

Appeal Decision

Site visit made on 16 January 2017

by Michael Evans BA MA MPhil DipTP MRTPI

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

Decision date: 23rd January 2017

Appeal Ref: APP/Q5300/D/16/3162705

116 The Fairway, Southgate N14 4NN

- 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 Robert Neophytou against the decision of the Council of the London Borough of Enfield.
 - The application Ref 16/04061/HOU was refused by notice dated 3 November 2016.
 - The development proposed is described on the application form as a 'single storey rear extension (Retrospective)'.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues in this appeal are:
 - The effect on the living conditions of the occupiers of the attached dwelling at 118 The Fairway, with regard to outlook, daylight and sunlight.
 - The effect on the character and appearance of the host dwelling and terrace.

Reasons

Living conditions

3. The appeal concerns an end of terrace two storey dwelling. Development Management Document (DMD), Policy DMD 11 intends that rear extensions will only be permitted subject to a number of criteria. These include that single storey extensions to terraced dwellings must not exceed 3m in depth beyond the original rear wall. They must also not exceed a line taken at 45 degrees from the mid-point of the nearest original ground floor window to any of the adjacent properties.
 4. The extension the subject of the appeal has been built with a depth of 3.45m, which materially exceeds the maximum dimension referred to above. The mono-pitched roof has a height of 3.2m at the original rear wall falling to 3m at the end of the addition. It has been built particularly near to the side boundary and adjacent rear garden at the attached property, no. 118. There is also a living room window in unduly close proximity and the extension projects significantly beyond a 45 degree line taken from the mid-point of this opening.
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5. In these circumstances, I consider that because of its depth, height, size and proximity the extension has resulted in an oppressive sense of enclosure and loss of outlook, as well as an unacceptable reduction in daylight. Because of its position to the western side of the garden of no. 118 there has also been an undue loss of sunlight. These detrimental effects have occurred both within the living room and in the rear garden of the neighbouring house.
6. In consequence, the living conditions of the adjacent occupiers have been harmed while there is conflict with Policy DMD 11. The development is also at odds with the core principle of the National Planning Policy Framework that planning should always seek to secure a good standard of amenity for existing occupants of buildings.

Character and appearance

7. The depth and height of the extension are not excessive in relation to those dimensions of the host property. They ensure that the addition is a reasonably subordinate feature rather than appearing overly dominant, despite being virtually full width. As a result, the character and appearance of the host dwelling and terrace has not been harmed. The underlying aims of Core Strategy Core Policy 30 and DMD Policy DMD 37 to prevent such adverse effects have not been compromised.

Other considerations

8. The Appellant suggests that a 3m deep extension would have been permitted development, with such a scheme also projecting beyond a 45 degree line from the adjacent window. Nevertheless, an extension 3m deep would have resulted in a lesser loss of outlook and light due to its smaller size. It would also not have projected as far beyond a 45 degree line, reflecting its lesser impact. In any event, the Appellant indicates that because of a drain a 3m deep extension could not be built anyway. A permitted development extension that could actually be constructed would be no more than 2.1m deep in order to accommodate the drain and therefore have an even lesser impact. The extension at 114 has a depth of 3m and so differs from that at 118.
9. The supporting text to Policy DMD 11 states: 'The standards for new build residential accommodation set out in the policy should be applied unless evidence is submitted with the application through daylight/sunlight assessments.' However, no assessment has been provided and for the above reasons there is no sound basis for making an exception to the development plan.

Conclusion

10. The extension has not resulted in any detrimental effect in relation to character and appearance. However, this would not justify accepting a development that has given rise to such an adverse impact on the living conditions of the adjacent occupiers. Taking account of all other matters raised, it is therefore determined that the appeal fails. In reaching this decision I have taken account of the views expressed on behalf of the neighbouring occupier.

M Evans

INSPECTOR