



Appeal Decision

Site visit made on 12 January 2026

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date 26 February 2026

Appeal Ref: APP/Y5420/C/24/3342683

442 West Green Road, Tottenham, London N15 3PT

- The appeal is made under section 174 of the Town and Country Planning Act 1990, as amended (the Act).
- The appeal is made by Mr Spyroula Spyrou against an enforcement notice issued by the Council of the London Borough of Haringey.
- The notice was issued on 7 March 2024.
- The breach of planning control as alleged in the notice is without planning permission the erection of a roof addition/extension on the rear outrigger, creating an additional storey, rendering over of the entire rear elevation of the building, change of use of the upper floors to two self-contained flats.
- The requirements of the notice are to:
 - 1 Remove the roof addition/second-storey on the outrigger in its entirety and reinstate the two-storey rear outrigger (and its roof design) to its condition prior to the unauthorised development.
 - 2 Remove from the entire rear elevation the render in its entirety and return the rear elevation walls of the entire building to its condition that existed prior to application of render.
 - 3 Cease the use of the upper floors other than as one C3 dwellinghouse.
 - 4 Remove from the upper floors all but one of the kitchens (a kitchen comprises cooking appliances, sinks and associated taps, kitchen worktops, splashbacks and cupboard).
 - 5 Remove from the upper floors all plumbing and electrical fixtures associated with all kitchens except one.
 - 6 Remove from the upper floors all internal dividing doorways and partitions facilitating the use of the upper floors as more than one dwellinghouse.
 - 7 Remove from the land any debris arising from carrying out the above requirements.
- The periods for compliance with the requirements is: Twelve (12) months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (b) of the Act. 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.

Summary Decision: The appeal is dismissed; the enforcement notice is corrected then upheld and planning permission is refused.

Enforcement Notice

1. It is important that the notice is in order. Part 1 refers to a breach of planning control within section 171A(1)(a) of the Act, which is carrying out development without the required planning permission. Development is defined in section 55(1) to include the making of any material change in the use of any buildings or other land. Section 57 provides that planning permission is required for the carrying out of any development of land. Part 3(3) of the notice refers to a change of use, not a material change of use that required planning permission. I will correct the notice to remedy this omission and, on the evidence before me, am satisfied that to determine the appeal on this basis causes no injustice to any party.

Ground (b)

2. For ground (b) to succeed, the onus and burden of proof is firmly on the appellant to demonstrate, on the balance of probabilities, that the material change of use of

the upper floors to two self-contained flats had not occurred when the notice was issued.

3. A self-contained flat is normally a dwellinghouse for the purposes of the Act and there is no dispute that the current use of the upper floors of the premises as two self-contained flats is each a dwellinghouse in Class C3¹. Section 55(2)(f) of the Act includes that use of a building or any part of a building for any other purpose of the same class shall not be taken to involve development.
4. The notice includes operational development to convert (as the appellant puts it) the upper part of the rear outrigger into two self-contained flats. But these internal and external works to enlarge and adapt this part of the premises have facilitated the material change of use which is development also pursued by the notice. Furthermore, section 55(3)(a) expressly provides that the use as two or more separate dwellinghouses of any building previously used as a single dwellinghouse involves a material change of use of the building and each part of it which is so used. In other words, in this instance, section 55(3)(a) has the effect of disapplying section 55(2)(f), even though the before and after uses fall within the same Class C3 in this case.
5. The appellant has not, therefore, demonstrated on the balance of probabilities that the material change of use of the upper floors to two self-contained flats had not occurred as a matter of fact when the notice was issued. As a result, ground (b) fails.

Ground (a)

6. Ground (a) is then that planning permission should be granted for the erection of a roof addition/extension on the rear outrigger, creating an additional storey and rendering over of the entire rear elevation of the building, and the material change of use of the upper floors to two self-contained flats.

Main issues

7. The main issues are the effect of the development on:
 - the choice of housing in the Borough;
 - the character and appearance of the premises and the area; and
 - the living conditions of the residential occupants of the premises and of No.440 West Green Road with regard to outlook and natural light.

Reasons

Choice of housing

8. The two self-contained flats each have one bedroom. The appellant contends that they replaced a two bedroom dwellinghouse in the upper floors of the premises. However, there is little evidence to substantiate this claim, such as relevant plans of the preceding layout and use of the premises or a statutory declaration by the appellant to explain why he understands this to be the case. This casts significant doubt in my mind.
9. There is otherwise unchallenged evidence from the Council, including relevant planning history for similar adjoining properties, that the two self-contained flats

¹ Schedule 1, Part 3, Part C - The Town and Country Planning (Use Classes) Order 1987, as amended.

more likely than not replaced a three bedroom maisonette in this part of the premises. Moreover, that this family house (defined by the development plan as three or more bedrooms) comprised less than 120sqm gross original internal floor space. On this basis, the upper floors are not suitable in principle for conversion to flats, including because the premises is located in a designated Family Housing Protection Zone (FHPZ). The focus of the Council in a FHPZ is to maintain existing family housing to meet a significant identified objective need for family sized homes, avoid overcrowding and encourage mixed, balanced communities.

