The Planning Inspectorate

Appeal Decision

Site visit made on 13 March 2017

by D J Board BSc (Hons) MA MRTPI

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

Decision date: 10 April 2017

Appeal Ref: APP/Y5420/W/16/3165390
16 Wolseley Road, Hornsey, London, N8 8RP

- 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 Ms Jan Sewell against the decision of the Council of the London Borough of Haringey.
- The application Ref HGY/2016/1406, dated 28 April 2016, was refused by notice dated 23 June 2016.
- The development proposed is to create a new 2 bedroom flat out of the existing very large roof loft space, the front elevation will have two Velux type roof lights and the rear elevation will have a box dormer. It also includes an external terrace of approximately 8.2 m2 as part of the application.

Decision

1. The appeal is allowed and planning permission is granted for a new 2 bedroom flat out of the existing very large roof loft space, the front elevation will have two Velux type roof lights and the rear elevation will have a box dormer. It also includes an external terrace of approximately 8.2 m2 as part of the application at 16 Wolseley Road, Hornsey, London, N8 8RP in accordance with the terms of the application, Ref HGY/2016/1406, dated 28 April 2016, subject to the following condition:

    1) Unless within 3 months of the date of this decision a scheme for the provision of the timber balustrade, is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 3 months of the local planning authority's approval, the use of the two bedroom flat hereby approved shall cease until such time as a scheme is approved and implemented.

    If no scheme in accordance with this condition is approved within 6 months of the date of this decision, the use of the site for the addition of the two bedroom flat shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme approved by the local planning authority is implemented.

    Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter retained.

    In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Procedural Matter

2. The development has already been carried out. As the term retrospective is not an act of development. I have dealt with the appeal on the basis that planning permission is sought for the creation of a new 2 bedroom flat, two Velux type roof lights, a box dormer and an external terrace of approximately 8.2 m2.

Main Issues

3. The main issues are the effect of the proposal on (a) the character and appearance of the existing property and whether it would preserve or enhance the character or appearance of the Conservation Area (CA) and (b) the living conditions of the occupiers of existing dwellings, with particular regard to privacy.

Reasons

Conservation Area

4. The site is located within the CA which is generally characterised by terraced and semi-detached dwellings set at different levels with a variety of relationships to the street. No 16 Wolseley Road is located within a group of semi-detached dwellings. There is consistency along the frontage with dwellings constructed from red brick with white detailing and bay window features. That said there is evidence of alterations with some roof lights visible to front roof slopes and in some cases dwellings nearby and opposite have utilised complementary materials to form additions. Overall, the significance of the buildings is derived from their general pattern and strong frontage group. The rear elevations of properties in Coolhurst Road are also visible in this area of Wolseley Road. Wolseley Road is part of a wider residential area within the CA. Accordingly in this case the heritage asset concerned is the CA.

5. SPG1a Design Guidance refers to the design, scale and form of extensions and alterations to buildings. In particular that variation of a uniform building line would not appropriate, extensions should be subordinate in scale and in the case of dormers that it *'…should not undermine the sweep of a roof…'* In this case to the rear of the properties there is less uniformity. As the appellant points out there is variety along the rear elevations of the properties. In particular I have been referred to a number of examples of additions to nearby properties. Furthermore, I noted the additions made to buildings in Coolhurst Road that have also included a 'zinc' material.

6. The appeal scheme creates an additional dwelling at second floor level. To achieve this an addition has been made in the form of a roof extension. This would be in the form of a substantial 'box dormer' addition. I note that it would be wide and deep. However, it would be set below the ridge of the main dwelling. Further the materials shown would be standing seam zinc, grey coloured doors and windows and timber.

7. In this case there is a substantial change to the appearance of the building to the rear. However, the character of the CA is primarily derived from the frontages. In addition, whilst wide and deep, due to the set down materials and detail it would not undermine the architectural effect of the wider group or the roof of the existing building. As such the change to the rear would preserve the character or appearance of the CA.

8. I therefore conclude that the scheme would preserve or enhance the character or appearance of the Conservation Area. It would not be in conflict with London Plan policies 7.4, 7.6 and 7.8, Local Plan policy SP11 (supported by SPG1a) and saved Unitary Development Plan Policy CSV5 which requires that alterations or extensions to buildings in Conservation Areas should preserve or enhance the character of the Conservation Area.

Living conditions

9. The addition to the dwelling would create a third storey above ground level. The new unit includes a terrace area that will be enclosed with a horizontal timber balustrade. I was able to view the site and surrounds from the terrace area, without the balustrade in place, as part of my site inspection.

10. The dwellings on Glasslyn Road are some considerable distance from the appeal site. The property is higher than those in Glasslyn Road. However, whilst I note that these dwellings have rear facing windows, doors and conservatories, they also have long gardens separating them from Wolseley Road. The appellants submitted plan shows this to be about 56m. As a result the addition of a further unit would not lead to a loss of privacy for these dwellings.

11. The Council's decision also refers to No 14. This dwelling does have side facing windows. I appreciate that without the balustrade in place these are visible from the terrace area. Nevertheless, the addition of the balustrade would serve to lessen any effects. In addition views from the terrace with it in place would be oblique. Overall, the addition of the new flat and its terrace would not lead to loss of privacy for the existing occupiers of No 14.

12. I therefore conclude that the scheme would not have a harmful effect on the living conditions of the occupiers of existing dwellings, with particular regard to privacy. It would not be in conflict with Local Plan policy SP11 and saved UDP Policy UD3 which amongst other things requires new development to demonstrate that there is no significant adverse impact on residential amenity in terms of privacy.

Other matters

13. Whilst not reasons for refusal I have carefully considered the comments made by interested parties regarding precedent, impact on light, value of the other flats and the freehold arrangements within the building. The case before me has been assessed on its merits. As such there is nothing to prevent the Council resisting inappropriate schemes in the future. There is a reasonable separation between No 14 and 16 and it would not project beyond the rear limit of the existing first floor. In addition I have no substantive evidence that the scheme would lead to loss of light to existing dwellings either adjacent or within the building. I can see no reason why approval of the scheme would supersede any private legal rights relating to ownership. Accordingly issues relating to ownership have not had any material bearing on the assessment of planning issues in this appeal.

Conditions

14. I have not received any suggested conditions. The development has already been carried out and therefore a condition relating to commencement is not necessary. The purpose of condition 1 is to require the appellant to comply

with a strict timetable for dealing with the provision of the balustrade which needs to be addressed in order to make the development acceptable. The condition is drafted in this form because, unlike an application for planning permission for development yet to commence, in the case of a retrospective grant of permission it is not possible to use a negatively worded condition precedent to secure the subsequent approval and implementation of the outstanding detailed matter because the development has already taken place. The purpose and effect of the condition is therefore to ensure that the use of the site authorised by the grant of planning permission may only continue if the appellant complies with each one of a series of requirements.

Conclusion

15. For the above reasons and having regard to all other matters raised I conclude that the appeal should be allowed.

D J Board

INSPECTOR