The Planning Inspectorate

Appeal Decision

Site visit made on 7 April 2017

by Gary Deane BSc (Hons) DipTP MRTPI

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

Decision date: 26 April 2017

Appeal Ref: APP/Q5300/D/17/3168430
33 St Michaels Avenue, Edmonton N9 8DE

- 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 J Kalar against the decision of the Council of the London Borough of Enfield.
- The application Ref 16/04070/HOU, dated 5 September 2016, was refused by notice dated 9 January 2017.
- The development proposed is the erection of a single storey rear extension.

Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey rear extension at 33 St Michaels Avenue, Edmonton N9 8DE in accordance with the terms of the application Ref 16/04070/HOU, dated 5 September 2016 and drawing number T333/16/3 submitted with it.

Procedural matters

2. The proposed rear extension is complete. It appears to broadly reflect the details shown on the plan although the position of the openings in the new rear façade differs to those shown on the drawing. For the avoidance of doubt, I have assessed the development as it is illustrated on the plan because it was on that basis that the Council determined the application. My assessment also takes into account the dormer extension on the rear roof slope of No 33 and the outbuilding in the back garden, both of which are not shown on the plan.

3. The Council has recently confirmed in writing that prior approval is not required for a single storey rear extension at No 33 of the same depth but slightly taller than the development sought in this case. The appellant has, however, confirmed that construction started on the rear extension before that decision was issued, which renders the decision invalid. On that basis, I attach no weight to the Council's 'prior approval' decision for the purpose of this appeal.

Main issues

4. The main issues are the effect of the development on:

   - the living conditions of the occupiers of 31 and 35 St Michaels Avenue with particular regard to outlook, light and visual impact; and on
   - the character and appearance of the local area.

Reasons

Living conditions

5. The development is a single storey rear extension with a mono pitched roof that extends across the full width of the appeal dwelling, which is a mid-terrace house within a predominantly residential area. The flank walls of the appeal extension are up to and parallel with the common boundary with the attached properties on each side of the site, which are 31 and 35 St Michaels Avenue. Both Nos 31 and 35 have single storey rear projections that are set back from the boundary with No 33 and are shorter in depth than the appeal extension.

6. In its rear elevation at ground floor level, No 35 has a central entrance door and windows on either side from which part of the sidewall of the development would be evident at close range. However, such views would be at a tight oblique angle with the main direction of outlook across the rear garden and source of natural light would be largely unaffected. As only a modest section of flank wall would be seen from the rear ground floor windows of No 35, the development would not overbear on the occupiers of this property.

7. The appeal extension would be visible from the ground floor windows of No 31, that appear to mainly serve a kitchen. As this is a non-habitable room and the use of the area around the doorway, which is the nearest opening to the appeal extension, is likely to be transitory, the consequent visual impact of the development would not be unduly intrusive. Like No 35, the outlook from the rear windows of No 31 would be largely unaffected by the new built form. There would be some loss of sunlight to the rear of No 31 in the early part of the day by the shadow cast by appeal extension. However, that loss of light would be limited in extent and duration given the position of the appeal extension just to the northeast of No 31 and its modest height and so the overall effect on living conditions would not be appreciable.

8. While the appeal extension would be visible from the rear gardens of both Nos 31 and 35, such views would be against the backdrop of the far more substantial host building and the varied built form of the terrace to which it belongs. In that context, it would not appear overly imposing nor would be feel oppressive to the occupiers of these attached properties.

9. The Council also states that the development compromises a 45-degree line taken from the midpoint of the nearest original window at a neighbouring property, which is a requirement of DMD Policy DMD 11. It is unclear from the evidence to which window or dwelling that concern is directed. From my observations, each of the ground floor windows of Nos 31 and 35 relate to the single storey rear projection, and thus may not be original, and these are set back from the rear elevation of the appeal extension. Consequently, only a short section of flank wall that is modest in height would be visible from them. This arrangement would have no significant effect on the sunlight reaching the rears of Nos 31 and 35 and no adverse visual impact on the occupiers of the attached properties. Consequently, the main purposes of applying the 45-degree rule would not be infringed in this case.

10. Taken together, I conclude on the first main issue that the development does not cause significant harm to the living conditions of the occupiers of Nos 31 and 35. Of the planning policies cited by the Council that are most directly

relevant to this particular issue, the development does not conflict with an underlying aim of Policy DMD 11 of the Development Management Document (DMD) to safeguard residential amenity.

Character and appearance

11. According to the Council, the appeal extension projects outwards from the main rear wall of the host building by about 3.5-metres. Consequently, it exceeds the maximum threshold of 3-metres for the length for single storey extensions at the rear of terraced houses, which is set out in DMD Policy DMD 11. Even so, the development is a proportionate addition to the main dwelling and the enlarged building continues to stand comfortably within the plot even with an outbuilding in the rear garden.

12. As the appeal extension is longer than the single storey additions on either side of the site, the development fails to secure a common alignment of rear extensions, which is also a requirement of DMD Policy DMD 11. While the rear additions to Nos 31 and 35 are similar in depth they vary considerably in scale, design, materials and general appearance, as do the rear additions to several other properties within the same terrace. While the development would result in an uneven rear build line between Nos 31, 33 and 35, that arrangement does not look out of place given the varied built form that is clearly evident at the rear of the wider terrace. In other words, the development is appropriate in its particular context and so a conflict with an element of DMD Policy DMD11 is insufficient in itself to withhold planning permission.

13. On the second main issue, I therefore conclude that the development is in keeping with the character and appearance of the local area. As such, I find no material conflict with Core Policy 30 of The Enfield Plan: Core Strategy 2010-2025 and DMD Policies DMD 11 and DMD 37, which seek to ensure that development is high quality; has special regard to its surroundings; and is appropriate to its context.

Other matters

14. A third party raises additional concern that the development has damaged his property and led to disruption and the storage of waste in the alleyway. These are private matters between those concerned and are beyond the remit of this appeal.

Conditions

15. The Council has suggested a number of conditions if planning permission were to be granted, which I have considered in the light of national policy. Conditions relating to the commencement of development and the use of matching external materials are unnecessary as the development is complete. I have, however, specified the approved plan in my decision for certainty.

Conclusion

16. For the reasons given above, I conclude that the appeal should be allowed.

Gary Deane

INSPECTOR