
Appeal Decision

Site visit made on 28 February 2017

by Andrew R Hammond MSc MA CEng MIET MRTPI

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

Decision date: 22 March 2017

Appeal Ref: APP/Q5300/C/16/3151259

15 Lawrence Avenue, Palmers Green. London N13 5HP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Tiraj Shah against an enforcement notice issued by the Council of the London Borough of Enfield.
 - The enforcement notice, numbered CON/6897, was issued on 4 April 2016.
 - The breach of planning control as alleged in the notice is without planning permission, the unauthorised erection of a single storey canopy structure (outlined in blue on the attached plan for identification purposes) to the rear of the premises in excess of the parameters set out within Article 3 and Schedule 2, Part 1 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The requirements of the notice are
 - 1 Remove the single storey canopy structure (outlined in blue on the attached plan for identification purposes).
 - 2 Remove all resulting material from the premises.
 - The period for compliance with the requirements is one calendar month after the notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Main Issues

2. The main issues in this appeal are the effect of the development on the living conditions of the occupiers of 13 Lawrence Avenue, with particular regard to outlook, and the effect on the character and appearance of the area.

Reasons

3. 15 Lawrence Avenue is an end terrace house which, together with numbers 11 and 13, has been extended at ground floor level by some 3.6m along most of the entire width of the 3 properties with the extension to No. 15 extending for an additional 1.4m over a width of 4m furthest from No. 13.
4. The development against which the enforcement notice is directed comprises a canopy structure with a translucent roof supported on steel supports some 2.5m high. Although the canopy roof sits above the rear ground floor windows of No. 13 it would nonetheless have a significant effect on the outlook from

- that property and introduce a sense of enclosure, comprising a roof structure extending into the rear garden some 5m along the common boundary towards a substantial outbuilding and the rear elevations of dwellings in Wauthier Close.
5. The adopted Enfield Development Management Document (DMD) Policy DMD11 relates to rear extensions and states that extensions will only be permitted where there is no impact on the amenities of the original building and neighbouring properties and Policy DMD37 seeks high quality and design led development.
 6. Enfield Core Strategy (CS) Policy CP30 seeks to maintain and improve the quality of the built and open environment.
 7. The canopy extension introduces significant detriment to the living conditions of the occupiers of 13 Lawrence Avenue with regard to outlook due to its height and extensive projection of some 5m along the common boundary.
 8. By virtue of its structural materials and appearance, the canopy also appears out of keeping with the existing development in the area and, in views from the rear windows of properties in Callard Avenue and Wauthier Close will appear incongruous with significant detriment to the character and appearance of the area.
 9. The development, therefore, introduces significant harm contrary to CS Policy CS30 and DMD Policies DMD11 and DMD 37.
 10. The appellant has drawn attention to the Town and Country Planning (General Permitted Development) (England) Order 2015 in relation to large extensions. That Order permits, up until 31 May 2019, certain large extensions subject to the granting of Prior Approval by the local planning authority following consideration of the amenity of adjoining premises. 'Prior Approval' cannot be given to development already carried out and, in any event, the Order only grants permission for an extension extending up to 6m from the rear wall, namely the original rear wall. The canopy extends some 5m beyond the approved extension which itself extends some 3.6m from the original rear elevation or a total of some 8.6m.
 11. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Andrew Hammond

Inspector