The Planning Inspectorate

Appeal Decision

Site visit made on 11 October 2016

by J Bell-Williamson MA MRTPI

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

Decision date: 19 October 2016

Appeal Ref: APP/Y5420/D/16/3157018
1 Rookfield Avenue, Hornsey, London N10 3TS

- 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 & Mrs Ian Rosenthal against the decision of the Council of the London Borough of Haringey.
- The application Ref HGY/2016/1986, dated 16 June 2016, was refused by notice dated 11 August 2016.
- The development proposed is dormer window to rear roof to facilitate loft conversion.

Decision

1. The appeal is allowed and planning permission is granted for dormer window to rear roof to facilitate loft conversion at 1 Rookfield Avenue, Hornsey, London N10 3TS. The permission is granted in accordance with the terms of the application, Ref HGY/2016/1986, dated 16 June 2016, subject to the following conditions:

    1) The development hereby permitted shall begin not later than three years from the date of this decision.

    2) Development shall be carried out in accordance with the following approved plans: 1507-11 and 1507-12, both plans Revision C.

    3) The materials to be used in the construction of the external surfaces of the dormer window hereby permitted shall match those used in the existing building.

Procedural Matter

2. An application for costs was made by the appellants against the Council. This application is the subject of a separate decision.

Main Issue

3. The main issue is whether the proposal would preserve or enhance the character or appearance of the Rookfield Estate Conservation Area.

Reasons

4. The Rookfield Estate Conservation Area is a predominantly residential area characterised by low density housing, communal open spaces and unadopted gated roads with grass verges and mature trees, including Rookfield Avenue, which is one such example of this type of road. No 1 is an end-of-terrace two storey property in a row of similar dwellings designed and built in an 'arts and crafts' style, located close to the junction of Rookfield Avenue with Muswell Hill.

5. A number of properties within the surrounding area are visible from No 1's rear garden and none of these, including the majority of visible properties along Rookfield Avenue, have dormer windows. The one exception is No 3, which adjoins the appeal property and which includes a rear-facing dormer of similar design and proportions to the current proposal.

6. I acknowledge, therefore, that the majority of the roofscape across properties in Rookfield Avenue is uninterrupted and of uniform appearance and that dormer windows are not a common characteristic of this part of the conservation area. However, from the end of the terrace of which No 1 is a part it is not possible readily to see the roofscape as a whole. Indeed, because properties beyond No 3 are angled away from this neighbouring dwelling, Nos 1 and 3 are viewed largely in isolation as a pair. This would be apparent from surrounding properties and in views across No 1's garden wall from the public footpath that runs between Rookfield and Cascade Avenues.

7. The dormer window would be of a size proportionate to the roof plane and would be positioned well below the roof ridge, above the eaves and inset from either side. Its design and alignment would match the first floor windows immediately below. Moreover, as Nos 1 and 3 are viewed as a pair of properties from their immediate surrounds, the proposed dormer would provide greater uniformity of appearance given the existing similar dormer to No 3.

8. In reaching these overall findings I am particularly mindful of the statutory requirement that in exercising planning functions in conservation areas special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area[1]. I note also that the Council draws attention to recent Court judgments that concern the weight to be given to any form of harm found to a designated heritage asset, include conservation areas[2]. This does not, however, have a bearing on my overall conclusion in this case given that I have found that no harm would result from the proposed dormer.

9. Therefore, for the above reasons, I conclude that the proposed development would preserve the character and appearance of the Rookfield Estate Conservation Area. As such, it is not contrary to the following development plan policies: 7.8 of the London Plan 2015, SP12 of Haringey's Local Plan and CSV5 of the Haringey Unitary Development Plan, all of which seek to ensure the conservation and enhancement of heritage assets. All these policies are consistent with the National Planning Policy Framework, particularly section

[1] Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
[2] Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council [2014] EWCA Civ 137; The Forge Field Society v Sevenoaks District Council [2014] EWHC 1895 (Admin).

twelve concerning the historic environment. Draft Policy DM9 of the Development Management DPD, also referred to by the Council, has not been provided.

Conditions and overall conclusion

10. Of the Council's suggested conditions I have imposed the standard time condition and, to ensure the proper implementation of development in accordance with the submitted details, one requiring development to be carried out in accordance with the approved plans. I agree also that a condition requiring the external materials used to match those of the existing building is needed in the interests of the appearance of the host dwelling and wider conservation area.

11. For the reasons given above and having regard to all other matters raised, it is concluded that the appeal should succeed.

J Bell-Williamson

INSPECTOR