
Appeal Decision

Site visit made on 10 January 2017

by Elaine Worthington BA (Hons) MTP MUED MRTPI

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

Decision date: 27th January 2017

Appeal Ref: APP/Q5300/P/16/3161484
52 Birkbeck Road, Enfield, EN2 0DX

- 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 Noble Amoateng against the decision of the Council of the London Borough of Enfield.
 - The application Ref 16/02496/HOU, dated 3 June 2016, was refused by notice dated 29 July 2016.
 - The development proposed is a single storey rear extension.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposal on the living conditions of the occupiers of 54 Birkbeck Road with particular reference to outlook, daylight and sunlight.

Reasons

3. The appeal property is a two storey end of terrace house in a residential area of similar properties. It already has a part single, part two storey rear extension which has a stepped rear building line. Policy DMD11 of the Improving Enfield Development Management Document (DMD) is permissive of rear extensions only if there is no impact on the amenities of the original building and its neighbouring properties (criterion 1a). It indicates that an extension to a terraced property must not exceed 3 metres in depth beyond the original rear wall (criterion 2a).
 4. The proposed single storey rear extension would infill the area to the side of the existing extension and project beyond its current extent to the rear. It would extend 3 metres rearwards adjacent to adjoining No 50 and some 4.8 metres rearwards close to the boundary with No 54 to the north. It would be around 3 metres high with a flat roof incorporating a lantern roof light.
 5. The proposed extension would be set in 0.7 metres from the boundary with No 54 where there is a high close board fence. However, even with a flat roof, at 3 metres in height it would be seen well above the fence. Moreover, it would project almost 5 metres to the rear of the appeal property, the rear wall of which already protrudes beyond the rear of No 54 by around 1.2 metres. Thus, in combination with the existing extension, the proposal would extend beyond the rear of No 54 by some 6 metres.
-

6. No 54 has a single storey rear offshoot on its eastern side which has a flank window facing the appeal property. There are also french doors on No 54's rear elevation leading on to a patio area to the south of the offshoot and next to the boundary with the appeal property.
7. To my mind, the proposal would be appreciated at rather close quarters from these windows and the patio area. It would be seen as a substantial and unduly dominant feature that would project rearwards of No 54 for a considerable distance along the boundary (well in excess of the guideline in DMD Policy DMD11). Its overbearing visual impact would lead to the excessive enclosure of the outdoor space and oppressive views from these windows that would result in an unacceptable level of outlook for the occupiers of No 54. It would also give rise to an unsatisfactory loss of daylight and sunlight to the rear of No 54 that would make the rooms served by these windows more gloomy, and the patio area more shaded.
8. Additionally the occupiers of No 54 are concerned about the flank window shown on the proposed extension and the addition of a further ground floor window to the flank wall of the existing house. Although screened to some extent by the existing boundary fence these would also be positioned in close proximity to No 54 and would be likely to lead to a loss of privacy. This adds to my view that the proposal would be unsatisfactory.
9. I therefore conclude that the proposal would be harmful to the living conditions of the occupiers of 54 Birkbeck Road with particular reference to outlook, daylight and sunlight. This would be contrary to Core Policy 30 of the Enfield Plan Core Strategy which seeks to maintain and improve the quality of the built and open environment and with DMD Policy DMD11. It would also be at odds with the core planning principle of the National Planning Policy Framework to secure a good standard of amenity for all existing and future occupiers of land and buildings.

Other matters

10. The Council raises no objection to the scheme in relation to its impact on the character or appearance of the host property or the surrounding area, or in terms of the amount of amenity space that would be retained for the host property. The absence of harm in these regards counts neither for, nor against the proposal. The extension is required to provide a kitchen area, and although this would be a benefit to the appellant, it is insufficient to outweigh the harm I have identified in relation to the main issue in this case.
11. The appellant refers to an appeal decision in Pinner to support his position. However, I am not aware of the full circumstances that led to that decision and so cannot be sure that they are the same as in the case before me. I confirm in any event that I have considered the appeal scheme on its own planning merits and made my own assessment as to its impact.

Conclusion

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

Elaine Worthington

INSPECTOR