



Appeal Decision

Site visit made on 8 January 2026

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2026

Appeal Ref: APP/Y5420/C/23/3335502

45 Bounds Green Road, Wood Green, London N22 8HB

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Sebbeet Singh Tak against an enforcement notice issued by the Council of the London Borough of Haringey.
 - The notice was issued on 15 November 2023.
 - The breach of planning control as alleged in the notice is: Without planning permission the construction of a rear garden outbuilding.
 - The requirements of the notice are:
 1. Demolish the rear garden outbuilding in its entirety
 2. Remove from the land any debris resulting from carrying out step 1) above.
 - The period for compliance with the requirements is 2 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f), (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. is directed that the enforcement notice be:
 - varied by deleting the words “Two (2) Months” within section 6 (Time for Compliance) and its replacement with “Four months”.
2. Subject to this variation, the appeal is dismissed, and 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.

Appeal on ground (a), the deemed planning application (DPA)

Main Issues

3. The main issues are:
 - whether the development preserves or enhances the character or appearance of the Trinity Gardens Conservation Area (‘CA’); and
 - the effect of the development on the living conditions for the occupiers of the neighbouring properties at 43 and 47 Bounds Green Road and 2 Selborne Road with regard to outlook.

Reasons

Trinity Gardens Conservation Area (‘CA’)

4. The appeal site is two-storey with attic floor mid terraced property which is in use as a House in Multiple Occupation (HMO). The property is situated within the CA

and is located directly opposite to Trinity Gardens, a triangular green space which forms a central component within the western section of the CA. The appeal development relates to the erection of a rear garden outbuilding.

5. With regard to the effect on designated heritage assets, Section 72(1) of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
6. The National Planning Policy Framework (the Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. The Framework also states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
7. The significance of the CA largely derives from its rich architectural and historic interest. The Trinity Gardens Conservation Area Character Appraisal, 2008 (TGCACA) highlights that the CA is defined principally by the openness provided by the chain of linked landscaped green spaces comprising Trinity Gardens, Nightingale Gardens and Crescent Gardens, adjacent to the area's main roads; Wood Green High Road and Bounds Green Road. These open spaces are bounded and overlooked by a range of properties of domestic scale, which are interspersed with larger religious, educational and institutional buildings.
8. The TGCACA explains that the appeal site falls within the "Trinity Gardens and Bounds Green Road" sub area. This area is focused on Trinity Gardens and Nightingale Gardens and is characterised by a sense of openness and verdure creating a green corridor by connecting Trinity Gardens with Avenue Gardens to the south. Shrubs, trees and planting are widespread throughout the area and form an important element of the character and appearance.
9. Bounds Green Road is a main road, primarily lined on the south side with Victorian residential properties, although it also includes religious and educational buildings, such as St Michael's Church and the Braemar Avenue Baptist Church. The majority of properties lining Bounds Green Road, including the appeal property, are of architectural merit. Nos 41 to 63 (odd) Bounds Green Road form two consistent and symmetrical terraces of two-storey Edwardian dwellings, which are constructed of red brick and have prominent white lintels and projecting porches. The end of terrace properties include prominent canted bay windows, which are surmounted by hipped roofs. The terrace as a whole make a positive contribution to the streetscene.
10. The appeal building shares a number of these traditional features and materials and makes a positive contribution to the significance of the CA. This is highlighted in the TGCACA which specifically identifies the appeal property, and indeed the terrace from Nos 43-63, as all being a 'positive contribution building'. I also observed that the traditional qualities and materials of the building and the general verdant and open character of the area were all fundamental to preserving the

special character and appearance of the CA. This view is supported by the TGCACA which states that the use of good external materials, in particular good quality facing brickwork, is of the greatest importance.

11. I appreciate that the front elevation is finished in brickwork, and that it is intended that the remaining elevations would be cement rendered and painted. In addition, a reasonable amount of amenity space is retained for the appeal site. Nevertheless, the excessive height of the outbuilding, rising well above the existing boundary treatment with both neighbouring properties Bounds Green Road and 2 Selborne Road, to the rear, forms a tall and obtrusive feature in the rear garden setting. In particular, the size and height of the development is at odds with the prevailing open and verdant character of this part of the CA.
12. I note that the outbuilding is not widely visible within the wider public realm, however, its presence is clearly apparent and in close proximity of several surrounding residential properties at Nos 43 and 47 Bounds Green Road and No 2 Selborne Road, where it is positioned in close proximity to the rear elevation and rear windows of this adjacent property. I therefore find that this development fails to preserve or enhance the character or appearance of the CA.
13. The appellant refers to the presence of other similar outbuildings in area and during the site inspection, he highlighted what appears to be a dwelling in the former rear garden of 41 Bounds Green Road, with its front elevation fronting Selborne Road. However, limited details of this other development have been presented as part of this appeal and therefore I do not know the full circumstances that led to that other development. In any case, the TGCACA identifies No 41 Bounds Green Road as only a neutral contributor to the CA. Given that the No 41 has harmfully altered the elevations of the building with unsympathetic painted facades I agree with this assessment. However, the appeal site, is identified as a positive contributor to the CA, thus making a positive contribution to the area, and I am required to ensure that any development preserves or enhances the character or appearance of the CA. As such, I do not consider that the presence of this other development justifies further harm.
14. In the terms of the Framework, the harm that the development causes to the significance of the designated heritage asset, which is the CA, amounts to less than substantial harm. Accordingly, this should be weighed against the public benefits of the development. The appellant considers that the development would provide a superior size and standard of HMO accommodation. However, there is little evidence to indicate that this would be the case. Indeed, no plans or details have been provided to illustrate how the outbuilding would be utilised, or the quality of the accommodation it would provide, and how this would operate in conjunction with the existing HMO. As such, these purported benefits are insufficient, in my view, to outweigh the harm I have identified to the CA and to which I afford considerable importance and weight.
15. I therefore conclude that the development fails to preserve or enhance the character or appearance of the CA, as a whole, contrary to Policy HC1 of the London Plan, 2021, Policies SP11 and SP12 of Haringey's Local Plan Strategic Policies, 2013 (HLP), and Policies DM1, DM12 and DM9 of Haringey's Development Management DPD, 2017, (HDPD). Amongst other things, these state that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance

