



Appeal Decisions

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: 10 March 2026

Appeal A Ref: APP/Y5420/C/24/3351039

85 Maryland Road, LONDON, N22 5AR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Hasan Sahan against an enforcement notice issued by the Council of the London Borough of Haringey.
 - The notice was issued on 24 July 2024.
 - The breach of planning control as alleged in the notice is: without planning permission, the construction of a part single, part two-storey rear extension.
 - The requirements of the notice are:
Either
 1. Demolish the rear extension in its entirety
 2. Remove from the land any debris resulting from carrying out step 1) above.
Or
 3. Undertake remedial works to the extension, to ensure it complies in complete accordance with planning permission HGY/2022/4422.
 4. Remove from the land any debris resulting from carrying out step 1) above.
 - The period for compliance with the requirements is: 6 months from the effective date of the notice should be allowed for compliance with requirements (1) and (2), or (3) and (4), beginning with the date this notice takes effect.
 - The appeal is proceeding on the ground set out in section 174(2)(c) of the Town and Country Planning Act 1990 (as amended).
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Appeal B Ref: APP/Y5420/W/24/3353655

85 Maryland Road, Wood Green, LONDON, N22 5AR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Hasan Sahan against the decision of the Council of the London Borough of Haringey.
 - The application Ref is HGY/2024/2037.
 - The development proposed is: retrospective ground floor rear extension.
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Decisions

Appeal A is dismissed and the enforcement notice is upheld.

Appeal B is dismissed.

Appeal A

The notice

1. The appellant states that the allegation is wrong as there is a mezzanine rather than a second floor. There is no appeal on ground (b) and in any case the mezzanine in question might not be inappropriately regarded as constituting a second floor. There is no hard and fast definition for these purposes. Both parties

are aware of what has been built and the target of the notice, therefore I see no compelling need to amend the notice.

Ground (c)

2. The issue is whether the matters alleged to constitute a breach of planning control (if they occurred) do not constitute a breach of planning control. The onus is on the appellant to show this, and the standard of proof is the balance of probability.
3. Planning permission was granted for the demolition of the existing conservatory and erection of an L-shaped single storey rear extension to provide a bigger kitchen/dining area at these premises. The permission, Ref HGY/2022/4422 was dated 8 February 2023. The appellant in his final comments states categorically that the extension was built according to permission HGY/2022/4422.
4. However, that was not the development that took place. The appellant elsewhere acknowledges that it was not constructed in accordance with the approved plans, stating *"the higher extension back wall was the result of a miscalculation of the elevation in the back garden"*.
5. Permitted development rights are granted for residential extensions subject to compliance with the thresholds set out in the Town and Country Planning (Permitted Development) (England) Regulations 2015 (as amended) (GPDO), Class A of Part 1 of Schedule 2.
6. Contrary to those thresholds the enlarged part of the dwellinghouse is within 2m of the boundary of the curtilage of the dwellinghouse, but the height of the eaves of the enlarged part exceeds 3m. There are other instances of the development not complying with the approved plans for the extension, for example it also fails to incorporate the approved change of pitch on parts of the roof. Clearly, as can be seen from the statements of both parties, the appellant has increased the height of the extension by excavating significantly deeper than approved.
7. The development in situ is not that approved by the Council and is a breach of planning control. In these circumstances, the appeal on ground (c) fails.

Conclusion

8. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice.

Appeal B

9. The main issues are the effect of the development on firstly, the character and appearance of the area and secondly, the living conditions of the adjoining neighbours and future occupants of those properties.

Character and appearance

10. Relevant policies are Haringey Development Management Development Plan 2017 (DMP), Policy DM1 that seeks development that relates positively to its locality in building height, form, scale, massing, building lines, architectural details and styles. DMP Policy DM12 seeks residential extensions of a high, site specific, and sensitive design quality, that respects and/or complements the form, setting, period, architectural characteristics and detailing of the original building, including

external features. Haringey Local Plan 2017 (LP) Policy SP11 seeks to enhance the built environment by high quality design respecting local context.

