

Placemaking and Housing
Haringey Council
5th Floor, Alexandra House
10 Station Road
Wood Green
London, N22 7TR

Our ref: MM-641

For the attention of Mark Chan

06 July 2026

Dear Sir/Madam

76 Muswell Road, London, N10 2BE
Planning application ref: HGY/2026/0584

We write on behalf the householder - Mr Paul Berkovi - in respect of the application for 76 Muswell Road, which seeks planning permission for *"Erection of a single storey rear extension"*.

Mr Berkovi has instructed Bell Cornwell as specialist town planning consultants, to review the proposals and the comments raised by the case officer. This letter is provided in response to the matters raised.

The site and surroundings

76 Muswell Road, is a mid-terraced property and the surrounding built form, boundary fences/walls and extensive vegetation (including mature trees) to the rear gardens to the adjoining properties to the south-side of Muswell Road and the north side of Donovan Gardens, mean that the proposed single storey rear extension will not be visible in any public views.

The Muswell Hill Conservation Area Character Appraisal identifies (at para 10.36) that *"Along Muswell Road there is variety in the heights, materials, styles and details of the houses although the buildings have a consistent relationship to the street."* Further detail is provided as paragraph 10.38, which notes that *"On the south side of Muswell Road the majority of properties are built in red brick with slate roof."* and that *"Nos. 52 to 90 (even) form a consistent two storey terrace of similar scale and appearance to Nos. 40 to 44 (even)"* - i.e. *"They have two storey bays surmounted by a pyramid roof and contrasting keystones and sills supported on brackets."* It is clearly explained the contribution made to the significance of the conservation area is due to the *"...repeated house type [that] creates a pattern of projections and fenestration along the street that is reinforced by the generally consistent front boundary walls and hedgerows."*

The positive contribution nos. 52 to 90 (even) Muswell Road make to the character and appearance of conservation area is due to the contribution their street facades make, with the conservation area appraisal (unsurprisingly) not identifying any contribution from the variety of rear extensions to these properties (which can be seen below).

BUCKINGHAMSHIRE	CORNWALL	DEVON	HAMPSHIRE	HERTFORDSHIRE	LONDON	SUSSEX
01494 326 277	01726 210 341	01392 539 720	01256 766 673	01582 345 230	020 3960 1530	01243 218 841



Whilst there is no consistency to the rear extensions along the terrace, what is consistent is the fact that whilst the outrigger forms are clearly visible and discernible at first floor level, none of the properties across nos. 52-90 have their original outrigger plan form retained – as all have some form of later rear extensions at ground floor level.

It is also important to note that the outriggers are fully enclosed by later extensions on either side at Nos. 52, 70, 72, 78, 80, 84 and 88, with single storey extensions also extending beyond the rear building line of the outriggers at Nos. 72, 78, 80 and 88. The close proximity of these extensions is relevant, as the adjoining properties that will have (limited) limited views of the proposed rear extension to No.76 will already have views of very similar forms of rear extensions.

The extensions to Nos. 72, 78, 80 and 88 are all relatively recent and were approved a significant time after Muswell Hill was first designated a Conservation Area (on 1 March 1974). The extension to No.72 was approved in 2015 (HGY/2015/1028), the extension to no. 80 was approved in 2009 (HGY/2009/1132), and the extension to No.88 in 2009 (HGY/2008/2285). Most pertinently, the rear extension to the neighbouring property at no. 78 was approved (as part of proposals that also included a loft conversion with dormer) in 2021 (ref: HGY/2021/1539) under the same Local Plan Strategic Policies DPD (2013) and Development Management DPD (2017).

In determining the rear extension proposals for the neighbouring property at no.78 to be acceptable, the officer's report explained (at paragraph 6.5) that:

"The proposed extension would be single storey in height and whilst it would be deeper in footprint compared to its immediate neighbours it would not project excessively into the rear garden area and would be similar to that of rear extensions that have taken place along this side of Muswell Road, as such, the extension would appear subordinate and proportionate in relation to the main building and would be acceptable in design terms and in terms of the character and appearance of the conservation area. The extension would also have limited visible impact due to its siting at ground floor level and presence of intervening fences."



The report when on to conclude (at paragraph 6.8) that:

“It is pointed out that there are variety of extensions to the backs of properties on the side of Muswell Road as well as different facing materials. The rear elevations to these properties have a much more neutral effect in terms of contribution to the character and appearance of the conservation area. Overall, the proposed extensions to the rear and other alterations would preserve the character and appearance of this part of the Muswell Hill Conservation Area.”

