
Appeal Decision

Site visit made on 23 November 2016

by Ian McHugh Dip TP MRTPI

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

Decision date: 5 December 2016

Appeal Ref: APP/Q5300/D/16/3159224

36 Platts Road, Enfield, EN3 5NA

- 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 G Ciuban against the decision of the Council of the London Borough of Enfield.
 - The application Ref 16/02832/HOU, dated 23 June 2016, was refused by notice dated 2 August 2016.
 - The development proposed is a first floor rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor rear extension at 36 Platts Road, Enfield, EN3 5NA, in accordance with the terms of the application Ref 16/02832/HOU, dated 23 June 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: KD/EXT/PP/8/16/P-80.1; KD/EXT/PP/8/16/P-80.2; KD/EXT/PP/8/16/P-80.3; KD/EXT/PP/8/16/P-80.4; and KD/EXT/PP/8/16/P-80.5.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matter

2. The Council suggested that I view the appeal proposal from the neighbouring property at number 34 Platts Road (number 34). However, whilst the occupiers of that property were notified of my visit, I received no answer when I called. Nevertheless, I am satisfied that I was able to fully assess the impact of the proposed extension on number 34 from the submitted plans and from the rear garden of the appeal property.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of number 34 Platts Road (number 34), with particular regard to outlook.

Reasons

4. The appeal property is an end-of-terrace dwelling, which is situated in a residential area. At the time of my site visit, the dwelling was being renovated and extended. These works included a dormer roof extension and a single-storey extension, both at the rear of the property. The adjoining dwelling, number 34, has also been extended at ground floor level and a first floor habitable room window on that dwelling is positioned close to the shared side boundary with the appeal property.
5. The appeal proposal is to construct a first floor rear extension above part of the single-storey extension. The first floor extension would have a hipped roof and would project out 3m from the original rear wall of the dwelling. It would be set-in from the shared side boundary with number 34 by just over 2m.
6. The Development Plan for the Borough includes The Enfield Plan Core Strategy 2010 (CS) and the Improving Enfield Development Management Document 2014 (DMD). Core Policy 30 of the CS seeks to improve and maintain the quality of the built environment and to ensure that new development is of high quality design. Policy DMD11 of the DMD states (amongst other things) that rear extensions will only be permitted if there is no impact on the amenities of neighbouring properties. In addition, it specifically states that first floor extensions must not exceed a line taken at 30 degrees from the mid-point of the nearest original first floor window of the adjacent property. These policies accord with the provisions of the National Planning Policy Framework (the Framework), which also requires development to be of high quality design and for planning to always seek to secure a good standard of amenity for all existing occupants of land and buildings (paragraphs 58 and 17).
7. The appeal proposal would fall within the 30 degree line as measured from the nearest first floor window of number 34. It is a statutory requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations determine otherwise. Therefore, that is the starting point for my decision.
8. Although the proposed development would conflict with the DMD, I am not persuaded that the proposal would be unduly harmful to the occupants of number 34. The proposal would only slightly breach the 30 degree line, when measured from the nearest first floor window of number 34. Furthermore, the separation distance between the first floor window and the side wall of the proposed extension (just over 2m) would reduce the visual impact of the proposal, when viewed from that window. In addition, there would be no impact on the outlook from the ground floor windows of number 34 because the proposal would be generally in line with the ground floor extension of the neighbouring property. I also note that the Council agrees that there would be no loss of natural light to number 34 because of position of that property to the south of the appeal dwelling.

9. I consider that the above material considerations outweigh any conflict with the Development Plan and the proposal would not be unacceptably harmful to the living conditions of number 34.

Other Matters

10. An objection to the proposal was received by the Council from the occupants of number 38 Platts Road (number 38). Concern was expressed regarding the effect on light to and outlook from that property and also regarding the impact of the proposal on the character and appearance of the area. The Council concluded that the separation distance between properties would mean that the proposal would not have an adverse effect on the living conditions of the occupiers of number 38. Furthermore, the Council states that the proposal would relate acceptably to the existing dwelling and it would not appear over dominant. I have no reason to disagree with the Council's findings on these matters. In addition, the proposal would not have adverse impact on the character or appearance of the surrounding area because of the position of the extension on the rear of the property.

Conditions

11. The Council has suggested conditions in the event of the appeal being allowed. These have been considered in the light of the advice contained within the Planning Practice Guidance. A condition requiring the development to be carried out in accordance with the approved plans is necessary, for the avoidance of doubt and in the interests of proper planning.
12. To ensure a satisfactory appearance, a condition requiring the use of external materials to match the existing dwelling is also necessary.

Conclusion

13. For the reasons given above, it is concluded that the appeal should be allowed.

Ian McHugh

INSPECTOR