The Planning Inspectorate

Appeal Decision

Site visit made on 25 October 2016

by Andrew McCormack BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 November 2016

Appeal Ref: APP/Y5420/W/16/3155161
207 Philip Lane, Tottenham, London N15 4HL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Ozgur Demirci against the decision of the Council of the London Borough of Haringey.
- The application Ref HGY/2016/0189, dated 17 January 2016, was refused by notice dated 14 March 2016.
- The development proposed is extensions and alterations to property to provide one bedroom two person residential unit.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Ozgur Demirci against the Council of the London Borough of Haringey. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of future occupiers of the appeal property and neighbouring occupiers, with particular regard to outlook, daylight and sunlight.

Reasons

4. The appeal site is situated on the south side of Philip Lane and forms an irregular 'L' shape. The 'L' shaped area at the rear of the site connects with a right of way that runs from Philip Lane and serves a rear yard on the appeal site. The host property consists of three storeys with a ground floor retail unit and a three-bedroom maisonette on the upper floors. To the rear, where the development is proposed, are single-storey sheds and an access yard to the retail unit. The surrounding area has a mix of commercial and residential uses with the commercial units generally positioned on the ground floor of the properties in the locality. The host property and appeal site are located within the Clyde Circus Conservation Area (CA).

Outlook

5. The proposed development would extend to approximately 12 metres from the existing rear elevation of the appeal property at first floor level. Furthermore,

it would be built up to the boundary with its neighbouring property at 209-211 Philip Lane (Nos 209-211) and would result in an angled wall being built approximately 5 metres from windows in the rear elevations of the appeal property and Nos 209-211. At second floor level, the proposed development would extend out to approximately 3.5 metres from the existing rear elevations of the appeal property and Nos 209-211.

6. The combination of the existing rear extension at Nos 209-211 at first floor level and the proposed extensions would create a 'tunnelling effect' when viewed from window S4, as identified in the appellants Daylight, Sunlight and Overshadowing Report (DSOR), on the first floor of the neighbouring property. The brick flank walls of both the existing and proposed extensions, due to their depth, height and proximity to the window would have an overbearing effect on outlook.

7. The window would be recessed between the flank wall of the existing rear extension to Nos 209-211 and the proposed alterations and extensions to the first and second floors of the appeal property. I acknowledge that this is currently the case with the depth of the recess at first floor level between existing extensions being approximately 3.5 metres. However, this depth would increase significantly due to the extent and effect of the proposal at first floor level and would result in the outlook from window S4, albeit serving a staircase, being significantly and harmfully reduced.

8. In addition, the proposed development would have an adverse effect on the outlook of neighbouring occupiers from the window identified as 'S6' in the DSOR which is positioned on the second floor of the rear elevation of Nos 209-211. The extent of the proposal at the second floor level would not be as extensive as at the first floor level. Notwithstanding this, the proposed extension to the appeal property on the second floor would have a limiting effect on the outlook from window S6. As a result, when taken into account as part of the wider cumulative effects of the proposal with regard to outlook, I conclude that the scheme would be overbearing and have a materially harmful effect on the living conditions of neighbouring occupiers in terms of outlook.

Daylight and sunlight

9. I now turn to the effect of the proposed development with regard to the loss of daylight and sunlight relating to neighbouring properties and occupiers. The proposed extensions and alterations would project out from the existing rear elevation of the appeal property by a sizeable amount at first and second storey level. As a result, the proposal would inevitably have some impact on the neighbouring properties in the terraced row and on the living conditions of their occupiers.

10. The submitted DSOR assesses the impact of the proposal on neighbouring properties and occupiers. The evidence provided in the DSOR, which I note was undertaken in accordance with BRE Guidelines[1], indicates and concludes that the proposal would not have a materially adverse effect on the neighbouring properties and that the only window to have any significant

[1] Building Research Establishment (BRE) report (BRE 209): "Site layout planning for daylight and sunlight: A guide to good practice" Second Edition (2011)

adverse impact in terms of a loss of daylight and sunlight would be the first floor rear window of Nos 209-211, identified as S4 in the DSOR.

11. The assessment set out in the DSOR compares the existing and proposed external levels of daylight on neighbouring properties, known as the Vertical Sky Components (VSC). The DSOR indicates that the proposal would have a 'minor adverse' impact on the level of daylight reaching window S4. This would result in a VSC value of less than 27% which would not meet the BRE guidance criteria. However, the DSOR states that the VSC value would remain greater than 20% and would therefore be close enough to BRE guidance criteria to still provide adequate levels of daylight. Notwithstanding this, as confirmed at the site visit, window S4 serves a staircase within the neighbouring property. Therefore, as the window does not serve a habitable room, the impact of the proposal on this window would have less significance than if it were doing so.

12. With regard to sunlight, the DSOR provides an assessment of the proposal's impact on neighbouring properties which is measured in Annual Probable Sunlight Hours (APSH). The analysis indicates that although window S4 would be affected most by the proposed development, none of the identified 'surfaces' in the DSOR would be materially affected. Furthermore, where there would be a loss of sunlight, any identified loss retains an APSH value of more than 0.8 times their existing APSH value. As a result, it is stated in the DSOR that this level of reduction in APSH values would be close enough to meet the BRE guidance criteria and still provide adequate levels of sunlight.

13. Based on the analysis within the DSOR, and in the absence of any substantive evidence to the contrary, I see no material reason to deviate from its assessment and conclusion with regard to the proposal's effect on neighbouring properties and occupiers with regard to daylight and sunlight.

14. Therefore, having had regard to all of the evidence before me, I conclude that whilst the proposed scheme would have no materially detrimental effect on neighbouring properties or their occupiers with regard to daylight and sunlight, it would have a significant harmful effect on the outlook of the neighbouring occupiers at 209-211 Philip Lane.

15. The appellant's Design and Access Statement identifies the benefits of the proposal in terms of contributing to local housing needs and improving the appearance of the rear elevation of the appeal property and thus enhancing the local area. Despite this, whilst I appreciate that such benefits may be realised by the proposal, I find that they would not outweigh the cumulative and significant harm which I have identified.

16. Consequently, I conclude that the proposed development would be contrary to Policy 7.6 of The London Plan, saved Policy UD3 of the Haringey Unitary Development Plan 2006 and draft Policies DM1 and DM12 of the Haringey Development Management Development Plan Document. Amongst other matters, these policies seek to ensure that development does not have a significant adverse effect on the surrounding land and buildings and the living conditions of future and neighbouring occupiers.

Other Consideration

17. Although referred to by the Council and the appellant, neither party has raised the Clyde Circus Conservation Area (CA) as an issue in this case. Based on

what I have seen and read, I find that the proposed development would be consistent with nearby properties and the pattern of development in the immediate area. Moreover, it would have only limited visibility in the surrounding area and within the CA. As a result, I conclude that the proposal would not detract from the character or appearance of the CA and would therefore preserve it.

Conclusion

18. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Andrew McCormack

INSPECTOR