and appreciation within their surroundings, and 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.

16. The development also fails to preserve or enhance the character or appearance of the conservation area as required by Section 72(1) of the Act. This carries considerable weight and importance to my decision.

Living conditions for the occupiers of the neighbouring properties at 43 and 47 Bounds Green Road and 2 Selborne Road with regard to outlook

17. The outbuilding is built in close proximity to both side boundaries with Nos 43 and 47 Bounds Green Road and rear boundary with 2 Selborne Road. The excessive height of the outbuilding, which rises well above the existing boundary treatments, results in an intrusive and unneighbourly form of development for occupiers of these neighbouring properties. During my site inspection, I observed that the outlook from the gardens of these neighbouring properties was particularly restricted by this outbuilding. Furthermore, I do not consider that the presence of existing vegetation in neighbouring gardens mitigates this harm.
18. Therefore, the development fails to provide acceptable living conditions for the occupiers of Nos 43 and 47 Bounds Green Road and 2 Selborne Road with regard to outlook. Accordingly, the development is contrary to Policies DM1 and DM12 of the HDPD. Amongst other things, these state that development proposals must ensure a high standard of privacy and amenity for the development's users and neighbours, and all new housing and residential extensions must be of a high quality, taking account of the privacy and amenity of neighbouring uses.

Conclusion on Ground (a) and the Deemed Planning Application

19. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. The development fails to preserve or enhance the character or appearance of the CA, as a whole and fails to provide acceptable living conditions to neighbouring occupiers with regard to outlook. None of the other matters raised by the appellant, including the benefits of increasing the size of the HMO accommodation outweigh the harms identified. Therefore, there are no material considerations that would lead me to a decision other than in accordance with the development plan in this case.
20. For the reasons given and with regard to all other matters raised, I conclude that the appeal on ground (a) should fail, and the deemed planning application should be refused.

The Appeal on Ground (f)

21. The appeal on this ground is "that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters (i.e. the matters alleged in the notice) or, as the case may be, to remedy any injury to amenity which has been caused by any such breach".
22. The enforcement notice requires the removal of the outbuilding in its entirety. As such, the purpose of the notice is to remedy the breach of planning control rather than only remedy any injury to amenity.

23. The appellant states that they will accept a condition for any alteration the Inspector requires. However, no details of any alternative schemes have been submitted, and it is not for the Inspector to redesign the development. This is a matter for the parties to address.
24. The appellant also states that it is excessive to require the removal of the concrete floor slab, and refers to permitted development rights under Part 1, Class F of the GPDO (2015). However, the appellant has not laid hard surfacing under Class F of the GPDO. He has constructed an outbuilding without planning permission. Therefore, the construction of a concrete slab/patio is not before me, and the removal of the outbuilding is necessary to remedy the breach of planning control.
25. As the notice does no more than seek remedy of the breach, it is not excessive. There are no lesser steps drawn to my attention or any obvious alternatives that would remedy the breach of planning control which is the purpose of the notice.
26. On this basis, the Ground (f) appeal fails.

The Appeal on Ground (g)

27. The appeal on ground (g) is that the period for compliance with the notice falls short of what is reasonable. The appellant asks that the time for compliance is extended from 2 to 12 months, in order to provide the appellant with additional time to dismantle and remove the building. The appellant further states that the rear access agreement does not extend to removing rubble and debris and therefore all rubble and material would need to be transferred through the HMO kitchen and hallway.
28. I have identified under ground (a) that the development results in harm to both the CA, and to the living conditions for neighbouring occupiers, with regard to outlook. Therefore the 12 months requested is disproportionately excessive. However, given the constrained residential nature of the site, it seems reasonable to allow for some further time for the works to be carried out and the materials to be removed safely. In light of the above, a 4-month period for compliance would strike a more reasonable and proportionate balance to comply with the notice.
29. Therefore, the appeal on ground (g) succeeds.

Conclusion

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

R Satheesan

INSPECTOR