



Appeal Decision

Site visit made on 11 February 2026

by Grahame J Kean B.A. (Hons) Solicitor, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 March 2026

Appeal Ref: APP/Y5420/C/24/3342747

458A West Green Road, LONDON, N15 3PT

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by MYC PROPERTIES LIMITED against an enforcement notice issued by the Council of the London Borough of Haringey.
 - The notice was issued on 8 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.
 - The requirements of the notice are:
 1. Remove the roof addition/second-storey on the outrigger in its entirety and reinstate the two-storey rear outrigger (and its roof design and materials) to its condition prior to the unauthorised development.
 2. Remove from the land any debris arising from carrying out the above requirements.
 - The period for compliance with the requirements is: twelve (12) months, beginning with the date this notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f) 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. 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.

Applications for costs

2. An application for an award of costs was made by the Council against MYC Properties Limited. This application is the subject of a separate decision.

Preliminary Matters

3. A hearing was requested by the appellant, however there is sufficient information before me from the parties' submissions to enable me to determine the appeal on the basis of written representations and having undertaken a site inspection.

Ground (a)

4. The unauthorised development consists of the erection of an additional floor on top of the first-floor rear addition of 458 West Green Road. It is common ground that the site is not in a conservation area, or designated as a listed building, and is in Flood Zone 1 which has a low probability of flooding. It is also undisputed that the site is in a highly sustainable location from a public transport perspective.

5. The main issues are the effect of the unauthorised development on, firstly the character and appearance of area, and secondly, on the living conditions of the occupiers of 456 West Green Road, with regard to daylight/sunlight and outlook.
6. These matters have been considered previously on appeal by Mr Gunac Yaman against the refusal on 15 December 2021 of his application Ref HGY/2021/3205 for the erection of an additional floor on top of the first-floor rear of No 458a.
7. Mr Yaman is closely associated with the appellant company and indeed was present during my site inspection.
8. In that previous appeal decision¹ it was found that the proposal would cause harm to the character and appearance of the area and harm to the living conditions of the occupiers of 456 West Green Road, with regard to outlook and daylight/sunlight, harm that was contrary to the development plan as a whole. There were no other considerations that would justify a decision otherwise than in accordance with the plan, therefore, the appeal was dismissed.
9. However, the erection of the additional floor on top of the first-floor rear of the building was carried out regardless, in contravention of planning control. I am satisfied from the submitted information including the plans for the refused application, that the unauthorised development, now the subject of this second appeal, relates to substantially the same development as that refused proposal.

Character and appearance

10. The case for the appellant is that the roof extension is appropriately designed to blend with the host and neighbouring building, does not cause visual or amenity harm to the rear elevation of the host or neighbouring building and there are many similar flat roof extensions in the vicinity. I disagree.
11. The site is a mid-terrace property with a shop on the ground floor of the main building and self-contained flats on the upper floors, within a local shopping parade. To the rear, there is a three storey, flat roofed projection at No 456. There are varying heights and massing to the existing outriggers and their extensions. No. 456 is, as the previous Inspector pointed out, a clear exception. I agree with his analysis that there is an otherwise general symmetry and harmonious character created by the sloped roofscape of the original properties and their mainly two-storey rear extensions. No. 434 has a three-storey rear extension but is not readily seen in context with the appeal site and does not inform the immediate character of the area.
12. The unauthorised flat roof addition has created a bulky and discordant feature that fails to respect the existing form and scale of the host building and terrace of which it forms part. It is an overly dominant extension that is not subordinate to the main building and unacceptably affects its character and appearance and that of the immediately surrounding area.
13. I have seen the drone footage submitted to demonstrate that there has been a change in the character and appearance of the wider area in general with new development taking place. However, that was not at all evident from the footage I viewed and in any case would not have provided a justification for the harm to the appearance of the immediate roofscape at the rear of the terrace.