Officer comments on the application proposals

A series of comments on the proposals from the case officer in respect of the rear extension proposals for 76 Muswell Road were provided in an email issued on 5 June 2026. In the email it was acknowledged that the proposed rear extension is very similar to the existing rear extension at No. 78 in terms of scale, depth, and height; that several properties on this side of the road have rear extensions (with a number of these being of contemporary design). It was confirmed that there was no objection in principle for a single storey rear extension at this site, however, the case officer did raise a number of concerns, which are summarised as follows.

1. There are a couple of large mature trees in the rear garden, and the proposed extension would be built very close to these trees and potentially encroaching into their RPA. As the site is within a conservation area, harm to these trees is considered detrimental to the character and appearance of the Conservation Area and would not be supported. Additional formation should therefore be provided to demonstrate the proposals would not result in any harm to these trees.
2. The proposed extension would extend to 5m in depth and would be built right up to the boundary shared with No. 74 which does not have an existing rear extension along this boundary, the proposals could result in adverse impacts on the residential amenities of No. 74 in terms of loss daylight/sunlight and increased sense of enclosure. It is suggested that a Daylight and Sunlight Assessment is submitted to show that the impact is acceptable, or changes may need to be made to the proposed scheme.
3. Whilst there are examples of contemporary designed rear extensions on this road, an alternative form of rear extension which allows the rear outrigger to remain appreciable should be considered, due to concern that the existing proposals cause some harm to the significance of the Muswell Hill Conservation resulting from the loss of the nineteenth century form of the building. In a subsequent email issued on 24 June 2026, the case officer confirmed a flat roof to be a more appropriate roof form than a pitched roof and the use of yellow stock brick is supported.

This letter responds to each of these points below.

Assessment of the proposals in response to officer comments

Under Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning applications are required to be determined in accordance with the relevant policies in the development plan for the area, unless other material considerations indicate otherwise.



In respect of the proposals, the development plan comprises:

- The London Plan (2021)
- Haringey's Local Plan Strategic Policies 2013 – 2026, March 2013 - Consolidated with alterations since 2017 (2017)
- Haringey's Local Plan: Development Management DPD (2017)

Material considerations include the Government's planning policies, as set out in the revised National Planning Policy Framework (NPPF) 2024; further guidance on how these policies are to be applied, provided by the Planning Practice Guidance (PPG); any supplementary planning guidance prepared by the Mayor of London and the Haringey Council and published/adopted documents such as Conservation Area Statements and Conservation Area Character Appraisals.

The recent grant of planning permission to a nearby property for very similar proposals is also a very significant material consideration.

Trees

For clarity, a separate application for "Works to trees in Conservation Area" (ref: HGY/2026/1320) was submitted on 10 May 2026 to secure formal approval of the removal of a honey locus, western red cedar, plum tree. Following approval on 2 July 2026, all four trees will be felled and removed from the site this week (i.e. week commencing 6 July 2026). In the absence of these trees, there is clearly no need for an Arboricultural Impact Assessment and Tree Protection Plan to be submitted in support of this planning application.

Design and Heritage

In accordance with the general requirements of Policy SP11 of the Strategic Policies DPD, for development proposals to be of high design quality and relate positively to their locality, Development Management (DM) DPD Policy DM1(A) states that *"development proposals should relate positively to their locality, having regard to:*

- a) Building heights;*
- b) Form, scale & massing prevailing around the site;*
- c) Urban grain, and the framework of routes and spaces connecting locally and more widely;*
- d) Maintaining a sense of enclosure and, where appropriate, following existing building lines;*
- e) Rhythm of any neighbouring or local regular plot and building widths;*
- f) Active, lively frontages to the public realm; and*
- g) Distinctive local architectural styles, detailing and materials"*

Specifically with regard to residential development, DM DPD Policy DM12 'Housing Design and Quality' states that extensions or alterations to residential buildings, will be required to be of a high, site specific, and sensitive design quality, and respect and/or complement the form, setting, period, architectural characteristics, detailing of the original building, including external features.

The strategic approach to development proposals affecting heritage assets and their settings to conserve their significance is provided by Policy HC1 of the London Plan; and the Borough's overarching strategy to ensure the conservation of the historic significance of Haringey's heritage assets, their setting, and the wider historic environment, is provided by Policy SP12 of the Strategic Policies DPD.



In this context, DM DPD Policy DM9(E) seeks for proposals for alterations and extensions to existing buildings in conservation areas to *“complement the architectural style, scale, proportions, materials and details of the host building and should not appear overbearing or intrusive.”*

Policy DM9 also identifies (at Part B) that proposals affecting a designated or non-designated heritage asset will be assessed against the significance of the asset and its setting, and the relative impact of the proposals on that significance.

