

Appeal Decision

Site visit made on 8 February 2017

by D J Barnes MBA BSc(Hons) DipTP MRTPI

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

Decision date: 16 February 2017

Appeal Ref: APP/Q5300/D/16/3165624

10 Carlton Avenue, Southgate N14 4UA

- 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 and Mrs Desai against the decision of the Council of the London Borough of Enfield.
 - The application Ref 16/04525/HOU, dated 5 October 2016, was refused by notice dated 5 December 2016.
 - The development proposed is the addition of a glass garden room to the rear elevation of the property.
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Decision

1. The appeal is allowed and planning permission granted for the addition of a glass garden room to the rear elevation of the property at 10 Carlton Avenue, Southgate N14 4UA in accordance with the terms of the application, Ref 16/04525/HOU, dated 5 October 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: Proposed Front and Rear Elevations; Existing and Proposed Floor Plans (2 drawings); Existing and Proposed Elevations; Existing Elevations and Proposed Elevations.
 3. Subject to condition 4, the materials to be used in the construction of the external surfaces of the development hereby permitted shall be those specified on the approved plans.
 4. Notwithstanding the approved plans, the extension hereby permitted shall not be occupied until the side elevation adjacent to 8 Carlton Avenue has been fitted with obscured glazing which shall be non-opening. Once installed the obscured glazing shall be retained thereafter.

Main Issue

2. It is considered that the main issues are the effects of the proposed development on (a) the character and appearance of the appeal property and the surrounding area and (b) the living conditions of the occupiers of 8 Carlton Avenue.
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Reasons

Character and Appearance

3. The appeal property is a semi-detached dwelling located within a predominantly residential area of dwellings of varying designs. To the rear of the property is a wooden deck which includes a partially enclosed canopy close to the boundary with 8 Carlton Avenue. This deck is accessed from the ground floor of the property. However, as a consequence of the difference in ground levels between No. 8 and the property, the deck is elevated and is about level with the first floor of this neighbouring property. The rear elevations of the property and other dwellings fronting Carlton Avenue are visible to varying degrees from South Lodge Road because of their elevation. In the foreground of this view are the garages of some of the properties which are sited adjacent to the rear garden boundaries.
4. The proposed development includes the removal of the canopy and the erection of a glass garden room akin to a conservatory which would occupy the majority of the deck. The depth and height of the appeal scheme would exceed the limitations for single storey rear extensions included in Policy DMD 11 of Enfield's Development Management Document (DMD). However, such limitations cannot address all circumstances. In this case, the depth of the appeal scheme would project no further rearwards than the existing deck, the wall which defines the boundary with No. 12 and the canopy at No. 12. The canopy can be seen from the same viewpoints as the property. There are single storey extensions to the rear of other dwellings fronting Carlton Road of a similar depth to the deck and the canopy.
5. Although sited on an elevated deck and visible from South Lodge Road above the garages, the proposed development would not have the solid characteristics of a traditionally designed extension. The lightweight construction of the appeal scheme would be seen against the context of the property's rear elevation and would enable views of the existing property to be maintained. There would not be an adverse visual impact associated with the appeal scheme which would significantly harm the character and appearance of either the property or the surrounding residential area. Although there would be potential light spillage at night-time there is already an existing external light which would have the same effect as the proposed glass garden room.
6. Accordingly, it is concluded that the proposed development would not cause unacceptable harm to the character and appearance of the appeal property and the surrounding area and, as such, it would not conflict with Policies 7.4 and 7.6 of The London Plan (LP), Core Policy 30 of Enfield's Core Strategy and DMD Policies DMD 11 and DMD 37. Amongst other matters, these policies promote high quality development appropriate to its context, the securing of a common alignment of rear extensions and additions not having an adverse visual impact. These policies are consistent with the National Planning Policy Framework's (the Framework) core principle of securing high quality design.

Living Conditions

7. If the appeal scheme were to be an extension of solid construction then because of its elevation and siting I would agree with the Council's concerns about the proposed development being visually intrusive, overly dominant and

overbearing when viewed from No. 8. However, the proposed lightweight structure would not raise the same concerns, particularly in circumstances there is already an existing partially enclosed canopy adjacent to the shared boundary with No. 8. The proposed development would be no higher than the existing canopy and its footprint would not occupy the full extent of the deck, including being set back from the balustrade adjacent to No. 8.

8. By reason of the existing side elevation of the canopy, the proposed extension would not materially alter the outlook from the first floor windows, patio and rear garden of No. 8. Similar views of the retained single storey brick wall and a glazed elevation would remain.
9. If the side elevation facing No. 8 was clear glazed then there would be unacceptable overlooking and loss of privacy for the occupiers of this neighbouring property. However, as suggested by the appellants, a condition could be imposed to require the side elevation of the appeal scheme to be obscurely glazed. If this was the case, then there would be no unacceptable overlooking and loss of privacy. I acknowledge that the proposed garden room may well be used more frequently than the existing deck but the sense of overlooking would not be materially greater than the current use of the deck.
10. It is concluded that the proposed development would not cause unacceptable harm to the living conditions of the occupiers of 8 Carlton Avenue and, as such, it would not conflict with DMD Policy DMD 37 and LP Policy 7.6. Amongst other matters, these policies require development not to cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy and overshadowing, and extensions not to have an impact on the amenities of a neighbouring property. These policies are consistent with the Framework's core principle of securing a good standard of amenity for existing and future occupants of land and buildings.

Other Matters

11. Residents have raised a number of other matters including flooding, traffic and water run-off. The Council has raised no objections to the proposed development on these grounds and there are no reasons for me to disagree with the Council's assessment.

Conditions

12. The Council has suggested a number of conditions in the event that this appeal succeeds which have been assessed against the tests included in the Framework and the National Planning Practice Guidance. For reasons of proper planning and the avoidance of any doubt, the proposed development should be erected in accordance with the submitted drawing except that, as suggested by the appellants, the elevation adjacent to No. 8 should be obscurely glazed. The materials proposed are not intended to match the existing dwelling but should be those specified on the drawings albeit subject to the suggested glazing condition. Accordingly, and taking into account all other matters, it is concluded that this appeal should be allowed.

D J Barnes

INSPECTOR