¹ APP/Y5420/W/22/3293231 dated 13 September 2022

14. I have considered the list of properties in the general area with flat roofs but this does not alter my findings in relation to the positive features of the sloped roofscape in the immediate vicinity of the site at the rear.
15. The Council is clearly making efforts to remedy non-conforming development in the area relevant to this type of breach of planning control. An enforcement notice was issued against 442 West Green Road requiring the reinstatement of the original sloped roof on the rear outrigger and the notice has been upheld on appeal². When discounting current unlawful developments, the terrace retains its general symmetry and harmonious character. The unauthorised development at the current appeal site considerably undermines that character. It is an example of how, unchecked, the cumulative effect of incremental changes to buildings through poorly designed extensions, can materially detract from local character and appearance.
16. I find on this issue that the roof extension, due to its design, including its mass, bulk, form and scale, is a visually dominant, discordant and intrusive addition to the host building and the surrounding roofscape. It detracts considerably from the character and appearance of area and terrace to which it belongs.
17. The harm is contrary to the aims of the Council's Local Plan Strategic Policies 2017, Policy SP11 by failing to respect local context and character, contrary to Development Management Development Plan Document 2021, Policy DM1 and Policy DM6 in that the height of the extension is not of an appropriate scale and fails to deliver high quality design appropriate to its local context, including the form, scale and massing prevailing around the site. It also fails to comply with the London Plan 2021, Policies D3 and D6 in that it does not optimise the capacity of the site through an appropriate design-led approach or high quality design in new development.

Living conditions

18. The previous Inspector concluded on this issue that:
"The existing two storey extension at No. 456 and ground floor extension at the appeal site results in a relatively narrow gap between the properties. The introduction of an additional floor on top of the existing ground floor extension would create an enclosing effect, to the detriment of the outlook and daylight/sunlight levels experienced by the occupiers of No. 456. While it may be that extensions to terraced properties are often constrained by their context, the proposal would further increase the height and have a greater impact."
19. No. 456 has windows on the side elevation in close proximity to the extension which has an unacceptably overbearing and enclosing effect when viewed from the closest windows at No. 456. Furthermore, the gap between the two outriggers is relatively narrow resulting in the increased height of the extension adding to the sense of enclosure.
20. The appellant submits a daylight, sunlight and overshadowing assessment, said to find among other things, that occupiers or users at the adjoining property would not notice a reduction in their current daylight and sunlight levels. It also submits two statements, one from an adjoining occupier stating they are not affected

² APP/Y5420/C/24/3342683 26 February 2026.

although mention is only made of their bathroom window (probably No 2). I note the statements but must also consider the conditions for future occupiers.

21. Assessing overshadowing considers whether adjoining gardens and open spaces are protected from unacceptable overshadowing. The rear of No 456, as with No 458a is built upon across the original rear space of the property so it does not enjoy any garden or open space. Sunlight comprises only the direct elements of sunlight. The windows affected are NE and NNE facing. Due to the orientation the APSH and WPSH³ sunlight analysis cannot apply to No 456. North-facing windows are typically excluded from sunlight tests as unlikely to have significant direct sun.
22. Given the above, a daylight assessment is all the more important. Daylight is the combination of all direct and indirect sunlight during the daytime. The BRE standard recommends a vertical sky component (VSC) of 27% or more to be achieved if a room is to be adequately day lit. Reduction of daylight levels should be limited to maximum 80% of its former value, when the new VSC is below 27%.
23. The assessment presents a table of results for all 9 windows at the rear of No 456 but clearly windows 8 and 9 are unaffected. Extrapolating from the results annotated on Figures 11 and 12, the extent of the reduction below the maximum 80% can be seen in several windows. Those experiencing a reduction in skylight due to the extension that have less than 27% VSC with the extension in place (windows 1,2,3,4 and 6)⁴ can be seen as follows:

Window	VSC before	VSC after	% below acceptable threshold
1	22.6%	17.8	78.76%
2	15.9%	7.8%	49.05%
3	19%	10%	52.63%
4	26.1%	17.8%	68.2%
6	25.2%	20.5%	81.34%

24. The assessment identifies windows 1 to 4 as a having a reduction in diffuse daylight “*slightly beyond*” the recommended value. This is misleading. It is only window 1 that is slightly below the threshold. For windows 2, 3 and 4 the reduction is significant. Therefore, whilst the pre-existing building on the appeal site already blocks light I disagree with the assessment that the position is not unacceptably worse. Nor can the difference between the existing and proposed conditions in the rear first floor rooms using the additional no sky line methodology (NSL) mitigate a significant loss in the absolute quantity of light (VSC). BR209 states at 2.2.7 that

“if the VSC, with the new development in place, is both less than 27% and less than 0.80 times its former value, occupants of the existing building will notice the reduction in the amount of skylight. The area lit by the window is likely to appear gloomier, and electric lighting will be needed more of the time.”

³ Annual Probable Sun Hours (APSH) and Winter Probable Sun Hours (WPSH)

⁴ See Figures 10, 11 and 12 of the assessment.

