
Appeal Decision

Site visit made on 13 December 2016

by Louise Nurser BA (Hons) Dip UP MRTPI

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

Decision date: 29th December 2016

Appeal Ref: APP/Q5300/D/16/3160382

1a Goodwood Avenue, Enfield, EN3 5RP

- 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 Mrs Maria Leonida against the decision of the Council of the London Borough of Enfield.
 - The application Ref 16/00078/HOU, dated 9 January 2016, was refused by notice dated 15 July 2016.
 - The development proposed is single storey side extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue of the proposed development is the effect of the proposed extension on the living conditions of the occupants of number 1 Goodwood Avenue.

Reasons

3. As part of my site visit I observed a number of properties where a similar design had been constructed. However, the host property is unusual in that it is a detached infill house whose permitted development rights were removed as part of the original planning approval. It is located between numbers 1 and 3 Goodwood Avenue at a point where the road kinks towards the junction of Goodwood Avenue and Turkey Street. As a result of the configuration of the properties, the flank wall of no 1 Goodwood Avenue sits proud of the appeal property. In addition, I observed that there is a significant difference in ground levels between the two properties with the host property sitting higher.
 4. Consequently, the proposed single storey extension, which is proposed to be constructed at its closest, some 1.3 m from the neighbouring property, would be highly visible from the modest garden which tapers to a corner and from the small conservatory which extends from the rear wall of no 1 Goodwood Avenue. At my site visit it appeared that the conservatory is primarily used as a storage area for kitchen related equipment. However, in the future it may be used as an area in which to sit. Consequently, I must consider the impact of the proposed development on the potential use of the conservatory and on the enjoyment of the garden on the basis of the particular circumstances of this appeal.
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5. I have been provided with alternative measurements of the extent and height of the wall which would be visible from the rear of the adjacent property. Irrespective of the exact measurements, from the plans before me, and from what I observed of the relationship between the two properties, including the proximity of the proposed side elevation and its proposed height, the proposal would present an overbearing and oppressive development. Moreover, due to its position to the south of the neighbouring property it would also significantly impact on the amount of sunlight which would be enjoyed in the small garden and the conservatory. Consequently, the garden would be in shadow earlier and the conservatory would lose sunlight. As such, the proposed development would be contrary to Policies DMD 8 and DMD 11 of the Enfield Development Management Document¹ and Policy 7.6 of the London Plan² 2011 which require developments to be designed to protect the living conditions of residents of neighbouring properties. Such an approach accords with Paragraph 56 of the Framework that good design is a key aspect of good planning, and should contribute positively to making place better for people. Requiring developments to consider the living conditions of neighbouring residents is not the same as imposing particular designs or architectural styles as discouraged by the Framework.
6. I have been referred to a number of other development plan policies. However, I conclude that the above are the most pertinent to the main issue which I have defined.

Other matters

7. I note that the appellant is concerned about the way in which the Local Authority handled the planning application, and the length of time taken to determine it. I have also taken into account the appellant's wish to increase the living space within the house. However, these matters are not determinative in my consideration of the appeal.

Conclusion

8. For the reasons set out above I conclude that the appeal should be dismissed.

L. Nurser

INSPECTOR

¹ Adopted November 2014

² Adopted 2011