

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: 25th October 2016

Appeal Ref: APP/Q5300/D/16/3157262

31 Crest Drive, Enfield, EN3 5QD

- 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 Sinnarajah Nanthakumar against the decision of the Council of the London Borough of Enfield.
 - The application Ref: 15/05649/HOU, dated 10 December 2015, was refused by notice dated 4 May 2016.
 - The development is described as "play room for our disabled daughter size of 3 x 4 x 2 metre width length and height respectively covered with plastic sheets on the outside area to avoid rainwater slippery for our daughter to get in and out of play room".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The rear outbuilding and associated canopy already exist at the site. The Council has described the development as a retrospective application for '*the erection of a single storey outbuilding with canopy to rear*'. The retention of a use or development is not development as defined in the relevant planning legislation. Therefore, I have assessed the appeal on the basis of the original act of development. At my visit, I noted that the dimensions of the outbuilding did not correspond with those shown on the submitted plans. In particular, the width, depth and height all exceed those indicated on the plans.

Reasons

3. The main issues are the effect on the character and appearance of the area, and the impact on neighbouring properties. The appeal concerns a single storey flat-roofed building within the rear garden of the host property. The main structure is finished in a cream coloured render, and abuts the boundary line with No 33. There is a flank window on the eastern side and a door facing towards the main house. An attached canopy extends to the eastern side boundary with No 29. The canopy also extends up to the rear part of the main house. Inside, the building has a sink and, at the time of my visit, appeared to be used for storage of various items. There is no dispute that the building is used for purposes ancillary to the host dwelling.
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4. The outbuilding, by virtue of its overall scale and size, is a dominant feature in the back garden. Whilst there are other rear outbuildings in the vicinity, these unlike the appeal scheme, generally tend to be positioned towards the rear boundaries of the gardens. Hence, this structure appears at odds with the general pattern of development in the locality. I acknowledge that the outbuilding and canopy are not visible from the street, but they are visible at the rear from surrounding properties and gardens, and harm the locality's character. The associated canopy reinforces the dominance and prominence of the outbuilding and accentuates its visual impact on the surrounding properties. Because the outbuilding and canopy extend up to both side boundaries, an overbearing effect is created to each neighbouring property's garden, heightening the sense of enclosure within them.
5. Although the accommodation is described as for a play room for the appellant's disabled daughter, no substantive or justificatory evidence has been submitted as part of the appeal on this point. The Council's delegated report states that the scheme cannot be considered 'permitted development'. Whether the building complies with the various criteria within the Town and Country Planning (General Permitted Development) (England) Order 2015 is not before me in this appeal but is a matter that would be more appropriately resolved by an application for a lawful development certificate to the Council. To be clear, I have dealt with this appeal on its planning merits.
6. Overall, I find that this scheme harms the character and appearance of the area, and has an unacceptable visual impact on neighbouring properties. It conflicts with Core Policy 30 of the Core Strategy, and Policies DMD 8, DMD 11, DMD 12, 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, and not adversely impact on the amenities of neighbouring properties. The appeal is therefore dismissed.

Matthew C J Nunn

INSPECTOR