
Appeal Decision

Site visit made on 7 December 2016

by D A Hainsworth LL.B(Hons) FRSA Solicitor

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

Decision date: 21 December 2016

Appeal Ref: APP/Q5300/C/16/3149927

58 The Fairway, Palmers Green, London N13 5NF

- The appeal is made by Bulent Ekrem under section 174 of the Town and Country Planning Act 1990 against an enforcement notice (ref: ENF/15/0713) issued by the Council of the London Borough of Enfield on 8 April 2016.
 - The breach of planning control alleged in the notice is "the unauthorised erection of a single storey extension with pitched roof (outlined in blue on the attached plan for identification purposes) to the side of the Premises".
 - The requirements of the notice are as follows: -
 - "5.1 Remove the pitched roof of the single storey rear [*sic*] extension (outlined in blue on the plan for identification purposes)
 - 5.2 Remove all resulting materials from the Premises"
 - The period for compliance with these requirements is two months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (f).
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Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to be made by section 177(5) of the Town and Country Planning Act 1990 for the erection of a single-storey extension with a pitched roof at the side of 58 The Fairway, Palmers Green, London N13 5NF.

Reasons for the decision

Ground (a)

2. The main issues in deciding whether planning permission should be granted for the extension are its effects on the character and appearance of the house and its surroundings and on neighbours' amenities.
 3. 58 The Fairway is a two-storey semi-detached house at the end of a row of similar properties. The extension is at the side of the house that is next to the drive and garage of 4 Harlow Road, beyond which are the rear gardens of 2 and 4 Harlow Road.
 4. Planning permission was granted in 2015 (ref: 15/02049/HOU) for the erection of a single-storey extension in the same position as the one enforced against, following the demolition of a garage on the site. This extension was to have had a flat roof with a low parapet wall and to have used external materials that matched the house.
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5. Instead of a flat roof, the extension has been built with a false mono-pitched roof facing the road above its garage door and with a shallow mono-pitched roof connecting to the side of the house. As a result, the extension is higher than the one that was approved. In addition, the tiles used on the side roof do not match those used on the main roof of the house.
6. The Council consider that these divergences from the approved development have had an unacceptable effect on the character and appearance of the house and its surroundings and on neighbours' amenities, contrary to Policy CP 30 of the Enfield Plan Core Strategy and Policies DMD 11, 14 and 37 of the Enfield Development Management Document. The neighbour at 4 Harlow Road is concerned about the effect on the outlook from his property.
7. The extension is still, however, a typical low-profile construction of a kind that is normally considered to be acceptable. Little of it can be seen from the road beyond the roof over the garage door; it is screened from Nos 2 and 4 Harlow Road by No 4's garage and by boundary features; its height is unexceptional and it has little impact on anyone's outlook. The tiles on the side roof do not match those used on the main roof of the house, but the roofs are not closely related visually and the pitched roof is an improvement on the appearance that the flat roof would have had.
8. The impact of the extension on the character and appearance of the house and its surroundings and on neighbours' amenities is in my opinion unexceptional. The extension complies with Policy CP 30 because it maintains the quality of the built environment and it complies Policies DMD 11, 14 and 37 because it accords with the criteria set out in those policies.
9. There are therefore insufficient reasons to withhold planning permission for the extension. The appeal has succeeded on ground (a) and permission has been granted. It has not been suggested that any planning conditions should be imposed in this event and I do not consider that any are required.

Ground (f)

10. The notice has been quashed as a result of the appeal's success on ground (a). Ground (f) no longer falls to be considered.

D.A.Hainsworth

INSPECTOR