
Appeal Decision

Site visit made on 7 February 2017

by Nick Palmer BA (Hons) BPI MRTPI

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

Decision date: 16 February 2017

Appeal Ref: APP/Q5300/D/16/3163700
21 Ashton Road, Enfield EN3 6DQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Mr Fatos Shaqiri against the decision of the Council of the London Borough of Enfield.
 - The application Ref 16/04517/PRH, dated 2 October 2016, was refused by notice dated 16 November 2016.
 - The development proposed is a 6m single storey flat roof rear extension.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) for a 6m single storey flat roof rear extension at 21 Ashton Road, Enfield EN3 6DQ in accordance with the terms of the application Ref 16/04517/PRH, dated 2 October 2016, and the plans submitted with it.

Procedural Matter

2. Paragraph A.4 (7) of the GPDO requires that where an adjoining occupier objects to the proposed development, the prior approval of the local planning authority is required as to its impact on the amenity of any adjoining premises. Paragraph A.4 (9) requires that the amenity of all adjoining premises is considered. I shall determine the appeal in this manner.

Main Issue

3. The main issue in the appeal is the effect of the proposed extension on the living conditions of adjacent occupants.

Reasons

4. The appeal property is a semi-detached house having a rear conservatory which the proposed extension would replace. The adjoining house (Nº 19) also has a rear conservatory. On the other side (Nº 23) is a bungalow which has been extended and projects to the rear of the appeal dwelling by several metres.
 5. I saw on my visit that the site is separated from the rear garden of Nº 19 by a low fence and a row of conifer trees. Together the fencing and trees would screen the extension from view from that property to a significant extent. Although it would be partially visible below the tree canopies its enclosing
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- effect would be reduced by those features. Because the extension would project a similar distance to the rear as the extension to N^o 23 it would not have an unacceptable enclosing effect at the rear of that property. For these reasons the proposal would not unacceptably affect the neighbours' outlook.
6. The rear of the dwellings face north and the trees along the boundary with N^o 19 would be likely to result in some shading of that garden in the afternoons. It is unlikely that the proposal would add significantly to that effect or that it would unacceptably reduce sunlight to that property.
 7. Policy DMD 11 of the Development Management Document¹ limits the maximum depth of extensions to 3m but this limitation conflicts with the permitted development provision of the GPDO. That policy also requires extensions to not exceed a 45 degree line from the centre of the nearest original ground floor window in the adjoining property. The adjacent conservatory allows light through its roof and for this reason it is unlikely that daylight to the nearest part of the adjoining house would be significantly affected. The nearest original ground floor rear window is at the far side of the house and some distance away from the proposed extension. For this reason it is unlikely that light to that window would be unacceptably affected. Given that the extension would be a similar depth to that of N^o 23 it would not affect sunlight or daylight to that property.
 8. For the reasons given I find that the proposal would not adversely affect the living conditions of adjacent occupants. There is no statutory requirement for the application to be determined in accordance with the development plan. However for the reasons given I find that the general requirements of policy DMD 11 in terms of safeguarding amenity and of Core Policy 30 of the Core Strategy² in terms of design quality would be met.
 9. A neighbour has expressed concern that the property may be converted into flats but this would require separate permission and is not a matter for my consideration.
 10. The Council has indicated that a condition should be imposed requiring external facing materials to match those of the existing building. The GPDO includes such a requirement.

Conclusion

11. I conclude that the appeal should be allowed and approval granted. In granting approval the appellant should note that the GPDO requires at paragraphs A.4 (13), (14) and (15) that the development shall be completed on or before 30 May 2019, and that the developer shall notify the local planning authority in writing of the completion of the development as soon as reasonably practicable after completion. Such notification shall include the name of the developer; the address or location of the development, and the date of completion.

Nick Palmer

INSPECTOR

¹ Enfield Development Management Document (2014)

² Enfield Council Core Strategy (2010)