25. The secondary NSL results (measuring how far sky-view penetrates into a room) state that: *"the difference between the existing and proposed conditions in the rear first floor rooms is only 0.93 times its former value or 93%. This is well above the maximum reduction of 0.8 times or 80% allowed by the BRE report 209."*
26. The claim of 93% NSL appears to rely on the unaffected window 9 to mask the significant VSC loss to Window 3⁵. It appears illogical that window 3 should have nearly a third reduction in light reaching it, yet it loses almost nothing internally (ie *"the no sky line as existing is 86.5% of the floor area at 850mm height and as proposed is 80.8%."*). In any case this is stated as an average. Window 1 being uniquely on the original rear elevation likely serves a separate room. A room-by-room breakdown would have ensured that individual habitable rooms were not being deprived of essential daylight through misleading averaging techniques. The applicant also seems to have omitted the NSL results for the room served by Window 4, which also failed the VSC test.
27. The commission to undertake the assessment did not include bottoming out precisely what were the layouts and sizes of the affected rooms in No 456. This means that an assessment of whether a room has visible sky to 80% of the working plane or that the reduction in visible sky is less than 20% of that area, may not be accurate. Because the room dimensions are assumed, in my view the more reliable objective data are the VSC results. Furthermore, no distinction is made among the windows of rooms that may be habitable, non-habitable or bedrooms.
28. The VSC results in my judgement show that, far from being a "slight" reduction, the relative losses are a significant reduction and a clear failure of the 80% test. Considering all the information submitted as well as what I saw on site, I do not accept the conclusion that occupiers of No 456 would not notice a reduction in their current daylight levels due to the extension.
29. The assessment only cites a single "Above Clip Threshold" percentage for multiple windows, such that the before and after percentages (86.5% and 80.8%) represent 93% of the former value, therefore it is said the 80% BRE rule is met. This is derived from the computer programme that sets a "clip", ie a binary filter whereby a sensor node either "sees" the sky (Value = 1) or not (Value = 0). The 86.5%/80.8% describes how "deep" the daylight penetrates into the room. The "visible nodes" are annotated at 266 before and after the development but this would be inconsistent with a window (no 3) that suffers a 32% reduction in VSC. Pairing it with an unaffected window masks the real loss of light distribution in the rear of the room. The total number of nodes is not given but if they stayed at 266, the ratio is 100%, not 93% as claimed which would imply the loss of some nodes.
30. In summary, there are flaws in the assessment. I agree with the previous Inspector's comments which are vindicated. Although they may have not been made with the benefit of a formal assessment, a common sense approach to the configuration of the properties, their proximity to each other, the height and extent of the proposed extension and an appreciation of the orientation of the built form in relation to the sun's path, would have led inevitably to the conclusion to which he came. Specifically in relation to the additional floor on top of the existing ground floor extension, I saw that this has indeed created an enclosing effect to the detriment of outlook, as well as a significant diminution in daylight/sunlight levels.

⁵ Window 9 has a 39.6% VSC (before and after) so it is quite unobstructed.

31. I find on this issue that the excessively large and overbearing roof extension causes overshadowing, a sense of enclosure and loss of outlook to neighbouring properties to the detriment of the occupants, including future occupants of No 456, as well as causing a loss of daylight to adjacent buildings. The harm is contrary to the aims of Policies DM1 D(a) and London Plan Policy D6 D.

Planning balance

32. The additional accommodation resulting from the extension is acknowledged but is a limited benefit. The new development sits on existing built form but given the harm caused by the design, it would be misleading to characterise it as making the best use of land.
33. The National Planning Policy Framework (NPPF) is relied on by the appellant in that it advises that decisions should not attempt to impose architectural styles or tastes. It is, however, proper to seek to promote or reinforce local distinctiveness.
34. The unauthorised development conflicts with the above development plan policies as well as the plan as a whole. I find the benefits of the development of insufficient weight to indicate that a decision should be made otherwise than in accordance with the development plan. Planning permission will therefore be refused.

Ground (f)

35. This ground is an appeal 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 or, as the case may be, to remedy any injury to amenity caused by any such breach.
36. The steps in the notice are clearly aimed at remedying the breach of planning control. The appellant has advanced an alternative step of modifying the unauthorised development by installing a pitched roof. No details are provided. It is therefore unclear what this generalised proposition amounts to, or whether it would form the whole or part of the development constituted by the alleged breach.
37. I find on this ground that the requirements are necessary and not excessive to remove the entire unauthorised development. The appeal on this ground fails.

Conclusion

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

Grahame J Kean

INSPECTOR