The Planning Inspectorate

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/16/3164399
281 Princes Avenue, Southgate N13 6HJ

- 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 Alfred Logli against the decision of the Council of the London Borough of Enfield.
- The application Ref 16/04471/HOU, dated 1 October 2016, was refused by notice dated 17 November 2016.
- The development proposed is demolition of existing rear ground floor extension and building new rear ground floor extension projecting 4m from the original wall of the property with materials to match existing house.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. It is evident from the officer's report that, noting the presence of a deep rear extension to 279 Princes Avenue (No 279), beyond which the appeal proposal would protrude by around 500cm, it is not considered that there would be any significant harm to the living conditions of the occupiers of No 279 from the appeal proposal. I have no reason to depart from this view and, as such, this decision focuses on 283 Princes Avenue.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of 283 Princes Avenue (No 283), with regard to outlook and light.

Reasons

4. The appeal dwelling has an extant single-storey rear extension, which extends across the full width of the ground floor. It is around three metres deep and, as such, complies with Enfield's Development Management Document (DMD) policy DMD 11 in this regard. This notes 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.

5. The appeal scheme would create a new extension that would extend around four metres from the rear elevation of the host dwelling. In addition, given the

position of the nearest window in the rear elevation of No 283, it is difficult to see how the scheme could comply with the '45 degree' requirement noted above. Certainly, no substantive evidence has been presented to me to demonstrate compliance. 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.

6. Non-compliance does not always equate to harm. This would not, however, be the case here. Although on paper an extra metre in depth does not appear excessive, it was clear from my site visit that the appeal proposal would give rise to further intrusion into the outlook from the rear of No 283. This is already constrained by the presence of the extant blank brick wall of No 281's extension, which extends along the boundary at a height of around 3 metres. The further intrusion would be oppressive for occupiers of No 283, both within the dwelling and when using the rear garden close to the house.

7. Turning to the matter of light, given the northwest orientation of the rear of the dwellings, I am not persuaded that there would be a significant further loss of either daylight or sunlight to No 283 over and above that which may be experienced at present, which arises from the presence of the extant extension to No 281.

8. I conclude, therefore, that the appeal scheme would have an adverse impact upon the living conditions of the occupiers of No 283, with regard to outlook. It would conflict with DMD policies DMD11 and DMD37, and with Enfield Core Strategy policy CP30. These seek, among other things, to ensure that new development has no impact upon the amenities of neighbouring properties and has appropriate regard to its surroundings.

Other Matters

9. The appellant is of the view that the proposal would enhance the character and appearance of the dwelling and, thus, comply with specific London Plan policies and policy in the National Planning Policy Framework in relation to design. Notwithstanding that the appeal scheme does not appear to be anything more than a standard flat roofed extension, the issue of character and appearance is not in dispute. I therefore give this matter little weight.

10. It is suggested that the scheme would allow for internal reconfiguration, which would let the existing occupiers remain in the property for the foreseeable future. This may well be in line with policy aspirations for lifetime neighbourhoods. There is not, however, any evidence before me to suggest that these works, which do not appear to introduce a significantly different level of functionality to the ground floor of the appeal dwelling, are essential to the occupiers' future needs. Nor is there any guarantee that the occupiers would, indeed, remain. As such, I afford this consideration little weight.

Conclusion

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

Richard Schofield

INSPECTOR