
Appeal Decision

Site visit made on 9 May 2017

by A A Phillips BA (Hons) DipTP MTP MRTPI

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

Decision date: 25 May 2017

Appeal Ref: APP/Q5300/D/17/3169602
98 Waterfall Road, Southgate N14 7JN

- 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 Anthi Stylianou against the decision of the Council of the London Borough of Enfield.
 - The application Ref 16/04155/HOU, dated 12 September 2016, was refused by notice dated 29 November 2016.
 - The development proposed is to erect a detached annexe building to the end of the garden for the carer of the disabled person living at the main residence.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I note that the appellant has submitted amended plans with this appeal. However, the appeal process should not be used to evolve a scheme. If the appellant thinks that amending their application will overcome the local planning authority's reasons for refusal they should normally make a fresh planning application. Therefore, I have determined the current appeal on the basis of the plans that were considered by the local planning authority at the time they made their original decision.

Main Issues

3. The main issues are
 - i. Whether the principle of the proposal is acceptable;
 - ii. The effect on the character and appearance of the area;
 - iii. Whether the proposal would provide satisfactory living conditions for its future occupants; and
 - iv. The effect on the living conditions of the occupants of neighbouring residential properties with particular reference to disturbance and outlook.

Reasons

4. The appeal site comprises part of the rear garden of a detached bungalow situated in a mainly residential area. The property has a long back garden which narrows significantly to the rear. The proposal would be situated at the
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narrowest part of the rear garden which lies immediately adjacent to the rear gardens of 100 Waterfall Road and properties on Chandos Avenue.

Principle

5. Policy DM12 of the Enfield's Development Management Document Adopted November 2014 relates to outbuildings and states that proposals for such will only be permitted if all of a range of criteria are met. These include the building being ancillary to the use as a residential dwelling.
6. The site is currently occupied by a modern outbuilding which appears to be used for general storage purposes. This would be removed and replaced by a larger outbuilding which is proposed to be occupied as an annexe for a live-in care worker, incorporating a kitchen/sitting room, one bedroom and a shower room. The annex would be accessed via a gate to the side of the bungalow and a path through the garden and would be entirely physically separate from the main dwelling.
7. The evidence before me states that the existing bungalow is occupied by a mentally and physically disabled woman and her elderly mother, who is finding it more and more difficult to help her daughter due to her own age and health problems. A Care Support Plan (CSP) has been submitted as evidence of the need for a carer to be close by 24 hours a day. However, the summary and conclusions of the CSP advise that, among other things, 20.5 hours domiciliary care per week is required comprising 1.5 hours in the mornings seven days a week and two hours in the evenings for five days a week. The disabled woman also attends a day care centre five days a week and has a carer for outings at weekends. The CSP does not conclude that a carer should be available and close 24 hours of the day and therefore there is insufficient evidence to justify the current proposal to provide the accommodation as proposed.
8. The proposal has no integration with the existing residential property and given the accommodation proposed it is entirely possible for the proposed building to function as a separate unit of accommodation with separate access and facilities for permanent and independent living. I acknowledge that the intention would be for a carer to have their own independence; however, it has not been clearly demonstrated that there are no other options available to accommodate a carer without providing an entirely separate residential unit.
9. I have taken account of the appellant's wishes to accommodate a carer for her daughter. However, the current circumstances and the evidence before me do not satisfy me that the proposal is ancillary to the use as a residential dwelling and therefore the principle of the proposal is unacceptable. As such the proposal conflicts with Policies 3.5 and 3.8 of the London Plan 2016 and Policies DMD8 and DMD37 of Improving Enfield Development Management Document (DMD) 2014 which, among other things, seek to ensure that new housing is appropriate to its context, provides residents with a genuine choice of homes which meet their needs, be appropriately located taking into account surrounding land uses and be adaptable and durable.

Character and appearance

10. There is a range of relatively small domestic scale outbuildings in the vicinity of the appeal site. However, at my visit I observed that these appear to be smaller than the current proposal, highlighting the scale of the proposed annex

within its rear garden context. The proposal would take up a significant area of the rear garden and the full width of the garden for a length of approximately twelve metres. The building would have a large flat roof and an unusual angled form which reflects the shape of the site.

11. The increase in height in comparison to the existing building would highlight the building's incongruous presence and its location would be out of keeping with the pattern of residential development in the locality. Although there is an existing flat roof outbuilding on the site with a similar form to the one proposed, its scale, form and design would be at odds with its surroundings and it would form an incongruous and prominent visually unattractive addition to the rear garden area which would conflict with the dominant form of development in the locality.
12. Therefore on this issue I conclude that the proposal would be harmful to the character and appearance of the area and would conflict with Policy CP30 of the Enfield Plan Core Strategy 2010-2015 (November 2010) (the CS) and Policies DMD8, DMD12 and DMD37 of the DMD. These seek to ensure that all development is high quality and design-led having special regard to their context, be of an appropriate scale, bulk and massing and be appropriately located taking account of the nature of the surrounding area, among other objectives.

Living conditions

13. The proposal appears to meet the minimum space standard for a one person unit. However, given the layout of the proposed accommodation there is concern regarding the standard of accommodation to be provided. There would be windows in only the front and rear elevations and one sky light in the bedroom and consequently the accommodation would feel cramped with very poor outlook from the bedroom, in particular. A tiny area of land would be situated to the rear of the property with no other purpose other than to provide for the disposal of rain water. It would have no function whatsoever as usable private amenity space. Therefore, as a consequence of the poor layout with poor outlook the proposal would fail to provide satisfactory living conditions for future occupants.
14. The proposal would be situated to the rear of No 50 Chandos Avenue, rear habitable room windows of which face directly towards the appeal site. Furthermore, No 50 sits at a much lower level than the appeal site and the separation distance between the rear of the property and the side elevation of the proposed development would be between approximately 8.5 and twelve metres. The height of the proposed flat roof building along the boundary would be approximately 2.85 metres. The existing fence between the properties is approximately 1.9 metres high. The overall height, scale and massing of the building along the boundary when combined with the lower level of No 50 and separation distance would result in an incongruous and dominant building which would be harmful to the outlook of the occupants of No 50.
15. The Council claims that the proposal would result in an increase of activity to a degree that would be harmful to the living conditions of nearby occupants. However, given that the proposal is intended to be occupied by one person only I find no evidence that even as a separate unit of accommodation this would be the case. Nonetheless, given the harm I have found with particular reference to outlook, on this issue I conclude that the proposal would be harmful to the

living conditions of the occupants of a neighbouring residential property. Therefore, it would conflict with Policies DMD8 and DMD12 which, among other things, seek to ensure that new residential development preserves amenity and takes account of topography.

Conclusion

16. Therefore, for the reasons given above and taking into account other matters raised I conclude that the proposal conflicts with the development plan taken as a whole and that the appeal should be dismissed.

Alastair Phillips

INSPECTOR