In terms of relevant material considerations, the Muswell Hill Conservation Area Character Appraisal does not identify any distinguishing characteristics to the rear elevations and rear gardens to Muswell Road, and explains that the positive contribution made to the significance of the Conservation area made by is the *“the repeated house type [that] creates a pattern of projections and fenestration along the street that is reinforced by the generally consistent front boundary walls and hedgerows”*. Officers have previously also confirmed that the *“rear elevations to the properties facing Muswell Road have a much more neutral effect in terms of contribution to the character and appearance of the conservation area”*.

The officer’s report for the approved rear extension to no.78 identified (at para 6.5) that *“it would be deeper in footprint compared to its immediate neighbours” as a factor in determining its acceptability, it was still considered that “it would not project excessively into the rear garden area and would be similar to that of rear extensions that have taken place along this side of Muswell Road.”*

Mindful of the immediate context provided by the rear extension to no.78, the design approach has been to match this extension’s form and general appearance, and provide a footprint that also matches the neighbouring extension (as shown below) –in turn providing more consistency of appearance to the rear elevations of these properties.

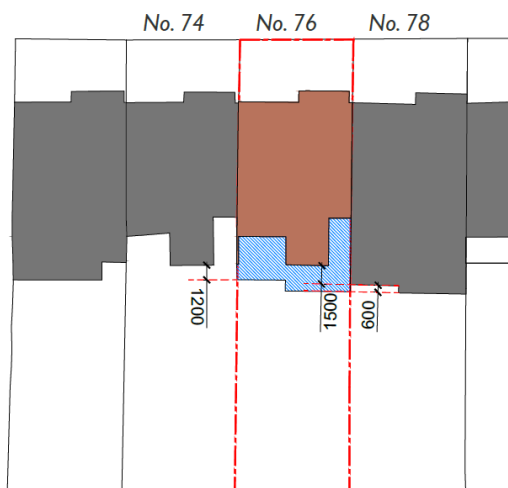


Fig 4.1- Proposed Block Plan

The proposed extension seeks to maintain the floor to ceiling height of the host building, with a flat roof proposed to minimise massing and ensure the extension is of an appropriate height. Whilst the appearance of the outrigger will be lost at ground floor level, the existing outrigger (common to all the other outriggers along the terrace) has already been considerably altered. The outrigger will remain as a clearly distinguishable architectural feature at first and second floor levels (albeit it is clearly a modern extension at 2nd floor level rather than a nineteenth century feature). This is important to note, as the



outrigger form is emphasised by the vertically extended up to second floor level for this property and is far more visible at first and second floor levels.

The design approach seeks to complement the host building rather than replicate it, so as to identify the rear extension as a later subservient addition to the original building. However, the proposed use of reclaimed London stock yellow brick and multi-pane metal framed external doors (of traditional design), constitute traditional robust and durable materials which complement with the brick and metal railings seen on the main house.

Overall, the proposed extension has been very carefully developed to be of an appropriate scale and massing that is subservient to the host building and similar to the existing rear extensions along the terrace – in particular to the neighbour at No.78. The works are proposed to the rear of the building, which only makes a neutral contribution to the character of the conservation area and will be at low level so as not to be visible in any public views, with similar rear extensions likely to be visible in majority of the limited number of private views likely to be afforded of the proposed extension from a handful of neighbouring properties.

The outriggers have been altered to all properties along the terrace at ground floor level, and no changes are sought at first floor level (where the outriggers are more visible and largely unaltered). The design of the extension complements the architectural style, scale, proportions, materials architectural characteristics and detailing of the host building and together with that to No.78 will result in a more consistent and ordered appearance to the rear of the terrace.

The proposals are therefore fully compliant with all relevant development plan policies in respect of design and heritage – in particular policy HC1 of the London Plan, policies SP11 and SP12 of the Strategic Policies DPD, and policies DM1, DM9 and DM12 of the DM DPD.

Amenity

Policy D6 of the London Plan states (at part D) that the design of development “*should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space.*”

At the local-level Part (D) of DM DPD Policy DM1 states that development proposals must ensure a high standard of privacy and amenity for a development’s users and neighbours, but is positively worded to support proposals that, inter alia “*Provide appropriate sunlight, daylight and open aspects (including private amenity space where required) to all parts of the development and adjacent buildings and land.*”

Whilst Haringey Council does not have detailed supplementary guidance detailing the approach to determine whether it is necessary to provide specific assessment of potential daylight and sunlight impacts to adjoining properties, it is noted that in respect of the approved single-storey rear extension to no.78 the case officer applied the “45 degree line rule of thumb” whereby lines drawn from the centre of the nearest adjoining ground floor windows at 45 degrees horizontally and vertically, in order to determine whether there will be a material difference in the existing and proposed condition with the potential to impact daylighting.

