
Appeal Decision

Site visit made on 25 April 2017

by Mike Worden BA (Hons) DipTP MRTPI

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

Decision date: 30th May 2017

Appeal Ref: APP/Q5300/W/16/3166207
89 Woodberry Avenue, Southgate N21 3LG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Deborah Carter against the Council of the London Borough of Enfield.
 - The application Ref 16/02224/HOU, is dated 19 May 2016.
 - The development proposed is a single storey ground floor rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey ground floor rear extension at 89 Woodberry Avenue, Southgate N21 3LG in accordance with the terms of the application, Ref 16/02224/HOU, dated 19 May 2016, subject to the conditions set out in the attached Schedule.

Background and Main Issues

2. In its appeal statement the Council has set out that it would have refused the application on grounds that the proposed development would not secure a common alignment of rear extensions, would leapfrog surrounding developments and would result in an excessively deep extension which would be disproportionate and detrimental to the character and appearance of the property and area, contrary to the development plan.
3. Taking the above and the concerns of the occupants of the neighbouring property in to account, I consider that the main issues are the effect of the proposed development on a) the character and appearance of the area and the host dwelling and b) the living conditions of the occupants of 91 Woodberry Avenue with particular regard to outlook and light.

Reasons

Character and Appearance

4. The appeal property is a two storey mid terrace house. The surrounding area is residential and Woodberry Avenue consists of similar terraced properties. The appeal property has a reasonably deep garden and there is established landscaping at the rear of the garden. A rear outrigger of around 4m in depth extends across part of the width of the house.
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5. The properties either side have rear single storey extensions and there is an irregular pattern of rear extensions to the dwellings in the vicinity. There is not a uniform or definitive pattern of development form to the rear of the properties along the side of the row of terraced houses on the appeal site side of Woodberry Avenue and no distinctive rhythm of building line.
6. The proposed development would remove the outrigger and extend the house outwards to the same depth as the outrigger but would stretch across the full width of the property.
7. 91 Woodberry Avenue has a conservatory extension which is around 3m deep. On the other side of the conservatory from the appeal site, there is an extension which protrudes deeper than the conservatory. 87 Woodberry Avenue has a rear outrigger of around 4m in depth on the boundary with the appeal site. Given this relationship, and that the proposed extension would be no deeper than the existing outrigger at the appeal dwelling, I consider that the proposed development would not lead to a leapfrogging pattern of development which is a concern of the Council.
8. The proposed development would effectively fill the existing gap between the existing outrigger and the boundary with 91 Woodberry Avenue. In the light of the irregular pattern of rear extensions in the vicinity, the nature of the existing extensions either side of the appeal site, and that the deep and well landscaped garden restricts views to the rear of the house, I consider that the proposed development is not harmful to the character and appearance of the area or to the host dwelling.
9. Whilst the proposed development would meet a number of the requirements of Policy DMD11 of the Enfield Development Management Document 2014 (the DMD), it would not meet the specific requirement of criterion 2 (a) of the Policy DMD11, in that it would extend more than 3m in depth from the original house wall or the securing of a common alignment of rear extensions in criterion 2 (c). However, the proposed extension would not extend beyond the existing outrigger at 87 Woodberry Avenue and, when related to the rear building line of 91 Woodberry Avenue and the other rear building lines along the row, would not sit uncomfortably or appear discordant.
10. In my view therefore the particular circumstances of this proposal mean that it would not have a harmful impact on the character and appearance of the rear of the properties, which is an objective of Policy DMD11 of the DMD. As such, I consider that the material considerations of this case mean that the appeal can be determined other than in accordance with the development plan.
11. The proposed development would accord with Policy CP30 of The Enfield Plan Core Strategy 2010 and DMD37 of the DMD which both require development to be of high quality and design led.

Living conditions

12. The proposed development would adjoin the conservatory extension at 91 Woodberry Avenue and extend beyond it by around about 1m. The windows on the elevation of the conservatory facing the appeal site are at a high level, are secondary windows and are obscurely glazed. I consider

therefore that there would not be a material loss of light, especially as the conservatory stands on slightly higher ground than the proposed extension would.

13. The proposed extension would extend beyond the conservatory by only around 1m along the boundary. It would not impinge on views from the conservatory to any considerable degree and would not therefore be overbearing on outlook for the occupiers of that property. Whilst the proposed extension would not accord with the 45 degree rule set out in criterion (b) of Policy DMD11 of the DMD, for the reasons above I conclude that the appeal can be determined other than in accordance with the development plan in respect of living conditions.

Conditions

14. The Council requests that should the appeal be allowed and planning permission granted, that 5 conditions should be imposed. I have considered these in relation to the advice in the Planning Practice Guidance and the National Planning Policy Framework.
15. The first condition relates to the three year time period for implementation of the proposal whilst the second that specifies the plans which are approved and is necessary for clarity.
16. The third condition relates to the external materials to be used in the development permitted is necessary in the interests of character and appearance. I have removed the Council's reference to hard surfacing in its suggested condition, as I consider that to be unnecessary.
17. The fourth condition which removes permitted development rights for new windows other than those approved by this permission, is necessary to protect the privacy of the occupants of 91 Woodberry Avenue, as a window on the elevation facing it would have the potential to harm the living conditions of the occupiers.
18. I have separated, for clarity, the two parts of the Council's fifth condition relating to permitted development rights for structures on the roof and for controlling the use of the roof. I have shortened the latter as I consider that references to maintenance and emergency access are not necessary. These two conditions are necessary to protect the privacy of the occupants of the neighbouring property in order to prevent opportunities for overlooking.

Conclusions

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

Mike Worden

INSPECTOR

Schedule of Conditions

- 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: 516/2 Existing Floor Plans, 516/2 Proposed Floor Plans, 516/3 Existing Elevations, and 516/4 Proposed Elevations.
- 3) The external finishing materials shall match those used in the construction of the existing building.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission shall be constructed.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no balustrades or other means of enclosure shall be constructed on the roof of the extension.
- 6) The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.