10. Each flat is a distinctly different type of residential accommodation to a maisonette, which by reason of size and layout is intrinsically more suitable for larger family occupation. Moreover, the provision of small flats for single persons or couples (perhaps including a small child) is but one facet of the Council's housing strategy. Even if there is a housing crisis for all types of dwellings, including a huge demand for single person dwellings, as the appellant suggests, that is not the same as that there is an objectively identified need for small flats in the Borough. But even if there is, it is not a priority of the Council in a FHPZ. As a result, and albeit in a small way, the loss of a single family house, in this case by its disaggregation and enlargement into two small flats, has altered the mix and size of residential accommodation in the housing stock.
11. Taking account of all the above, I find that the development has a negative effect on the supply of family housing and the choice of such housing in the Borough. Consequently, it is contrary to Policy SP2 of the Haringey Local Plan March 2017 (HLP), Policies DM11 and DM16 of the Haringey Development Management DPD July 2017 (HDPD) and Policy H10 of the London Plan March 2021 (LP). These include that residential development should meet Haringey's specific local housing needs, including for growing families and resist the loss of existing housing, including no net loss in the number of family sized units, unless replaced with equivalent new residential floorspace and deliver mixed, inclusive neighbourhoods.

Character and appearance

12. The premises is a tall, narrow turn of the last century building, broadly similar to the others in this long terrace. There is some variety in main roof form as originally built or subsequently altered, including some rear flat roof dormers and upward extension of the rear outriggers (two with flat roofs² and one with a hipped roof). Most of the plots are infilled with long rear extensions with flat roofs, one with a first floor limited to the far end of the plot, detached from the rear outrigger. While some of the rear outriggers have been altered, slate or tiled pitched roofs and buff brickwork with contrasting orange window header bricks prevail. The sequence of rear outriggers therefore retain a generally harmonious symmetry with a tangible degree of unity and cohesion, including step down in scale, massing and height behind the main taller front parts of these buildings. As such, they are a positive, distinctive visual influence.
13. The roof addition/extension on the rear outrigger is also an upward extension. However, the flat roof form and felted (or similar) covering is not in keeping with the rear elevations and outriggers of the terrace as a whole. Moreover, the vertical increase in height of the outrigger has resulted in a disproportionate, angular box-like addition to the scale and massing of this part of the premises, which juts

² The Council is taking enforcement action against the flat roof on the rear outrigger at No.458A West Geen Road, given that an appeal to retain this development has been dismissed at appeal - APP/Y5420/W/22/3293231.

up abruptly to an elevated height. It also largely obliterates the original form of the rear outrigger, including pitched roof, with no meaningful subservient relationship to the main part of the premises behind it. It also has an overly dominant, unbalanced relationship with the hipped roof of the rear outrigger at No.444 West Green Road next to it. Furthermore, the smooth white/cream rendered elevations are in stark contrast to and interrupt the more subdued rhythm of the brick rear outriggers and rear elevations of these buildings. The render also accentuates overall bulk and visual presence, unrelieved by the few small window openings and little architectural detail, such as window headers.

14. There is little to suggest that the rear elevation of the premises is visible in a main public streetscene. Nonetheless, it can be noticed as a discordant, visually intrusive feature by those who use the semi-public accessway that runs along the rear of the terrace, past the premises. I also saw that there is intervisibility from many windows and back gardens of surrounding residential properties.
15. The wider area contains a variety of buildings in type and design, including some flat roof parts or with light coloured elevations (render or painted brickwork) and some modern development that has infilled a pocket of land behind the premises. But in the main, buildings that also enclose the other two perimeters of this large, roughly triangular shaped parcel of mainly residentially developed land are broadly more in-keeping with the form or appearance of the premises and other buildings in the terrace, including brick rear outriggers with pitched slate or tiled roofs³.
16. It is common ground that permitted development rights would allow brickwork at the premises to be painted the same or similar (indeed any) colour as the render⁴. However, there is little to suggest a real prospect of this fallback in the event that the appeal was dismissed, such as likely or actual intent by way of a contractors estimate. Much of this upper part of the premises would anyway no longer exist, so there would not be an equivalent extent of painted brickwork. Even if painted, some remaining parts of the building lower down would not be as conspicuous. Painted brickwork would anyway give a less uniform impression, with a discernible pattern of brick bond and mortar joints to break up the expanse of building elevations.
17. Taking account of all the above, I find that the development of the roof addition/extension on the rear outrigger, creating an additional storey and rendering over of the entire rear elevation of the building has a significant negative effect on the character and appearance of the premises and the area. Consequently, it is contrary to HLP Policy SP11, HDPD Policies DM1, DM6 and DM12 and LP Policies D3 and D6. These include that development, such as residential extensions, should respect, complement and enhance the local built environment, create places and buildings that are attractive, contribute to the distinctive character of an area and relate positively to neighbouring structures to create harmony, such as appropriate in prevailing form, scale, massing, height, architectural detailing and matching or complementary materials.

