
Appeal Decision

Site visit made on 19 December 2016

by George Arrowsmith BA, MCD, MRTPI

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

Decision date: 11th January 2017

Appeal Ref: APP/Q5300/D/16/3160075
82 Palmerston Crescent, London, N13 4NH

- 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 Tim Banham against the decision of the Council of the London Borough of Enfield.
 - The application Re 16/03101/HOU, dated 21 July 2016, was refused by notice dated 2 September 2016.
 - The development proposed is a single storey rear and side extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear and side extension at 82 Palmerston Crescent, London, N13 4NH in accordance with the terms of the application, Ref 16/03101/HOU, dated 21 July 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: Drawings Nos: 82/01A & 82/02A.
 - 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.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional windows or doors shall be installed in the flank walls of the development hereby permitted without the prior permission in writing of the local planning authority.
 - 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no balustrades or other means of enclosure shall be erected on the roof of the extension hereby permitted. The roof shall not be used for any recreational purpose and access shall only be for the purposes of maintaining the property or as a means of emergency escape.

Main Issue

2. The main issue is whether the side element of the proposed extension would unacceptably detract from the amenity of the neighbouring residential property at No 84 Palmerston Road through loss of light and outlook.

Reasons

3. The appeal property and its neighbour at No 84 have original two-storey rear projections set in from the common boundary. Both houses have ground floor and first floor rear windows facing into the narrow enclosed space between the two-storey projections. The projections themselves have a side door, a ground floor window and a first floor window facing into this same enclosed space. These doors and windows are close to the point at which the projections join the main house and in consequence they have a very restricted outlook. The space between the projections is further enclosed by narrow single storey side extensions which stand immediately to the rear of the side doors. These extensions have monopitch roofs rising from about 2.2m at the eaves to about 2.9m where they join the two storey projections.
4. Both single storey extensions have windows facing the neighbouring house. The outlook from these windows is extremely limited as they face the neighbouring single storey extensions and two storey projections from short distances. I saw through the window in No 84's extension that it appeared to be used for storage purposes. It did not appear to contain a habitable room. At the appeal property the space between the single storey side extensions and the main house has been enclosed by a small lightweight structure. The equivalent space at No 84 is not enclosed.
5. The main rear ground floor windows at both No 82 and 84 are contained in bays in the rear elevation of the two storey projection.
6. It is proposed to demolish the single storey side extension at the appeal property and replace it by another single storey extension which would extend 2m beyond the rear of the original two storey projection then wrap around that projection to form an extended kitchen. The replacement extension would have a 3.7m high flat roof.
7. The replacement extension would further restrict the outlook for those ground floor windows at No 84 that face onto the space between the two-storey projections but this space is already so enclosed that any diminution in light or outlook would be barely noticeable. Similarly, the outlook from the windows in the ground floor bay at the rear of No 84 would be largely unaffected; in this case because the replacement extension would project only a short distance to their rear.
8. I am aware that the proposal is nominally in conflict with the standards in policy DMD11 in the Council's Development Management Document. However I consider that these standards should be interpreted flexibly having regard to the local context. In this regard a narrow enclosed space between two two storey projections is a very particular environment where a departure from the normal operation of the standards is justifiable.

9. I am also aware that my colleague recently dismissed an appeal relating to the formation of a single storey rear and two storey side extension at the same property (appeal ref: AAA/Q5300/D/16/3152948). The essential difference between that proposal and that now before me is that the two storey extension then proposed would have had a greater impact on the outlook from all of No 84's windows that faced into the enclosed space between the existing two storey projections. By being limited to a single storey the extension now proposed would have less impact on ground floor windows and effectively none on first floor windows.
10. I conclude that the proposal would not have the unacceptable effects on outlook or light feared by the Council and would not conflict with the objectives of policy CP30 in the Council's Core Strategy and those of policies DMD11 and DMD37 in the Development Management Document.

Conditions

11. I have imposed standard conditions governing the timing of development, specifying the approved plans and requiring matching materials. These are necessary in the interests of visual amenity and for the avoidance of doubt. The Council have suggested two additional conditions restricting the installation of windows and doors and limiting the use of the proposed flat roof. I have imposed the substance of both these suggestions, which I consider necessary in the interests of privacy.

George Arrowsmith

INSPECTOR