11. The appeal site is a two-storey mid terraced dwellinghouse on Maryland Road. It is not in a conservation area. The proposal is to retain a ground floor rear extension with mezzanine which is an alteration to the approved application HGY/2022/4422.
12. Many properties in the terrace of which the appeal property forms part, have single storey extensions of varying types, sizes and appearance, including some as deep as the appealed proposal. As such the original proposal was considered proportionate and subordinate to the dwelling and in keeping with the pattern of development in the area. The officer report for the approved scheme noted that the new extension would be to a depth of c6m and noted the *“existing three metre deep extensions to the properties either side which help reduce the proposals visual prominence when viewed from neighbouring rear gardens”*.
13. In my view the size of the neighbouring extensions would not have improved the appearance of the approved extension to any great degree, but I acknowledge what is effectively the fall-back position approved by the Council. That said, the issue is how the unauthorised extension adversely affects the character and appearance of the area beyond that which has been approved.
14. The rear extension is not visible from the street. However, it is some 3.9m high which is an appreciable increase over the permitted 3m. This is a consequence of the garden in front of the extension having been excavated to a depth of 90cm. Thus, whilst the appellant maintains that the roof height is the same as No. 83, and No. 87 has a rear wall height of 3.8m, the extension as built appears as an overly dominant addition to the host property. This undesirable effect is accentuated by the fact that the rear elevations of the adjoining properties do not extend outwards to the same length as does the unauthorised extension.
15. Furthermore, the height of the parapet features on either side exceeds the 3.9m height as appears from the appellant's own statement and images reproduced therein. The extension also fails to incorporate the approved pitch/reduction in height to the roof.
16. The conservatory that appeared to be in place before the extension was built, is a substantially different structure to the unauthorised extension and does not provide a compelling justification for accepting the adverse effects of the latter.
17. Whether an additional level has been introduced, or the increased height of the extension is properly named as a mezzanine floor is not to the point. The result has been that by increasing the height of the extension and excavating significantly deeper than approved, the result is an insubordinate addition to the rear of the property that considerably dominates the host dwelling and the immediate surroundings at the rear of the terrace of which the site forms part.
18. The harm caused is significant and contrary to the aims of the local plan policies cited above, in failing to design the extension that properly respects its local context and undermining the local character and visual amenity of the area.

Living conditions

19. Relevant policies are the London Plan Policy D6 which promotes development respecting the amenities of surrounding housing, including the provision of

sufficient daylight and sunlight to surrounding housing that is appropriate for its context, while also minimising overshadowing.

20. Further, DMP Policy DM1 seeks a high standard of privacy and amenity for a development's users and neighbours, including appropriate sunlight, daylight and aspects to adjacent buildings and land, privacy to neighbouring properties to avoid overlooking to the detriment of neighbouring residents' living conditions.
21. The case for the appellant is that the effects of the development for each adjoining neighbour are minimised by the "encasement" of the extension and that there is minimal loss of light, no overbearing effect, increased sense of enclosure or diminished outlook. I disagree that the loss of light is minimal. No technical appraisal has been submitted. In my view having seen the property, the combined height, depth and width of the extension in situ would exacerbate the diminution of sunlight/daylight/overshadowing caused, compared to the position had it been built in accordance with the approved plans.
22. Furthermore, the unauthorised extension results in larger flank walls than approved, which given that they would be extremely close to both neighbouring properties' boundary lines, creates an undesirable sense of enclosure and reduced outlook.
23. It is asserted that the neighbours have not objected to the application, however the effect of the extension is to be judged not only with reference to present, but also to future occupiers of the properties affected.
24. I find on this issue that due to the excessive height and mass of the extension there would be a loss of light, overbearing effect, increased sense of enclosure and diminished outlook, which, compared with the approved scheme, would cause noticeable and unacceptably adverse impacts on the living conditions of neighbouring properties. The harm I have identified is contrary to the aims of London Plan Policy D6 and DMP Policy DM1 described above.

Conclusion

25. For the reasons given above the appeal should be dismissed.

Grahame Kean

INSPECTOR