
Appeal Decision

Site visit made on 13 March 2017

by D J Board BSc (Hons) MA MRTPI

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

Decision date: 29 March 2017

Appeal Ref: APP/Q5300/D/16/3164360
201 Chase Side, Enfield, EN2 0QZ

- 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 Robin Desoer against the decision of the Council of the London Borough of Enfield.
 - The application Ref 16/04365/HOU, dated 24 September 2016, was refused by notice dated 28 November 2016.
 - The development proposed is construction of part single, part double storey rear extension following demolition of existing conservatory. Construction of front porch following demolition of existing porch. Insertion of rooflights to existing roofslopes. Together with internal alterations and redecoration to single family dwelling house.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of existing occupiers of 203 Chase Side, with particular regard to daylight, sunlight and outlook.

Reasons

3. The addition to 201 Chase Side would be part single and part two storey. There is no dispute over the single storey element. The reason for refusal focusses on the two storey element of the addition. The plans show this to be an addition beyond the existing rear elevation of about 3m.
 4. Policy DMD 11 of the Core Strategy Development Management Document (DMD) defines parameters for the assessment of residential extensions. The preamble to the policy is clear that the policy should be '*applied unless evidence is submitted with the application through daylight/sunlight assessments*'. In this case no evidence is provided on this matter to suggest the policy should not be applied. Specifically DMD 11 applies a test to the relationship between an existing first floor window at any adjacent property and the first floor addition proposed. In particular that a first floor extension should '*not exceed a line taken a 30-degrees from the mid-point of the nearest original first floor window to any of the adjacent properties*'.
 5. In this case the relationship is between the existing first floor window at No 203 and the first floor element of the scheme. There is an existing first floor window on the rear elevation of No 203. It is positioned between the existing
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rear projections to this building and the outrigger of No 205. Due to the layout of the buildings the footprint of No 201 already projects beyond the rearmost elevation of No 203. In addition No 201 is located to the south and east of No 203. The Council officer's report identifies that the addition would '*...breach a 30 degree angle from the nearest first floor window at number 203*'.

6. The appellant does not dispute that the test is breached but points out that the window is over 10 metres away. I appreciate that there is separation and that the access to the existing garage also intervenes. As such I agree with the appellant that it is unlikely that from this distance a well-designed addition would appear overbearing. Nevertheless, due to the relative position and orientation of the buildings there would be an impact on daylight and sunlight. The addition would add to the built form of No 201 and would cast a shadow in the morning and early afternoon. This would reduce daylight and sunlight to a window that is located in a recess where daylight and sunlight are already limited.
7. I therefore conclude that the proposal would have a harmful effect on the living conditions of existing occupiers of No 203 Chase Side, with particular regard to daylight and sunlight. In this regard it would be in conflict with policy DMD 11 which amongst other things seeks to ensure adequate amounts of sunlight are available for existing developments. It would also be in conflict with the National Planning Policy Framework which seeks to ensure a good standard of amenity for existing and future occupiers of land and buildings.

Conclusion

8. For the above reasons and having regard to all other matters raised I conclude that the appeal should be dismissed.

D J Board

INSPECTOR