Living conditions

18. The premises is located in an urban built-up area where living accommodation in adjoining properties in this terrace is closely spaced, including rear outriggers in

³ Along Carlingford Road and Stanmore Road.

⁴ Schedule 2, Part 2, Class C – The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

depth on plots. Residential amenity, such as outlook and natural light, are therefore already at a premium.

19. In the premises, aside from a very limited, acute upward direction to one side from the bedroom window, views from windows in the ground floor flat are not more restricted as a result of the development due to their placement. However, given the northly orientation of the rear of the premises, the height and bulk of the development increases overshadowing which further restricts daylight and sunlight into this bedroom. A secondary side window in each of the bedrooms of the two self-contained flats above, face the side of No.440 but their small size gives limited views out or opportunity for light received in and each small bathroom window is necessarily restricted by obscured glazing. The main windows in each bedroom and main living space of these flats are otherwise unrestricted.
20. Opposing first floor side windows in the side of the outrigger of No.440 West Green Road are also small. Given little to suggest otherwise, one appeared to be a secondary window and the other, with obscured glazing, for a bathroom. On this basis, the development has little effect on views from these windows or daylight and sunlight levels received into these rooms or parts of rooms. A main window (French Doors) in this floor of this part of the building in the far end elevation is unaffected by the development due to its position. However, the increased height and bulk of the development is overbearing in proximity to another main rear window in the first floor of No.440 and main rear windows in the second floor of No.440 (in the main part of that building), so significantly restricts views out of these rooms in one direction as well as daylight and sunlight received for most of the day.
21. I therefore find that the development of the roof addition/extension on the rear outrigger, creating an additional storey, has a significant adverse impact on the living conditions of the existing occupant(s) of the ground floor flat at the premises with regard to natural light and on the occupant(s) of No.440 West Green Road with regard to outlook and natural light. Consequently, it is contrary to HDPD Policies DM1 and DM12 and LP Policies D3 and D6. These include that development, such as residential extensions, should result in a high standard of neighbour amenity with regard to sunlight, daylight and open aspect/outlook, with indoor environments that are comfortable and inviting for people to use and avoid overshadowing.

Other Matters

22. The premises is located close to local facilities and services, including shops, public transport and public open space, so it is a convenient place to live. The internal fit out of the living accommodation is high quality and the rendered elevations improve thermal efficiency and insulation of the premises. The development was likely completed relatively quickly and it has made more effective use of a small site. Nevertheless, given the small scale of the development these benefits are modest so, though important, these considerations have limited weight.
23. There is no dispute that the Council's latest published information shows it can demonstrate a five-year supply of deliverable housing land, at 5.18 years⁵. Nor that it met the Government's latest Housing Delivery Test, with 99% of the required number of homes delivered in the requisite period⁶. Nonetheless, the development has resulted in a net gain of a single residential unit. This contributes to the

⁵ Authority Monitoring Report 2020/21 to 2023/24, April 2025.

⁶ 2023 measurement published December 2024.

Council's development plan objective that residential development should maximise the supply of housing to meet and exceed the Council's minimum target for new homes. Though also an important benefit, a single unit makes a limited contribution in this respect so this consideration has limited weight.

24. The premises is not in a Conservation Area and absence of heritage harm is a neutral factor in my decision. Lack of greater public appreciation of the development, or apparent objection from existing occupants of the premises or other properties, does not alleviate the innate impact of the development in the wider public interest. I have also considered potentially relevant planning conditions but they would not overcome the fundamental objections to the development set out earlier.

Planning balance and conclusion

25. Given the Council's housing land supply and delivery position, by virtue of NPPF footnote 8, NPPF paragraph 11(d)(ii) is not engaged so the presumption in favour of sustainable development (the tilted balance) does not apply in this appeal.
26. The benefits of the development do not then outweigh significant harm to the supply and choice of housing, character and appearance and living conditions, in conflict with the development plan.
27. There are no other considerations to indicate that ground (a) should be determined other than in accordance with the development plan taken as a whole. Consequently, for the reasons given above, the development is unacceptable and planning permission should not be granted for it. As a result, ground (a) fails.

Formal Decision

28. It is directed that the enforcement notice be corrected as follows:
- Part 3(3) the breach of planning control alleged – delete and replace with '*3. the material change of use of the upper floors to two self-contained flats*'.
29. Subject to this correction, the appeal is dismissed and the enforcement notice is upheld. Planning permission is also refused on the application deemed to have been made under section 177(5) of the Act.

Robin Buchanan
INSPECTOR