
Appeal Decision

Site visit made on 23 May 2017

by Beverley Wilders BA (Hons) PgDurp MRTPI

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

Decision date: 21 June 2017

Appeal Ref: APP/Q5300/D/16/3158647

42 Aylands Road, Enfield EN3 6PN

- 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 Dalton Ayton against the decision of the Council of the London Borough of Enfield.
 - The application Ref 15/00876/HOU, dated 2 March 2015, was refused by notice dated 19 August 2016.
 - The development is described as retrospective application for conservatory onto rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at 42 Aylands Road, Enfield EN3 6PN in accordance with the terms of the application, Ref 15/00876/HOU, dated 2 March 2015 and the plans submitted with it, subject to the following condition:
 - 1) The roof area of the single storey rear extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

Procedural Matters

2. The planning application form states that the development was started in August 2014 and completed in September 2014. At the time of my visit a single storey rear extension as shown on the submitted plans had been constructed at the appeal site.
3. The description of development used in the heading above has been taken from the planning application form. However in allowing the appeal, with the exception of the removal of the word retrospective which is not an act of development, I have used the description used on the Council's decision notice as this more accurately describes the development.

Main Issues

4. The main issues are the effect of the development on:
 - the character and appearance of the host building and the surrounding area;
 - the living conditions of the occupiers of Nos 40 and 44 Aylands Road having regard to outlook, sunlight and daylight.

Reasons

5. The appeal site comprises a two storey end of terrace dwelling located on a residential street containing dwellings of a similar scale and design. The host building has previously been extended by the addition of single and two storey side and rear extensions. It adjoins No 40 and is adjacent to No 44, both of which have single storey rear extensions the rear elevations of which are broadly in line with the existing rear elevation of the host building excluding the extension that is the subject of this appeal. The common side boundaries between the long rear gardens of the appeal site and its neighbours are marked by solid timber fences.

Character and appearance

6. The rear extension that is the subject of this appeal is modest in scale and design and it does not extend the full width of the host building. Though the flat roof of the extension which includes a glazed lantern does not match the lean-to roof design of the single storey extension which it is attached to, it is set below the eaves of and is visually separate from the lean-to roof. Having regard to this and to the limited height, depth and scale of the extension, I consider it to be a subordinate addition to the host building and it is not obtrusive or discordant. It does not dominate the rear aspect of the host building and due to its limited height above the existing boundary fencing and its siting at the rear of the property within a long rear garden it is not visible to an obtrusive extent from neighbouring properties or from the surrounding area.
7. I note that Policy DMD 11 of Enfield's Development Management Document (DMD) states that single storey rear extensions must not exceed 3 metres in depth beyond the original rear wall in the case of terraced properties. Whilst the extension does not comply with this restriction, I nevertheless consider that there is no adverse visual impact and that the extension is not harmful to the character and appearance of either the host building or the surrounding area. This is having regard to the fact that the host building and its immediate neighbours have all been extended beyond their original rear elevations and to the position and modest additional depth of the extension.
8. Taking the above matters into consideration, I conclude that the development complies with the National Planning Policy Framework (the Framework), policies 7.4 and 7.6 of the London Plan (LP) and Core Policy 30 of The Enfield Plan Core Strategy (CS). These policies seek, amongst other things, high quality development that has regard to its context. Whilst the development is contrary to Policy DMD 11, for the reasons stated above, it is not harmful to the character and appearance of the host building or to the surrounding area.

Living conditions

9. Both parties agree that the extension extends beyond the rear elevations of Nos 40 and 44 by 3 metres. It is sited immediately adjacent to the common side boundary with No 44 and its height extends above the top of the side boundary fence. The extension is set away from the common side boundary with No 40. The rear elevations of the neighbouring properties contain a number of ground floor windows and doors.
10. The modest height of the extension together with its position set away from the common side boundary with No 40 means that it does not result in a loss of

outlook from No 40. Similarly whilst the extension is adjacent to the common side boundary with No 44, its limited height and projection beyond the rear elevation of No 44 together with existing boundary fencing and screening means that there is no significant loss of outlook from No 44. The extension is not an obtrusive and overly dominant form of development. In addition the limited height and scale of the extension and its height relative to existing boundary fencing means that it is unlikely to have resulted in any significant loss of sunlight or daylight to Nos 40 and 44.

11. Though the extension does not comply with the requirements of Policy DMD 11 of the DMD in that it exceeds 3 metres in depth beyond the original rear wall, appears to breach a 45 degree line taken from a mid-point of the nearest original ground floor window to adjacent properties and does not secure a common alignment of rear extensions, I nevertheless consider that it is not harmful to the living conditions of the occupiers of Nos 40 and 44. This is having regard to the fact that the host building and its immediate neighbours have all been extended beyond their original rear elevations and to the modest additional depth and height of the extension.
12. Taking the above matters into consideration, I conclude that the development complies with Core Policy 30 of the CS and with the Framework. These policies seek, amongst other things, high quality development that has regard to its context and secures a good standard of amenity for all existing and future occupants of land and buildings. Whilst the development is contrary to Policy DMD 11, for the reasons stated above, it is not harmful to the living conditions of neighbouring properties.

Conditions

13. I have had regard to the condition suggested by the Council. Whilst the area of flat roof is relatively small in size, I have nevertheless imposed a condition restricting the use of the roof of the extension having regard to its position relative to neighbouring properties and to the loss of privacy that would result were the roof to be used for recreational purposes. However the condition which I have imposed relates solely to the use of the roof and not to the erection of any means of enclosure as I do not consider it necessary to restrict such structures bearing in mind that the reason for the condition is to safeguard privacy.

Conclusion

14. For the above reasons and having regard to all matters raised, I conclude that the appeal should be allowed.

Beverley Wilders

INSPECTOR