



Appeal Decision

Site visit made on 17 March 2025

by **C Housden BSc(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19th May 2025

Appeal Ref: APP/Y5420/W/24/3350823

236 Ground Floor Flat, Victoria Road, Wood Green, Haringey, London N22 7XQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Daniel Francis against the Council of the London Borough of Haringey.
 - The application ref is HGY/2024/1211.
 - The development proposed is ground floor rear extension and internal alterations to existing ground floor flat.
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Decision

1. The appeal is dismissed, and planning permission is refused.

Preliminary Matter

2. I note that a previous application for a single storey rear extension was refused by the Council and dismissed at appeal¹. I have been provided with the associated plans and decision letter which I have taken into account as a material consideration in the determination of the current appeal.

Main Issues

3. The appeal results from the failure of the Council to determine the planning application within the relevant time period, and as such, there is no formal decision notice. The Council has confirmed in its appeal documentation that, had it been able to do so, it would have refused planning permission.
4. I therefore consider the main issues are the effect of the proposed development on:
 - a) the character and appearance of the host property and area; and
 - b) the living conditions of the occupiers of 238 Victoria Road, with specific regard to outlook.

Reasons

Character and appearance

5. Victoria Road primarily comprises two storey properties organised in terraced arrangements. The ground levels generally decline as you approach the junction of Albert Road and Victoria Road. The area is suburban in character.

¹ PINS Ref: APP/Y5420/W/24/3342601

6. No 236 Victoria Road (No 236) comprises a two-storey property that has been subdivided into flats. The appeal relates to the ground floor and rear garden area of the property. The building has a two-storey rear outrigger extension situated on the boundary with 238 Victoria Road (No 238). The outrigger is chamfered and has space to the side which helps to reduce the bulk and mass of the existing extension to the host building. Outrigger extensions are commonplace along Victoria Road. The garden appears to have been reprofiled, so it is now at a lower level than the ground floor of the property. In views from Albert Road, the appeal site appears in an elevated position with the rear elevation of the property visible.
7. The appeal proposal would involve the construction of a single storey rear extension on the end of the outrigger. The extension would extend the full width of the plot and create an internal courtyard to the side of the outrigger. Due to the lowered ground levels of the garden, the bulk and massing of the extension would be exacerbated by the difference in levels which enhances the prominence of the extension in relation to the host property.
8. Due to the width, bulk and mass, the appeal proposal would appear as an incongruous addition which would be awkwardly juxtaposed to the existing outrigger and would not be subordinate to the host building. Furthermore, whilst the proposed extension is situated to the rear of the property and there is vegetation situated on the boundary, glimpsed views from Albert Road towards the appeal proposal would be achievable. As such, the extension would be viewed from public vantage points as being at odds with the regular outrigger pattern seen in the wider terrace. Therefore, I find that the appeal proposal would have a significant adverse effect on the character and appearance of the host property and area.
9. I note that the appeal scheme has sought to address a number of criticisms of the previous scheme by reducing the height of the extension through a mono-pitched roof and reducing the length of the wrap around element. However, this does not negate the harm that would be caused by the poor design aspects of the proposal before me that I have identified.
10. For the reasons that I have given, I therefore conclude that the proposed development would conflict with Policy SP11 of the Haringey Local Plan Strategic Policies (2017) and Policies DM1 and DM12 of the Haringey Development Management DPD (2017) (the DM DPD). These policies seek to ensure development achieves a high standard of design that respects and contributes to the distinctive character and amenity of the site and local area.

Living conditions

11. The plot and garden area of No 238 is smaller than that of the appeal site. The existing outrigger extension of the appeal site is situated up to the shared boundary and extends past the rear building line of No 238 and adjacent to the property's garden.
12. The appeal proposal would further extend the built form above the fence line along the shared boundary with No 238. As a result, the development would have the effect of creating a sense of enclosure which would be harmful to the outlook of the occupiers of No 238. Whilst I noted that there was vegetation above the fence line, this could not be relied upon as long-term mitigation for the extension as it cannot be guaranteed to be retained in perpetuity.

13. I note that the development before me has been designed to try to overcome the issues raised in the previous appeal with regard to the living conditions of the occupiers of No 238. This includes the incorporation of a mono-pitched roof in the design which would reduce the height of the extension. However, I do not find that the harm caused by the poor design aspects of the proposal would be overcome by alterations to the roof compared to the previous appeal.
14. For this reason, the appeal proposal would result in harm to the living conditions of the occupiers of No 238. As such, I conclude that the proposed development would conflict with Policy DM1 of the DM DPD. This policy, amongst other objectives, seeks to ensure that development proposals achieve a high standard of amenity for neighbouring properties.

Other Matters

15. I have been supplied with a decision letter from the appellant in relation to an appeal allowed at No 10A Ground Floor Flat, Tower Terrace Wood Green, London N22 6SX² and photographs of a rear extension situated at 40a Victoria Road, Wood Green that they feel are similar to the current appeal.
16. In my opinion, these cases have limited similarity to the current appeal given they are located away from the specific context of the appeal site. The individual circumstances present at the appeal site, including the relationship with the adjacent neighbour and how the plot interacts with the wider area, along with the specific design of the scheme, has meant that I have found harm in relation to both matters in dispute. As a result, reference to these other cases has not altered my findings in relation to the main issues.
17. I am aware that the appellant had suggested a reduced scheme to the Council and that pre-application discussions were had post-dismissal of the previous appeal. However, a set of scaled plans of such a scheme are not before me. I have determined the appeal on the basis of the plans considered by the Council under the planning application.
18. The appellant has also raised a number of queries in their appeal documentation in relation to the possible minimum size of an extension to the outrigger and about permitted development rights. This s78 appeal is not the appropriate place to address these questions. It is open to the appellant to engage with the Council through pre-application discussions, re-apply to the Council with an amended scheme which would be assessed on its individual planning merits, or to apply to the Council under Section 192 of the Town and Country Planning Act 1990 in order to ascertain whether a proposed extension through permitted development rights would be lawful.
19. The appellant has further expressed that they feel disadvantaged due to the appeal property not being a full freehold property. In coming to my decision, I have had regard to the planning merits of the appeal scheme and the property tenure does not affect my judgement in relation to my findings on the main matters.
20. I also note that the appellant has stated that they need the additional space due to having small children. Whilst the appeal proposal would provide additional

² PINS ref: APP/Y5420/W/21/3287476

accommodation for the occupants of the property, this would not outweigh the harms I have identified in relation to character and appearance and living conditions.

Conclusion

21. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, I conclude that for the reasons given above, the appeal should be dismissed, and planning permission be refused.

C Housden

INSPECTOR