



Appeal Decision

Site visit made on 25 March 2025

by Felicity Thompson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 May 2025

Appeal Ref: APP/Y5420/C/23/3320633

Flat A, 82 Tynemouth Road, Tottenham, London N15 4AX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Ms Jacqueline Marva Plentie against an enforcement notice issued by the Council of the London Borough of Haringey.
 - The notice was issued on 15 March 2023.
 - The breach of planning control as alleged in the notice is without planning permission, the enlargement of the roof of the property consisting of a rear dormer roof extension and the erection of an extension on the roof of a rear outrigger.
 - The requirements of the notice are to:
 1. Demolish the rear dormer roof extension and outrigger roof extension in their entirety or;
 2. Modify the development so that it accords with drawing numbers A03, A04, A05, A06 & A07 of planning permission HGY/2021/0711, granted by the Council on 20 April 2021.
 3. Remove from the land any debris resulting from carrying out step 1) above.
 - The period for compliance with the requirements is four months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. The appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The appeal on ground (a) and the deemed planning application

Background

2. The Council granted planning permission on 20 April 2021 for an L-shaped dormer to the rear, with roof lights to the front roof slope, reference HGY/2021/0711. The notice gives the appellant the option to either demolish the rear dormer and outrigger extension or modify them in accordance with the planning permission. Consequently, it is reasonable to assess the extensions, subject of the notice, against the approved scheme.

Main issues

3. The main issues are the effect of the extensions on (i) the living conditions of the occupants of Flat B, 84 Tynemouth Road with particular regard to outlook; and (ii) the character and appearance of the property and area generally.

Reasons

Living conditions

4. Flat B, 84 Tynemouth Road, is a first floor flat and has two windows in the side elevation of an outrigger which look onto the outrigger and extension over, at the appeal property. It seems one of the windows serves a bathroom and the other a kitchen.
5. I have few details about what the kitchen at Flat B consists of. However, the images provided show there is a window above a countertop in the corner of the room, and it appears this is the only window to the kitchen and therefore provides the main outlook for the room when standing at the worktop.
6. Whether the kitchen could be considered a habitable room, in my view, the importance of the kitchen window to the occupants of Flat B will be significant, particularly since it appears there are no other outside views when carrying out tasks in the kitchen.
7. I acknowledge that the existing outrigger would have limited such views and the approved extension over the outrigger would have limited those further, such that views out would be at an angle. However, there would have remained some views over the roof of the outrigger to the sky beyond.
8. The extension over the outrigger is around two metres deeper than as approved, which is a fairly significant increase. As a result, views from the kitchen of Flat B are now limited to close-range views of what is essentially a blank wall, which together with the bulk of the extension, has significantly increased the sense of enclosure and has an unacceptable overbearing impact on the outlook from the kitchen. This will cause significant harm to the living conditions of the occupants of Flat B.
9. For these reasons, the extension over the outrigger causes material harm to the living conditions of the occupants of Flat B with regard to outlook. It is therefore contrary to Policies DM1 and DM12 of the Development Management DPD Adopted July 2017 (DPD) which together require that account be taken of, and a high standard of amenity is ensured for neighbours. It also conflicts with the aims of the National Planning Policy Framework (Framework) which seeks to ensure a high standard of amenity for existing and future users.

Character and appearance

10. The appeal property is a traditional mid-terrace property with a two-storey pitch roofed outrigger to the rear. The appellant provided details of similar extensions over outriggers, and I observed that the rear of properties in the locality have been altered including by the introduction of flat roofs, such that several properties no longer retain the original pitch roof over the outrigger.
11. As already stated, the extension over the outrigger is around two metres deeper than as approved, this appears to be the only difference. Whilst the increase is fairly significant, the extension is set up from the eaves and well back from the end of the outrigger, such that the overall visual integrity of the appeal property remains discernible. Accordingly, when considered against that approved, the extensions do not have a materially greater impact in any views because of the increase in depth over the outrigger.

12. Consequently, the extensions cause no material harm to the appearance of the property or area generally and there is no conflict with Policy D3 of The London Plan 2021, Policy SP11 of Haringey's Local Plan¹ or Policy DM1 of the DPD, which together require that all new development must achieve a high standard of design and contribute to the distinctive character and amenity of the local area.

Other Matters

13. Notwithstanding the appellant's view regarding why permitted development rights do not apply to flats, that the extensions could have been constructed as permitted development, if the property were not a flat, is a matter of little weight.
14. I acknowledge that the extensions have allowed the appellant to expand their home and create a comfortable, usable space, improving the suitability of the property for family use. There are also modest economic benefits from the employment of local tradespersons to carry out the development and *may* [my emphasis] be limited benefit should the council tax increase. It has been designed sympathetically to protect the built environment and utilises modern, high-quality materials and design features that are energy efficient however, this would be expected of new development and is therefore a neutral matter.

Overall conclusion on the ground (a) appeal and the deemed planning application

15. My finding no harm in respect of character and appearance, cannot outweigh the harm in respect of the living conditions of neighbouring occupants. Consequently, the development does not accord with Policies DM1 and DM12 of the DPD and is contrary to the development plan when taken as a whole. In this case, there are no material considerations of sufficient weight to indicate that the appeal should be determined other than in accordance with the development plan.
16. Given the conflict with local and national policy, the development cannot therefore be considered sustainable development for which the Framework presumes in favour.

Conclusion

17. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

Felicity Thompson

INSPECTOR

¹ Haringey's Local Plan Strategic Policies 2013 – 2026 (formerly the Core Strategy) March 2013 Consolidated with alterations since 2017.