
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/17/3169469
167 Carterhatch Road, Enfield, EN3 5LZ

- 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 Mrs Donna Carby against the decision of the Council of the London Borough of Enfield.
 - The application Ref 16/05646/HOU, dated 3 December 2016, was refused by notice dated 6 February 2017.
 - The development proposed is erection of single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for erection of single storey rear extension at 167 Carterhatch Road, Enfield, EN3 5LZ in accordance with the terms of the application, Ref 16/05646/HOU, dated 3 December 2016, subject to the conditions in Annex A.

Main Issues

2. The main issues are the effect of the extension on (a) the living conditions of existing occupiers of No 165 and No 169 Carterhatch Road, with particular regard to outlook, daylight and sunlight; and (b) character and appearance.

Reasons

Living conditions

3. The addition would be single storey with an overall depth shown of about 4.5m. To protect the living conditions of existing occupiers the Council's policy DMD 11 of the Development Management Document (DMD) states that single storey rear extensions should not exceed a depth of 3m from the original rear wall in the case of semi-detached properties. As such an extension of the depth proposed would be in conflict with this policy requirement.
 4. In this case the adjacent dwellings at No 165 and No 169 both benefit from single storey rear extensions. The officer's report identifies that these additions are about 3m in depth and that in both cases the proposal would project beyond them by about 1.5m. In addition the extension would not be excessive in height. Therefore whilst some of the new extension would be visible above common boundary treatments in both cases it would not be a significant amount or in my view over a great depth.
 5. The extension would be positioned on the south elevation of the building. No 169 is located to the east and No 165 to the west. Both these properties have
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rear facing ground floor windows within their single storey extensions. Whilst the extension would increase the amount of built development on the common boundary with these dwellings it would not be unacceptably long or high. The position of the extension and its height in relation to the existing situation with neighbouring dwellings would prevent excessive overshadowing.

6. Paragraph 2 of the National Planning Policy Framework (the Framework) reinforces that '*Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise*'. In this case there would be conflict with a numeric requirement of the development plan policy DMD 11. However, I have also considered significant material considerations which result in there being no significant harm to the living conditions of existing occupiers. In this case these considerations lead me to conclude that the proposal would not lead to harm to the existing occupiers of No 165 and No 169 Carterhatch Road, with particular regard to outlook, daylight and sunlight.

Character and appearance

7. No 167 is a terraced dwelling located within a small group of properties. Carterhatch Road contains a mix of terraced, semi-detached and detached properties. Many of the dwellings within the street have been extended with a variety of designs evident.
8. The extension would be to the rear of the dwelling. It would have a flat roof and utilise an appropriate material finish to match the existing dwelling. It would not be visible within the street scene. Nevertheless, the depth and height would remain subservient to the main two storey dwelling. Overall an addition of this size and finished in appropriate materials would not appear out of place in the area to the rear of dwellings where numerous and varied additions are already evident.
9. I therefore conclude that the extension would not have a harmful effect on the character and appearance of the area. It would not be in conflict with policy DMD 37 in so far as it seeks new development to be appropriate to its context and have appropriate regard to its surrounds.

Conditions

10. The Council has suggested a number of conditions which it considers would be appropriate were I minded to allow the appeal. I have considered these in the light of the relevant tests at paragraph 206 of the Framework. Conditions relating to commencement and plan numbers are necessary. In the interests of the character and appearance of the area a condition requiring materials to match the existing dwelling is also necessary.

Conclusion

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

D J Board

INSPECTOR

Annex A

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 101A; 102A; 103A; 104A, 201A, 202A.
- 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.