It is noted that there is 1no. ground floor to the facing side elevation of the outrigger to no.74. However, this comprises a high level “slot window” with frosted glazing affording no views out. It is also understood to serve a storage area and downstairs bathroom and storage area (and not a habitable room). Accordingly, assessment of the “45-degree lines” in both the horizontal and vertical planes, has been

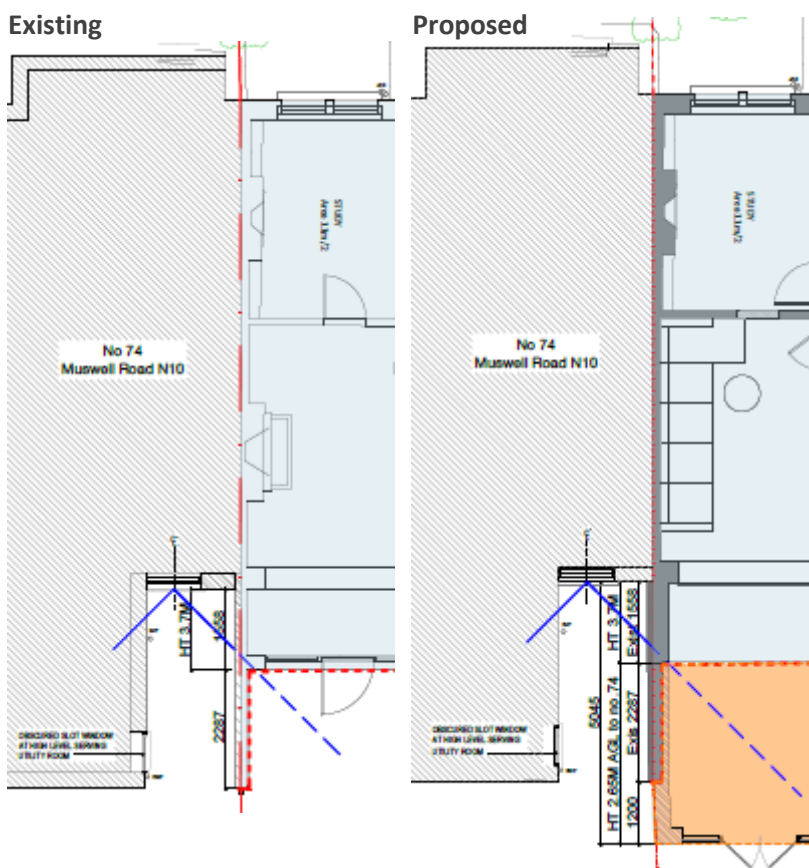


undertaken for this window, and instead focuses on the the nearest window to the rear elevation to No.74 (which faces into the lightwell) - as shown on the attached drawing (ref: 1076 -101/A) and the extracts below.

As can be seen in the Horizontal Plane Test (below), the 45-degree line from the centre of the nearest adjoining ground floor window to no.74 is already breached by the side-wall to the existing rear extension to the property. Whilst the proposed extension will introduce additional massing extending 1.2m beyond the existing projecting side-wall to No.76, within the 45 degree plane this additional massing will be some 4m beyond the adjoining window and thus will only be likely to result in a limited sense of enclosure as a consequence.

It is also a significant material consideration that, in approving the rear extension to no.78, it was noted by officers that on the side facing no. 76, the extension would extend by 1.5m beyond the existing outrigger. Officers considered (at para 6.11 of the officer's report) that this limited depth at 1.5m would not cause any further impact with regards to loss of daylight. In respect of these extension proposals for no. 76, the floorplate is proposed to be inset adjoining no.74, so as to extend only 1.2m beyond the existing outrigger to no.74.

"45 Degree Horizontal Plane test"



It is important also to note that, due to the difference in ground levels between the adjoining properties (which rise from north east to south west), the proposed single storey extension will be 165cm above the (lower) finished floor level to the neighbour at no. 74 (because this adjoining property is some 600mm higher). The fact that the ground level difference reduces the relative height of the proposed extension



to No.74 serves to mitigate potential impacts from the increased mass of building. It is also to be noted that the relative height of the extension also compares favourably to the extension to No.78, which is some 265m above the finished floor level to No.76.

