

## Appeal Decision

Site visit made on 27 September 2016

**by M C J Nunn BA BPL LLB LLM BCL MRTPI**

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

**Decision date: 25<sup>th</sup> October 2016**

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**Appeal Ref: APP/Q5300/D/16/3156187**

**99 Southbury Avenue, Enfield, EN1 1RJ**

- 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 William Hickson against the decision of the Council of the London Borough of Enfield.
  - The application Ref: 16/01668/HOU, dated 19 April 2016, was refused by notice dated 29 July 2016.
  - The development is described as "1<sup>st</sup> floor single storey rear extension".
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### Decision

1. The appeal is allowed and planning permission granted for a first floor rear extension at 99 Southbury Avenue, Enfield, EN1 1RJ, in accordance with the terms of the application, Ref: 16/01668/HOU, dated 19 April 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) The development hereby permitted shall be carried out in accordance with the following approved plans: P-71, P-72, P-73, P-74, P75, LP-01.
  - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
  - 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 additional windows other than those expressly authorised by this permission shall be inserted in the extension hereby permitted.

### Procedural Matter

2. I have used the description given on the Council's refusal notice and the appeal form as this more accurately describes the proposal.

### Reasons

3. The main issue is the effect of the proposal on the living conditions at the neighbouring properties, Nos 97 and 101 Southbury Avenue, in terms of outlook, daylight and sunlight. The appeal property comprises an end-of-
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terrace two storey dwelling with an existing single storey rear extension. Both the neighbouring properties also have single storey rear additions. The locality has a suburban character, comprising predominantly terraced housing, although there is a complex of low rise flats on the opposite side of the road.

4. The proposed first floor rear extension, projecting some 2.3 metres, would not be of excessive depth. Nonetheless, the Council is concerned that the extension would conflict with Policy DMD 11 of the Development Management Document on the basis it would breach the prescribed 30 degree line taken from the centre of the nearest first floor windows at both neighbouring dwellings, No 97 to the south, and No 101 to the north. Analysis of the plans does indeed indicate that there would be some infringement of this line by the proposed addition, but that it would only be minor.
5. In my judgement, the limited depth of the addition, together with the adequate separation distance to both neighbouring first floor windows means there would not be a materially harmful effect on neighbours' living conditions, in terms of outlook, daylight or sunlight. The higher position of these windows, as compared with windows at ground floor level, ensures there would be an acceptable outlook, as well as satisfactory daylight and sunlight levels. No tunnelling or overbearing impact would result from this scheme. In reaching my view, I note no objections have been received from the occupiers of either adjacent property.
6. To sum up, I conclude that the proposal would not materially harm the living conditions at the neighbouring properties. It would comply with the underlying aims of Core Policy 30 of the Core Strategy, and Policies DMD 11 and DMD 37 of the Development Management Document. Together, these policies seek to maintain and improve the quality of the built environment through high quality development, ensuring there is no impact on the amenities of the original building and its neighbouring properties.
7. A commencement condition is necessary to comply with the relevant legislation. A condition requiring compliance with the approved plans is necessary for the avoidance of doubt. A condition requiring materials to match those of the existing building is necessary to safeguard the character of the building, as well as the wider area. A condition restricting the insertion of additional windows is necessary to safeguard the privacy at neighbouring properties. Subject to these conditions, I conclude that the appeal should be allowed.

*Matthew C J Nunn*

INSPECTOR