

Appeal Decision

Site visit made on 20 February 2017

by P Eggleton BSc(Hons) MRTPI

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

Decision date: 28th February 2017

Appeal Ref: APP/Q5300/D/16/3165667

25 Causeyware Road, Edmonton, London N9 8BP

- 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 N Shah against the decision of Enfield Council.
 - The application Ref 16/03754/HOU, dated 14 August 2016, was refused by notice dated 10 October 2016.
 - The development proposed is a 2900mm deep conservatory, currently built with two brick flank walls and concrete floor and to add a roof with clear plastic sheets and a rear wall in double glazed units, total depth from rear wall of house to be 6000mm; and retain existing shed built in brickwork with dual pitched tiled roof but to lower the eaves height to 2500mm.
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Decision

1. The appeal is dismissed in relation to the conservatory.
2. The appeal is allowed and planning permission is granted to retain the existing shed built in brickwork with dual pitched tiled roof but to lower the eaves height to 2500mm at 25 Causeyware Road, Edmonton, London in accordance with the terms of the application, Ref 16/03754/HOU, dated 14 August 2016, in so far as it relates to the shed only and subject to the following conditions:
 - 1) The shed hereby permitted shall be completed within six months of the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved drawings 25/3 and A/25/4 in so far as they relate to the shed.

Main Issues

3. The main issues are the effect on the character and appearance of the area; and the effect on the living conditions of the residents of 23 and 27 Causeyware Road with regard to light and outlook.

Reasons

4. The proposal would result in a conservatory extension across the width of the rear of this terraced property. This would be at a lower height than the existing kitchen extension but the overall depth of the combined works, beyond the original rear building line, would be six metres. The addition would have solid
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flank walls to each side which are already in place, glazing to the rear and a clear plastic roof.

5. The proposal also includes the retention of a garden building albeit with a reduced eaves height of 2.5 metres. This element of the proposal has not been raised as a concern by any party and I find it to be an acceptable addition within this garden area.
6. The Council are concerned that the conservatory would be an incongruous and disproportionate addition when viewed from surrounding residential gardens and as such, it would be detrimental to the character and appearance of the house and the visual amenities of the area. The extension would not be visible from any public view points. It would be of a form and materials that are common within rear gardens. Although extending deeper than would perhaps normally be expected, it would not harm the character or appearance of the area. With regard to the character and appearance of the area, it would not conflict with Policy 30 of the Enfield Core Strategy 2010 (CS); Policies DMD8 and DMD37 of the Enfield Development Management Document 2014 (DMD); or Policies 7.4 and 7.6 of the London Plan 2015.
7. The conservatory flank walls, together with the existing rear extension, result in development along the shared boundaries to a depth of 6 metres. The height at the lowest point of these walls would be 2.385 metres. Although a boundary wall can be built to two metres in height, I consider that the height and depth of the works proposed would normally result in a structure being overbearing for the neighbouring residents. Given the aspect of the rear of these properties, it would also reduce direct sunlight to the rear of 23 Causeyware Road during the mornings and to the rear of number 27 during mid to late afternoons.
8. The residents of 27 Causeyware Road have added a canopy to the back of their property which extends to a similar depth as this proposal. With this in place, the impact of the proposal on the living conditions of those residents would be limited and the residents have not raised a concern. I must consider the impact of the development on the living conditions of future residents, particularly as I have no information with regard to the lawfulness of the neighbouring structure or its impact on the residents of the property to the other side. However, the existing circumstances, with regard to these two properties, do not weigh against the proposal.
9. The situation with regard to the residents of 23 Causeyware Road differs significantly. The high wall encloses the area beyond the canopy to the rear of their house and reduces the outlook from a window which faces directly towards it. The completed works would unacceptably reduce their outlook and would also reduce direct sunlight during the mornings. It would unacceptably harm the living conditions of the residents of 23 Causeyware Road.
10. Policy DMD 11 is of particular relevance. It requires that extensions do not exceed three metres in depth beyond the original rear wall or exceed a line taken at 45-degrees from the mid-point of the nearest original ground floor window of the adjacent property. The proposal conflicts with these requirements. It would also conflict with Policy DMD 8(c) which requires that new development preserves amenity in terms of outlook and sunlight. As these

policies generally accord with the amenity requirements of the *National Planning Policy Framework*, I afford them considerable weight.

11. The appellant has submitted revised plans which would have eaves of a similar height to a lawful two metres high boundary. The roof would however rise to a higher level and obscure glazing is proposed to the upper side elevation. As the adjoining residents and the Council have not had the opportunity to comment on these proposed changes, accepting the new plans would prejudice their interests. However, the works would remain in conflict with the above policies and would in any event, still result in a reduced outlook for the residents of 23 Causeyware Road. The new glazing would be particularly intrusive when illuminated from within.
12. Overall, I have considered all the matters raised but I find the proposed conservatory extension to be unacceptable. I therefore dismiss the appeal in relation to that element of the proposal. I have however allowed the appeal in so far as it relates to the part retention and the proposed works to the garden shed.
13. Although the application in relation to the garden building is described as being retrospective, the plans indicate that the eaves would be reduced from 2.6 metres to 2.5 metres. I have considered the development as having been commenced but not completed with regard to the works to lower the eaves. I have therefore allowed the appeal in relation to the plans showing these works. I have required that the works be completed within six months of this decision to ensure that the unauthorised works are altered to reflect those of the approved plans to ensure that the appearance of the building and the impact on the neighbouring residents would be satisfactory. The plans specify the materials to be used.
14. The Council have suggested that a condition be added which would require that the outbuilding would remain ancillary to the main house and not be used as a separate dwelling or for primary living accommodation. A separate permission would be required for the use of the building as a dwelling. This permission would not allow for a change of use and I am not satisfied that additional controls are required in these circumstances.

Peter Eggleton

INSPECTOR