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## Appeal Decision

Site visit made on 11 October 2016

**by Philip Lewis BA (Hons) MA MRTPI**

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

**Decision date: 25 October 2016**

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**Appeal Ref: APP/Q5300/D/16/3157828**

**48 Betstyle Road, New Southgate, London N11 1JB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against refusal to grant approval required under Schedule 2, Part 1, Paragraph A4 of the Town And Country Planning (General Permitted Development) (England) Order 2015.
  - The appeal is made by Mr and Mrs J Shah against the decision of the Council of the London Borough of Enfield.
  - The application Ref 16/01469/PRH, dated 5 April 2016, was refused by notice dated 17 May 2016.
  - The development proposed is described as *single storey rear extension with flat roof and roof lights*. See attached existing drawings 16/414-01, 05, 06 Proposed drawings 16/414 – 11A, 15, 16A.
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### Decision

1. The appeal is dismissed.

### Procedural matters

2. The provisions of Schedule 2, Part 1, Paragraph A.4 of the Town And Country Planning (General Permitted Development) (England) Order 2015 (GPDO) require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. My determination of the appeal has been made in the same manner. I note that the appeal site address had been recorded incorrectly in some appeal correspondence and the address in the heading above is taken from the application form.

### Reasons

3. Schedule 2, Part 1, Paragraph A.1 of GPDO allows for the enlargement, improvement or other alteration of the original dwelling house. Until 30 May 2019, paragraph (g) of that Class makes provision, subject to conditions, for single storey rear extensions up to 6 metres in length and 4m in height for properties other than detached dwellings.
  4. 48 Betstyle Road is situated at the end of a short terrace of dwellings. It has a relatively shallow single storey rear projection which is set in from the boundary with the attached 50 Betstyle Road. The proposed single storey extension would be sited close to the common boundary with No 50 and extend out about 6 metres from the rear wall of the host dwelling. The proposed extension would have a maximum height of about 3.4 metres tapering down to about 2.8 metres at the eaves.
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5. I saw at my site visit that No 50 has at ground floor level, glazed doors and windows in its rear wall close to No 48 and a shallow lean-to single storey projection across part of its rear elevation to the other side. The proposed extension, due to its height and depth close to the common boundary would present a significant length of flank wall to the occupiers of No 50. This would give rise to significant overbearing effects for the occupiers of No 50 and have a detrimental effect through a reduction in outlook from the rear windows and doors and would give rise to enclosing effects.
6. Due to the orientation of the terrace, the backs of the dwellings receive direct sunlight in the mornings only. The proposed extension, due to its scale and position relative to No 50 would inevitably reduce the amount of sunlight received to the rear of No 50, which would give rise to harm to the living conditions of its occupiers. I have considered that the flank wall could be rendered and painted to reflect light, but am not convinced that this would mitigate the harm which would be caused in this regard. Policy DMD11 of the Enfield's Development Management Document Adopted November 2014 includes that development will only be permitted where there is no impact on the amenities of neighbouring properties and that proposals should not exceed a line taken at 45-degrees from the mid-point of the nearest original ground floor window to any of the adjacent properties. The proposal would significantly breach this figure.
7. Whilst I do not know the circumstances of the single storey extension at 46 Betstyle Road, which has been referred to me by the appellant, I noted during my site visit its depth into the garden and the difference in levels and gap between the Nos 46 and 48. Whilst it may be desirable to secure a common alignment of rear extensions, the relationships between the Nos 48 and 46 and Nos 48 and 50 are different as there is no separation gap between No 48 and No 50 and that there is no rear extension at No 50 adjoining the appeal property. Consequently, the effects of the respective extensions upon the living conditions of their neighbours will differ. Similarly, I am not aware of the circumstances regarding the extensions at 1 and 52 Betstyle Road and do not consider that they provide examples which should necessarily be followed given the harm found.
8. I note the other matters raised by the appellant with regards to the need for an extension to provide improved facilities for when elderly relatives visit, but this is not a matter that falls to be considered under the provisions of the GPDO. The comments made regarding the Councils handling of the application are matters for local government accountability.

## **Conclusion**

9. For the reasons given above and having had regard to all matters raised, I conclude that the appeal should be dismissed.

*Philip Lewis*

INSPECTOR