
Appeal Decision

Site visit made on 10 May 2017

by George Arrowsmith BA, MCD, MRTPI

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

Decision date: 22nd May 2017

Appeal Ref: APP/Q5300/D/17/3171467

8 Hillfield Park, London, N21 3QD

- 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 Panay Theodosiou against the decision of the Council of the London Borough of Enfield.
 - The application Ref 16/04592/HOU, dated 10 October 2016, was refused by notice dated 11 January 2017.
 - The development proposed is the erection of a single storey conservatory at the rear of the property.
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Preliminary Matters

1. There is some ambiguity in the submitted plans. The elevations appear to be wrongly labelled, with the actual south elevation being labelled as 'east, the west elevation labelled as 'south' and the north labelled as 'west'. The officer's report does not identify this discrepancy but does say that the existing extension is scaled inaccurately on drawing No 5630/PP/03.
2. In the grounds of appeal the appellant notes that the dimension for the depth of the proposed conservatory given on drawing No 5630/PP/03 is incorrect even though the scale is correct. A revised drawing submitted with the appeal gives a depth of 3.265m. This agrees with my own measurement taken from the 1:50 plan on drawing No 5630/PP/03.
3. The appellant says that the cumulative depth of the existing and proposed extensions on the common boundary with No 6 would be 6.26m. The officer's report quotes a depth of 6.53m. I have based my decision on the lower 6.26m estimate which is more favourable to the appellant's case.

Decision

4. The appeal is dismissed.

Main Issue

5. The main issue is the effect of the proposal on the outlook from the adjoining residential property at 6 Hillfield Park and on the level of natural light received at that property.

Reasons

6. The parent house already has an 'L' shaped single storey rear extension. The deeper part of this extension is a relatively narrow structure on the north side

of the property. The shallower part of the extension (the main extension) extends over the remaining width of the house. On the south side of the property this extension runs along the boundary with the adjoining semi-detached house at 6 Hillfield Park. Its blank side wall is around 3m high and projects about 3m beyond No 6's rear elevation. In that elevation, No 6 has patio doors flanked by two windows. The nearer of these windows appears to be around one metre from the side of the extension although, because No 6's rear elevation is not shown on the submitted plans, this can be no more than a rough estimate.

7. The proposal is to erect a conservatory to the rear of the main extension to align with the deeper extension on the north side of the house. Like the existing main extension, the conservatory would have a blank side wall facing No 6 although, with a height of about 2.8m, it would be marginally lower than that extension. It would nevertheless be significantly higher than the existing boundary fence. The degree of projection would, based on the appellant's calculation, be 6.26m.
8. The addition of the conservatory would significantly obstruct the outlook from No 6's patio doors and flanking windows and from the outdoor area immediately to the rear of the house. Even though it would be to the north of No 6, and would therefore have little effect on direct sunlight, it would reduce natural light, which is received from all parts of the sky. The extended side wall would project well beyond a line drawn at 45 degrees from the centre of No 6's patio doors and would have a significantly greater impact on that property than the appeal property's existing extension. I conclude that the proposal would conflict with the objectives of policies DMD11 and DMD37 in the Council's Development Management Document. I note that the neighbour at No 6 considers that the proposal would create the impression of a tunnel and would severely reduce her light.
9. The appellant points out that the General Permitted Development Order currently allows single storey rear extensions of up to 6m in length, with the implication that the additional 0.26m is a minimal consideration. It is however relevant that the deemed permission granted by the Order is not unfettered and that neighbours have the right to be consulted on any extension with a depth of over 3m. It cannot therefore be assumed that the Government considers that all extensions of up to 6m in depth will be acceptable. In this case, the appellant comments that there was no neighbour objection. In fact, as recorded above, the neighbour at No 6 does object and her reasons for objecting echo my own reasons for finding the proposal unacceptable. Consequently, I do not consider that the erection of a conservatory which is only slightly shorter than that proposed constitutes a tenable fallback position.
10. During my site visit I saw other conservatories at Nos 4 and 10 Hillfield Park. These are similar to the conservatory now proposed but, from the evidence of the aerial photograph produced by the Council, there appear to be some differences in the relationships with neighbouring properties. More importantly, I must determine the appeal before me on its own merits.

George Arrowsmith

INSPECTOR