
Appeal Decision

Site visit made on 6 September 2016

by David Cross BA (Hons), PGDip, MRTPI

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

Decision date: 12 October 2016

Appeal Ref: APP/Q5300/D/16/3154326

13 The Sunny Road, Enfield EN3 5EE

- 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 Fokrul Islam against the decision of the Council of the London Borough of Enfield.
 - The application Ref 16/01803/HOU, dated 22 April 2016, was refused by notice dated 17 June 2016.
 - The development proposed is part single, part 2-storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for part single, part 2-storey rear extension at 13 The Sunny Road, Enfield EN3 5EE in accordance with the terms of the application, Ref 16/01803/HOU, dated 22 April 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) No development shall commence until details / samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 2000-01, 2000-02, 2000-03a, 2000-04, 2000-05.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows or doors other than those expressly authorised by this permission shall be constructed in the development hereby approved without the approval in writing of the Local Planning Authority.

Preliminary Matter

2. The Council requested that I view the appeal site from the neighbouring property of 11 Sunny Road to assess the effect of the development on the neighbouring site. However, at my site visit I was unable to gain access to No 11. Nevertheless, I was able to view the rear of No 11 from a number of
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locations over the boundary fence. I am satisfied, therefore, that I have sufficient information to proceed with the appeal.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of residents of 11 The Sunny Road in respect of outlook and light.

Reasons

4. The appeal site is located at the end of a terrace and is detached from the adjacent property of 11 The Sunny Road. It is proposed to extend across the full width of the ground floor of the dwelling to the rear, with a first floor extension above. The first floor extension would extend along part of the width of the rear elevation and is located in close proximity with the boundary to No 11.
5. Although the proposed extension would be located in close proximity to No 11, it would be separated by approximately 1 metre from the boundary. The first floor of the extension is also set back so that it does not breach a 30 degree angle drawn from the nearest habitable room window at the first floor of No 11. There is a first floor window at No 11 which is located closer to the boundary with the appeal site; however, it was apparent at my site visit that this window has obscured glazing and does not serve a main habitable room.
6. There is an existing ground floor extension to the rear of No 11 which contains windows and patio doors serving habitable rooms which overlook the garden of the property. Although the proposed extension would project beyond the extension at No 11 it would only be visible at a very acute angle. Furthermore, the first floor element of the proposal is set back from the rear of the proposed extension which would further ameliorate any impact on the outlook from No 11. It was apparent at my site visit that, due to the separation from the boundary and the design of the proposal, neither the proposed ground floor nor first floor elements of the proposal would have an overbearing or enclosing effect on the outlook from the rear of No 11.
7. In relation to loss of light, No 11 is located to the south of the appeal site. Due to this orientation and the design of the proposed extension, any loss of daylight or overshadowing from the proposal would be very limited.
8. Policy DMD 11 of the Enfield Development Management Document 2014 (EDMD) specifies criteria that rear extension should comply with. This includes the provision that single storey extensions on terraced/semi-detached properties should not exceed 3m in depth. The proposed extension would be approximately 4.5m deep at ground floor level and would therefore exceed the specification in DMD 11. However, for the reasons stated above I consider that the proposal would not unduly impact on the amenities of residents of adjacent properties and therefore complies with the principle aim of DMD 11 in relation to living conditions. I also note that the first floor element of the extension which is the basis of the reason for refusal would comply with DMD 11 in relation to the 30 degree line drawn from adjacent first floor windows.
9. Accordingly, it is concluded that the proposed development would not cause unacceptable harm to the living conditions of the occupiers of No 11 The Sunny Road. As such it would not conflict with policies 7.1 and 7.4 of The London Plan (2015) which state that development should enable people to live healthy

lives and ensure that people feel comfortable with their surroundings. The proposal would comply with Policy 30 of the Enfield Council Core Strategy 2010 which states that development should have special regard to its context. The proposal would also comply with the principle of Policy DMD 11 of the EDMD which states that rear residential extensions will only be permitted if there is no impact on the amenities of neighbouring properties. These policies are broadly consistent with the National Planning Policy Framework in terms of securing a good standard of amenity for existing and future occupants of land and buildings.

Other Matters

10. As well as the issues addressed above, I have had regard to the comments raised by the residents of No 11. In relation loss of privacy, the rear gardens are already overlooked by the upper floors of neighbouring properties and the proposed extension would not unduly increase overlooking from the site subject to a suitable condition in relation to the installation of windows. The issue of the impact on property values has been raised, however it is a well-founded principle that the planning system does not exist to protect private interests such as the value of land or property. Due to the limited scale of the extension it is unlikely to exacerbate issues of pollution, flooding, parking provision or noise compared to those arising from the existing dwelling. The design of the extension is also similar to an extension on the same terrace and would not appear out of character with the area.

Conditions

11. In addition to the standard condition which limits the lifespan of the planning permission I have specified the approved plans for the avoidance of doubt and in the interests of proper planning. A condition relating to materials is also necessary to ensure that the appearance of the extension would be satisfactory. Exceptionally, to avoid unacceptable overlooking and loss of privacy, a condition precluding the installation of windows and doors in the extension other than those approved by this permission is necessary.

Conclusion

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

David Cross

INSPECTOR