As can be seen in the Vertical Plane Test (below) the 45-degree line from the cill of the same adjoining window shows that the 45-degree line is already intercepted in the existing condition, and it is the proposals will result in no material difference in the amount of visible sky as a result.

“45 Degree Vertical Plane test”

Existing



REAR ELEVATION - EXISTING

Proposed



REAR ELEVATION - PROPOSED

As can be seen above, the approved extension built-out to the rear of No.78 is viewed from No.76 at a height of 375cm from the nearest rear-facing window to No.76. It is important to note then that the proposed extension to No.76 would only extend to a height of 265cm, as viewed from equivalent nearest window to No.74 (due to a significant difference in ground levels).

The proposals are therefore fully compliant with all relevant development plan policies in respect of amenity – in particular Policy D6 of the London Plan and Policy DM1 of the DM DPD.

Response to officer comments

Accordingly, in response to the comments raised in the case officer's email of 5 June 2026, it has been demonstrated that:

- 1) As the trees in the rear garden have been removed, the proposed extension will clearly no longer have the potential to impact any trees. There is therefore no need to provide any arboricultural impact assessment or tree protection plan in support of the proposals.
- 2) Whilst officers suggested that Daylight and Sunlight Assessment may need to be submitted - to demonstrate no unacceptable loss of daylight to the nearby ground floor windows, an assessment of the relative change in built form as seen from the nearest adjoining ground floor window to No.74 - using the 45-degree line test (as was applied in respect of the approved extension scheme to no.78). As per the approved application for No.78, the assessment shows both the horizontal-plane and vertical-plane 45-degree lines to be breached by the existing built form. As a consequence of the ground level to No.76 being significantly lower than it is to No.74, the proposed extension will not introduce any additional mass of building above the 45-degree line in



the vertical plane. Whilst there would be additional built form to the 45-degree line in the horizontal plane this would not impact views of the sky and extend only 1.2 m beyond the outrigger to No.74 – some 30cm less than the rear extension to No.78 extends beyond the existing outrigger to no.76.

Given the extension to no.78 was determined by officers not to give rise to any significant adverse daylight/sunlight and enclosure impacts, the fact that the proposed extension to No.76 will have less impact on no.74 when applying the same tests, the proposals must be determined to be acceptable in amenity terms.

- 3) The case officer did not raise any concerns with general design approach and proposed materials for the extension, but considered proposed design should allow the rear outrigger to remain appreciable. The justification for this view was that the loss of the nineteenth century plan form would cause some harm to the significance of the Muswell Hill Conservation area. However, this would clearly not be the case, as:
- The rear elevation to the property already has an extension at ground floor level that has altered the original plan form, and the nineteenth century form of the outrigger has further been lost through vertical extension.
 - The original plan form of the outriggers has been lost to every single property along the terrace and there is no consistent plan form. The conservation area appraisal identifies only the front elevations and front gardens to 50-90 Muswell Road as contribution to the character and appearance of the conservation area and officers have previously confirmed that the *rear elevations* have a neutral effect in terms of contribution to the character and appearance of the conservation area.
 - The surrounding built form, boundary fences/walls and extensive vegetation (including mature trees) means that the proposed rear extension will not be visible in any public views.
 - The proposed rear extension to no.76 will only be likely to be visible in a limited number of private views – the majority of which will already include views of the similar full width extensions to nearby properties.
 - Planning permission has already been granted for a number of similar forms of extension along the terrace. The proposals seek to match the rear extension approved to the adjoining property at No.78, for which officers assessed against the same development plan policies and determined that it would “preserve the character and appearance of this part of the Muswell Hill Conservation Area”.

It would be unreasonable for officers to now take a new stance to refuse planning permission despite previous approvals for similar extensions to neighbouring properties, due to impact to an outrigger that already has been significantly altered and makes no contribution to the significance of the conservation area.

We trust that this letter provides sufficient clarification that the proposed extension is fully compliant with all relevant development plan policies. It will not give rise to any adverse impacts to trees, nor any harm to the amenity of neighbouring occupiers; and the further alterations proposed to the existing outrigger



are acceptable in design terms and will not result in any harm to the character and appearance of the Muswell Hill conservation area (and will thus preserve its significance as a designated heritage asset).

In light of the above considerations and clarifications, our client is now expecting that the planning application can now proceed to approval. However, if you have any queries, or wish to discuss any matter in detail, please do not hesitate to contact Martin Moss of this office (details below).

Yours faithfully

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Encs.