
Appeal Decision

Site visit made on 19 December 2016

by Richard Schofield BA(Hons) MA MRTPI

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

Decision date: 03 January 2017

Appeal Ref: APP/Q5300/D/16/3164558
40 St George's Road, Southgate N13 4AS

- 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 Meherunnesa Muhammad against the decision of the Council of the London Borough of Enfield.
 - The application Ref 16/03280/HOU, dated 19 July 2016, was refused by notice dated 12 September 2016.
 - The development proposed is ground floor rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupiers of 38 St George's Road, with regard to outlook and light.

Reasons

3. Enfield's Development Management Document (DMD) policy DMD11 states that single-storey rear extensions to terraced properties must not exceed three metres in depth beyond the original rear wall or exceed a line taken at a 45 degree angle from the mid-point of the nearest original ground floor window to any adjacent properties.
 4. It is not disputed that the appeal scheme would create a single-storey extension that would extend out beyond four metres from the rear elevation of the host dwelling, along the boundary with No 38. In addition, given the position of the nearest window in the rear elevation of No 38, and the details on the submitted plans (notably 1505-10), it is difficult to see how the proposal could comply with the '45 degree' requirement noted above. On this basis, the appeal scheme would fail to comply with the requirements of adopted development plan policy set out above. This is a matter to which I afford significant weight.
 5. Non-compliance does not always equate to harm. This would not, however, be the case here. The outlook from the rear of the main dwellings at No 40 and neighbouring No 38, at ground floor level, is already significantly constrained by the extant half width, two-storey rear extensions to both dwellings. In the case of No 38, this already gives rise to a 'tunnel' effect, with outlook being
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channelled directly down the rear garden. The proposed extension would exacerbate this effect very considerably, creating a severe sense of enclosure that would be oppressive upon the outlook from the ground floor of No 38. I am not persuaded that the use of glass for the very upper part of the proposed extension would have any significant mitigating effect, given the height and depth of the development.

6. Turning to the matter of light, given the orientation of the dwellings it is difficult to see how a loss of sunlight could occur. Nonetheless, given the height and extent of the proposed extension, and its proximity to the boundary with No 38, some loss of daylight is likely.
7. I conclude, therefore, that the appeal scheme would have an adverse impact upon the living conditions of the occupiers of No 38, with regard to outlook and daylight. It would conflict with DMD policies DMD6 and DMD11, and with Enfield Core Strategy policies CP4 and CP30. These seek, among other things, to ensure that new development has no impact upon the amenities of neighbouring properties, has appropriate regard to its surroundings and is of an appropriate scale and form.

Other Matters

8. It is suggested that no objections have been received and that the occupiers of No 38 are content with the scheme as proposed. There is, however, no evidence before me to this effect and, in any case, the development would be permanent and I must consider its impacts upon any future occupiers of No 38.

Conclusion

9. For the reasons given above, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Richard Schofield

INSPECTOR