

Appeal Decision

Site visit made on 24 March 2017

by F Rafiq BSc (Hons), MCD, MRTPI

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

Decision date: 18 April 2017

Appeal Ref: APP/Q5300/D/17/3167941
22 Tottenham Road, Southgate, N13 6HX

- 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 Thomas Pennington-Hare against the decision of the Council of the London Borough of Enfield.
 - The application Ref 16/04611/HOU, dated 10 October 2016 was refused by notice dated 5 December 2016.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at 22 Tottenham Road, Southgate, N13 6HX in accordance with the terms of the application Ref 16/04611/HOU dated 10 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: Location Plan (Scale 1:1250) and Existing/Proposed Elevations & Plans (Drg No: 455516/01).
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no windows, doors or other openings additional to those shown on the approved plans shall be inserted in the extension hereby permitted.
 - 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no balustrades or other means of enclosure shall be erected on the roof of the extension. The roof area of the extension shall not be used as a balcony roof garden or for any recreational purpose and access shall only be for the purposes of the maintenance of the property or means of emergency escape.
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Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupiers of the neighbouring property at No. 24 Tottenham Road with regard to outlook and daylight.

Reasons

3. The appeal property is a two storey mid-terrace property which is located on the southern side of Tottenham Road. To the rear, it has a bay window close to the boundary with No. 24 and a single storey outrigger along the boundary with the neighbouring property at No. 20. The proposal would see the removal of these two rear elements on the appeal property and the erection of a single storey rear extension that would extend across the width of the site.
4. The adjoining property at No. 24 has been extended previously and has an extension with a depth of around 3m which is sited along the boundary with the appeal property. I note the Council's reference to the height of this neighbour's extension being unauthorised but they also state that due to the passage of time, it is likely to be immune from enforcement action. The proposal would extend beyond this part of the neighbouring property by around 2m. Given the addition that has been made to this neighbouring property and the extent of the proposal's projection beyond it, I do not consider that there would be any material impact on the light received or an undue sense of enclosure or dominance on the neighbouring occupiers.
5. The Council have referred to Policy DMD 11 of Enfield's Development Management Document which states that single storey extensions should not exceed 3m in depth beyond the original rear wall on a terraced property and not exceed a 45-degree line taken from the mid-point of the nearest original ground floor window of adjacent properties. Although the Council state that the proposal would extend significantly beyond such a 45-degree line, I have not been provided with details of the position of this neighbour's original window. The proposal would nevertheless clearly exceed the 3m depth and also the height for this type of extension. However, given my assessment above, and the overall height of the extension being similar to this neighbouring property's extension, I am satisfied that it would not have an unacceptable harmful effect on the occupiers of the adjoining neighbouring property.
6. The Council have raised no concerns in relation to the neighbouring property's occupiers at No. 20. As this neighbour has a similar depth outrigger to the proposed extension, I have no reason to disagree with this position.
7. I therefore conclude that the proposal would not unacceptably harm the living conditions of the occupiers of the neighbouring property at No. 24 Tottenham Road with regard to outlook and daylight. Although the proposal would not conform to certain requirements of Policy DMD 11 of Enfield's Development Management Document, I do not consider that there would be any conflict with its aim of ensuring that extensions do not impact on the amenities of neighbouring properties. There would also be no conflict with Core Policy 30 of the Council's Core Strategy or the National Planning Policy Framework, which states at Paragraph 17 that, amongst other things, planning should seek a good standard of amenity for all existing occupants of land and buildings.

Conclusion

8. For the reasons given above and having taken into account all other matters raised, I conclude the appeal should be allowed.

Conditions

9. In addition to the standard time condition, a condition is needed to secure compliance with the approved plans, for the avoidance of doubt and in the interests of proper planning. I also consider a condition relating to materials to be necessary in the interests of the appearance of the host property and the area. Conditions are also necessary to prevent the insertion of windows, doors or other openings within the extension to maintain privacy for neighbours, as is a condition to restrict the use of the roof area. The wording of some of the conditions have been amended in the interests of enforceability.
10. The Council have suggested a condition which states that the extension should not be occupied other than for accommodation ancillary to the occupation of the existing dwelling. The proposal is for an extension which would provide open plan living space to an existing house. I do not therefore consider such a condition to be necessary.

F Rafiq

INSPECTOR