references to the preceding application (Council Ref: HGY/2024/1578).
19. In contrast to the previous application, the proposed uses are not habitable rooms, but would provide ancillary accommodation for the existing residents. I accept that such space would not be naturally lit or ventilated, but it would not be equivalent to a living room, kitchen or bedroom where occupants would be expected to spend the majority of their time. Moreover, the provision of such facilities is in addition to the substantial floorspace to the other floors which is well in excess of the minimum space standards of the London Plan (March 2021) and has suitable light, ventilation and outlook. Therefore, I find that the proposed basement would not result in an unacceptable standard of accommodation overall.
20. The Council raises concerns over the potential of setting a precedent for similar development that would be progressively more difficult to resist. However, it is unclear if this concern is particular to the current proposal, given the analysis in the officer report is largely based on a prior version of the proposal. Nonetheless, I have considered this proposal on its own merits. I am not persuaded that allowing the appeal would set a precedent, as any future proposals would have to be similarly assessed on their own merits, against the development plan policies in force at the time and the site-specific evidence put forward.
21. For these reasons, I conclude that the proposal would provide a suitable standard of accommodation, in accordance with Policy SP11 of the Local Plan and Policies DM1, DM12 and DM18 of the DMDPD in so far as they require high quality development that provides a high standard of amenity for the development's users.

Conditions

22. A condition requiring development to be carried out in accordance with the approved plans, to provide certainty. A condition requiring materials to match the existing building is also necessary to ensure a satisfactory appearance.
23. The Council has provided recommended conditions requiring submission, approval and implementation of a construction management plan to ensure that site works and traffic associated with the basement construction are appropriately planned and managed for the duration of works to minimise the disruption to neighbouring occupants. A further condition is necessary to require the developer to appoint a suitably qualified engineer to oversee the works and ensure compliance with the design that has been checked and approved by a building control body.

Conclusion

24. For the reasons set out, I conclude that the proposal accords with the development plan, taken as a whole, and there are no material considerations which indicate that permission should nevertheless be withheld. The appeal should therefore be allowed.

K. Savage

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing numbers E00, E01, E02, E03, E04, E05, E05, P01, P02, P03, P04, P05 and P06 except in respect of the lightwells shown to the rear of the ground floor extension on drawing P02.
- 3) The external materials of the extensions hereby permitted shall match those used in the existing dwelling.
- 4) Notwithstanding the submitted details and prior to commencement of the development hereby approved a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority, detailing the programme of works and providing details in respect of the construction traffic movements, material and plant storage areas, details of necessary suspended car parking spaces, details of any conveyor and/or gantry to transfer material over the footway. The approved details thereafter shall be implemented throughout the project period.
- 5) The development hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Any subsequent change or reappointment shall be confirmed forthwith and retained for the duration of the construction works.